

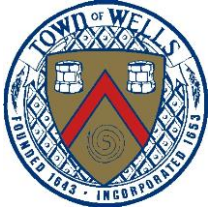
# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Burnt Mill Estates“**  
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### Chapter 202 Subdivision of Land

PROJECT INFORMATION		
<b>General:</b>	<b>Project Name:</b> <b># Lots/ Dwellings Proposed:</b> <b>Applicant:</b> <b>Landowner:</b>  <b>Location:</b>  <b>Existing Use:</b>  <b>Proposed Land Use:</b>  <b>Tax Parcel ID:</b> <b>Zoning District:</b> <b>Land Use, Art. VII</b> <b>Performance Standards:</b> <b>Design Engineer(s):</b>  <b>Final Plan Application</b> <b>Submission Date:</b> <b>Plan Submission Date:</b>	Burnt Mill Estates 104 lots/ 174 dwelling units Ben Omensky, 222 Hobbs Farm Road, Wells, ME 04090 Burnt Mill Holding Company, LLC, 222 Hobbs Farm Rd, Wells, ME 04090; and Chinburg Development LLC, 3 Penstock Way, Newmarket, NH 03857  Hobbs Farm Road, Wells, Maine  A Major Subdivision on 362.0 acres of land consisting of 174 dwelling units comprised of: (51) Residential Cluster Development lots for two-family homes (duplexes) totaling 102 dwelling units; (1) Multifamily Development lot for 20 dwelling units; (52) Residential Cluster Development lots for single family homes totaling 52 dwelling units; 70% Open Space; associated infrastructure for roadways and parking; and a 18-hole Golf Course with a Clubhouse, Event Barn, Kid Club, Fitness/Pool Center, and Maintenance buildings. (see separate Site Plan Approval).  A Major Subdivision on 362.0 acres of land consisting of 174 dwelling units comprised of: (51) Residential Cluster Development lots for two-family homes (duplexes) totaling 102 dwelling units; (1) Multifamily Development lot for 20 dwelling units; (52) Residential Cluster Development lots for single family homes totaling 52 dwelling units; 70% Open Space; associated infrastructure for roadways and parking; and a 18-hole Golf Course with a Clubhouse, Event Barn, Kid Club, Fitness/Pool Center, and Maintenance buildings. (see separate Site Plan Approval).  Tax Map 62-A, Lots 1-1 to 1-10, 1-12 to 1-21, 1-23 to 1-25, 1-65, 1-78 to 1-89 and 1-91 to 1-94 Rural and 75' Shoreland Overlay Districts  145-49 Residential Cluster and 145-48 Multifamily Development Corner Post Land Surveying, Inc. 600 Main St, Springvale, ME 04083 Attar Engineering Inc 1284 State Rd, Eliot, ME 03903  January 3, 2020 January 3, 2020



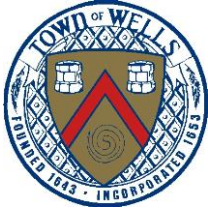
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<b>Project Description:</b>	Burnt Mill Holding Company, LLC and Chinburg Development LLC, owners; Corner Post Land Surveying, Inc, surveyor; ATTAR Engineering Inc, engineer. Final Subdivision Amendment application to amend the drainage system and create drainage easements for Lots 001-16 to 001-21; change lots 001-1 to 001-10 and 001-12 to 001-21 from Duplex (DP) lots to Single Family (SF) lots; change lots 001-23 to 001-25, 001-65, 001-78 to 001-89 and 001-91 to 001-94 from Single Family (SF) lots to Duplex (DP) lots. The total number of dwelling units shall remain as previously approved at 174 units. No changes to lot lines proposed. No changes to roadways proposed. The dwelling units are designed so a total of 154 single and duplex units shall comply with Residential Cluster Development standards (individual lots a minimum of 20,000 SF in size) and 20 dwelling units shall comply with Multifamily Development standards (20 units on 1 lot). Various roadways, infrastructure, drainage, and neighborhood parks are approved/ proposed. The Subdivision parcels are located within the Rural & 75' Shoreland Overlay Districts and are off or in the vicinity of Hobbs Farm Road, Storer Lane, Meetinghouse Road and Branch Road (Route 9A). The subdivision is located on Tax Map 62A, Lot 1. The subdivision is served by on-site/ common septic systems and on-site/common drilled wells.	
<b>Approval Dates:</b>	Preliminary Plan Approval:	Not Applicable
	Final Plan Approval:	<b>To be determined</b>
<b>Public Hearings:</b>	Preliminary Public Hearing	Not Applicable
	Final Public Hearing	07-06-2020

## PROJECT HISTORY

1. On 1/21/20 the applicant submitted a concept plan for amendments to the Burnt Mill Subdivision to the Planning Office.
2. On 1/28/20 a subdivision amendment application was submitted for the above described project.
3. On 1/30/20 the applicant's agent submitted a revised application form and plan addressing the change proposed to single family lots and duplex unit lots.
4. On 1/30/20 the Planning Office received written permission from Chinburg for the amendment.
5. On 1/31/20 the Planning Office mailed notice to abutters of the subdivision amendment application and of the 2/10/20 Planning Board meeting.
6. On 2/6/20 the Planning Office prepared Article V, VII and subdivision completeness review checklists. A memo summarizing the review comments was also prepared for the applicant and Planning Board.
7. On 2/10/20 the Planning Board received the subdivision amendment application, waived a site walk and appointed the Town Engineer as the completeness agent for purposes of scheduling a public hearing.
8. On 2/18/20 the Planning Office and applicant's agent corresponded regarding drainage and the MDEP permit amendment.
9. On 3/23/20 Town Hall closed due to COVID19. The applicant was notified.
10. On 3/23/20 the applicant submitted revised plans and stormwater management to the Planning Office.
11. On 3/24/20 the applicant's agent and Planning Office corresponded regarding the fire pond.



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## Planning Board

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#### PROJECT HISTORY

12. On 6/4/20 the Planning Office received the MDEP modification, revised subdivision plans and stormwater management report.
13. On 6/19/20 the Town Planner found the application complete and schedule the public hearing for 7/6/20.
14. On 6/26/20 the Planning Office mailed certified notice to abutters of the 7/6/20 public hearing.
15. On 6/28 and 6/29/20 the Planning Office prepared updated Article V, VII and completeness review checklists. A draft compliance/ Findings of Fact & Decisions document was also prepared.
16. On 6/29/20 a memo summarizing the review comments was prepared for the applicant and Planning Board.
17. On 7/2/20 the Town Planner prepared a drainage memo and plan markup for the applicant to address.
18. On 7/6/20 the Planning Board conducted a public hearing and workshop. The board continued the workshop for 60 days. Clearing violations are to be investigated.
19. On 7/7/20 the Planning Office received revised subdivision plans for review.
20. On 7/16/20 the Planning Office prepared a revised compliance/ Findings of Fact & Decisions document.
21. On 7/20/20 the applicant requested the Planning Board postpone their review so they could have additional time to obtain the MDEP Permit approval and address plan revisions and drainage comments.
22. On 8/17/20 the Planning Board granted a 60 day extension for the Burnt Mill Amendment Application.
23. On 9/1/20 the applicant inquired about entry signage changes along Meetinghouse Road.
24. On 9/9/20 the Planning Office has correspondence with the applicant regarding the Fire Pond Easement.
25. On 9/21/20 the Planning Office received revised stormwater management plans and subdivision sheets for review.
26. On 10/5/21 the Planning board granted a 60 day extension for the Burnt Mill Amendment Application, as MDEP permit approval was still pending.
27. On 10/6/20 the Planning Office contacted the applicant with concerns about the fire pond capacity.
28. On 10/16/20 the Planning Office prepared updated completeness, compliance and Article VII review checklists. A memo summarizing review comments and plan markups for the applicant to address were also prepared.
29. On 10/19/20 the Planning Board conducted a workshop and voted to allow a buffer reduction for lots 17 and 18. The board requested a fire protection plan from the applicant and continued the workshop for 60 days.
30. On 11/20/20 the Planning Office contacted the applicant with the upcoming Planning Board schedule and Town Hall closure reminders.
31. On 12/7/20 the Planning Board granted a 60 day extension as the applicant was still awaiting MDEP Permit approval.
32. On 12/10/20 the Planning Office received a revised plan for drainage changes.
33. On 1/29/21 the Town Planner addressed inquiries regarding performance guarantee requirements.
34. On 2/5/21 the applicant submitted revised plans to the Planning Office for review.
35. On 2/22/21 the Planning Office revised revised plans for drainage changes and a review report.
36. On 2/22/21 the Planning board granted a 60 day extension as the applicant was still awaiting MDEP Permit approval.
37. On 2/25/21 the Planning Office requested the plan revisions from October to be addressed.
38. On 2/26/21 the Town Engineer prepared a drainage review memo and plan markups to be addressed by the applicant. A memo for the applicant and Planning Board was prepared.
39. On 3/1/21 the Planning Office received the DEP Site Location Permit for the Minor Amendment.
40. On 3/1/21 the Planning Board conducted a workshop. Plan revisions from October are still pending. Comments from the Fire Chief were requested for the proposed fire protection plan from the applicant.
41. On 3/5/21 the applicant provided an email outlining the fire protection plans.
42. On 3/10/21 the Planning Office prepared a recommended plan note regarding fire protection.
43. On 3/10/21 the applicant provided revised plans to the Planning Office.
44. On 3/11/21 the Planning Office prepared plan markups for the applicant to address.
45. On 3/12/21 the Planning Office prepared an updated compliance/ Findings of Fact & Decisions and memo for the Planning Board and applicant.
46. On 3/12/21 the Planning Office received written comments from the Fire Chief agreeing with the proposed fire protection improvements.
47. On 3/15/21 the Planning Board conducted a workshop and voted to approve and sign the Findings of Fact & Decisions and plan.

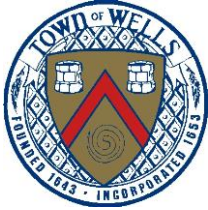


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<b>§ 202-12. General Standards</b>		<b>Findings &amp; Decisions</b>
In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a final plan. In all instances the burden of proof shall be upon the applicant.		
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.	<b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
B.	Retention of open spaces and natural or historic features. [Amended 6-11-2013]	

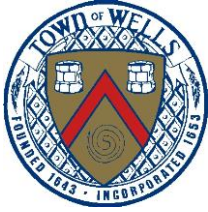
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<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
<p>(1) In any subdivision with no more than five lots or dwellings units, no dedicated open space is required. In any subdivision with at least six lots or dwelling units and no more 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 to consist of more than 10 lots/ dwelling units and is required to provide a minimum of 35% Dedicated Open Space. See sheet S1 and S11. Total Dedicated Open space of the 16,322,467 SF (374.94 acre) parcel is 250.3 acres or 66.69%.</p> <p>Multifamily Development Lot totals 2,000,065 SF in area (200,270 SF lot + 1,799,795 SF Open Space) for a dedicated open space percentage of 89.9%. or 16.3% of the 250.3 acres of total dedicated Open Space for the Burnt Mill Estates Subdivision.</p> <p>Residential Cluster Development land area totals (16,332,487 -2,000,065 =) 14,332,422 SF in area. Sheet S11 states the cluster development has 156.18 (6,803,200 SF of dedicated open space) which equals 59.66% open space. When adding the conservation easement dedicated open space (31.17 acres or 1,357,765 SF which is 12.47 % of the 250.3 total dedicated open space) plus the Golf Course dedicated open space (21.38 acres or 931,312 SF which is 8.55% of the 250.3 total dedicated open space) the total dedicated open space for the residential cluster subdivision is 63.4% of the 14,332,422 SF area.</p> <p>The subdivision proposes a total of 250.3 acres to Dedicated Open Space. <math>10,903,038 / 16,332,487 = 66.69\%</math></p> <p>The subdivision also has 3.37 acres of non-dedicated Open Space which include areas around the Clubhouse/ Event Barn, Kids Club, Fitness Center, Maintenance Buidlings, and Golf Course Restrooms, Control &amp; Blower shed, Irrigation Pump House and storm shelters. Limits of Dedicated Open Space are depicted around these structures and are considered to be located within the non-Dedicated Open Space area.</p> <p>No changes are proposed to Open Space areas.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></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>No change proposed to the previously approved Open Space. On 12/7/15 the Planning Board determined that the Dedicated Open Space proposed for the Residential Cluster Open Space is suitable. The Planning Board to find that the Burnt Mill Estates Dedicated Open Space is land within or associated the development set aside, dedicated or reserved for public or private use or enjoyment, protection of natural or historic features, and protection for abutting property owners.</p> <p>The Dedicated Open Space areas shall consist of the following: 41.30 acres from the Multifamily Development Lot for which the open space to be used for the Golf Course operations and clubhouse septic field; 31.17 acres dedicated per the Conservation Easement to maintain and protect the wildlife corridor and environmental areas see YCRD Book 14083, Page 624; 156.18 acres from the Residential Cluster Development to be used as the following: Agricultural Land to be dedicated and maintained by the HOA as hay fields or cultivating crops by lot/unit owners or the general public, Golf Course Operations, subdivision common septic fields, linkage to adjoining Open Space, and provides public access to pedestrian trails, golf course fairways in the winter months, and cemeteries; and 21.38 acres of Open Space to be used for Golf Course Operations.</p> <p>On 3/2/15 the Planning Board found that the dedicated Open Space for the Multifamily Development Lot was satisfied.</p> <p>The Non-Deciated Open Space areas total 3.37 acres and consist of the areas around the Clubhouse, Event Barn, Kids Club, Fitness Center &amp; Pool House, Maintenance Buildings, Restrooms, Storm Shelters, Irrigation Pump House, and Control &amp; Blower shed. Limits of Dedicated Open Space are depicted around these structures and are considered to be located within the non-Dedicated Open Space area.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></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 § <u>145-49</u>, residential cluster development standards.)</p>	<p>Conservation Easement area (31.17 acres) dedicated YCRD 35/6/2004 Book 14083, page 624. Declaration of Protective Covenants, Reservations, Restrictions, and Easements of Burnt Mill Estates regarding Open Space and Buffer Areas.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>



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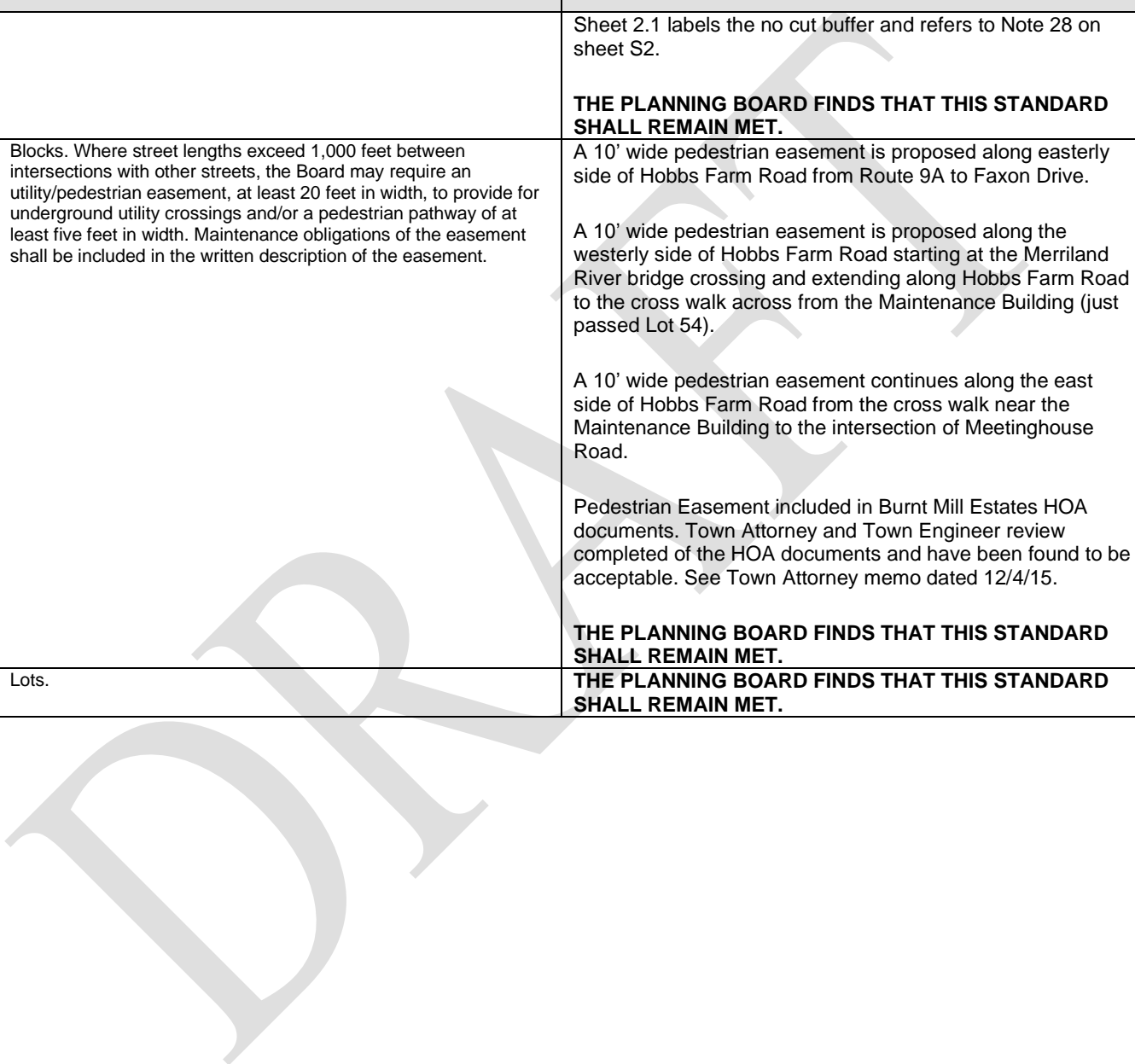
<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
<p>(4) The Planning Board may require that the development plans include a landscape plan that will show the preservation of any existing trees larger than 24 inches in diameter at breast height, the replacement of trees and vegetation, 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>On 3/2/15 the Planning Board voted to waive the requirement of locating trees greater than 24” in diameter at breast height since most of the trees are in the Open Space and shall be protected. Trees within the Conservation Easement area to be protected. Trees and vegetation within wetlands to be provided. 50’ no cut buffers to be maintained except where noted, 50’ setback to all abutting non-clustered residential lots required. 50’ no cut buffer is extended along the boundaries of Open Space for residential abutters off of Parsonage Way, in the Open Space around the corner of abutting parcel M63, Lot 8, for lot 61 and for lot 19.</p> <p>On 11/16/15 the Planning Board determined that the 50’ wide no cut buffer where noted on the plans satisfies the non-clustered residential abutting lots buffering requirements. On 10/17/16 the Planning Board found the 50’ wide no cut buffer for lots 62 and 103 to remain sufficient.</p> <p>On 2/23/15 the Planning Board found that the screening proposed by the Multifamily Development Lot (54) for the abutting residential cluster lot (55) to be sufficient.</p> <p>On 2/23/15 the Planning Board found the 25’ landscaped buffer along Hobbs Farm Road and along the lots lines for the Multifamily Development Lot (54) to be sufficient. See landscaping plan C.20 which provides a planting list and notes the limits of vegetation to remain.</p> <p>See plan note 28(d) on sheet S2. The no-cut buffer for Lots 17 and 18 are revised. The previously approved 25’ and 50’ wide no cut buffer would be reduced to 25 feet wide for approximately 200 feet. Grading impacts are proposed up to 25’ within the 50’ buffer on Lot 17 and 18. On 10/19/20 the Planning Board voted to allow buffer alterations to provide drainage and construct the pond. The remaining wooded vegetation is to be undisturbed.</p> <p>In 2015 the Planning Board approved Lot 18 to reduce the 50 foot no cut buffer to 25 feet. The 25 foot buffer was allowed to be grass. No structures were allowed within the 50’ of buffer.</p>



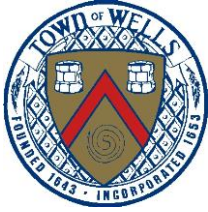
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<b>§ 202-12. General Standards</b>		<b>Findings &amp; Decisions</b>
		<p>Sheet 2.1 labels the no cut buffer and refers to Note 28 on sheet S2.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
C.	<p>Blocks. Where street 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>A 10' wide pedestrian easement is proposed along easterly side of Hobbs Farm Road from Route 9A to Faxon Drive.</p> <p>A 10' wide pedestrian easement is proposed along the westerly side of Hobbs Farm Road starting at the Merrilland River bridge crossing and extending along Hobbs Farm Road to the cross walk across from the Maintenance Building (just passed Lot 54).</p> <p>A 10' wide pedestrian easement continues along the east side of Hobbs Farm Road from the cross walk near the Maintenance Building to the intersection of Meetinghouse Road.</p> <p>Pedestrian Easement included in Burnt Mill Estates HOA documents. Town Attorney and Town Engineer review completed of the HOA documents and have been found to be acceptable. See Town Attorney memo dated 12/4/15.</p> <p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
D.	Lots.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>





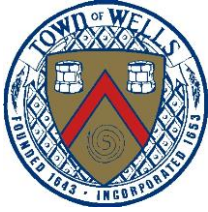


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<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
<p>(1) All lots shall meet the minimum requirements of Chapter 145, Land Use, for the zoning district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.</p>	<p>The Burnt Mill Estates subdivision is located within the Rural District &amp; 75' Shoreland Overlay District. The single family and two-family dwelling units proposed are permitted uses within the Rural District. No development is proposed within the Shoreland Overlay District.</p> <p>Zoning Dimensional requirements are noted on sheet S1 and S2. 154 dwellings shall comply with the Residential Cluster Development standards of §145-49. 20 dwellings on proposed lot 54 shall comply with the Multifamily Development standards of §145-48.</p> <p>Notes on sheet S11 as recommended to address 145-49 Density Bonuses granted.</p> <p>Multifamily Development Open space proposed is 89.9% and is noted on sheet C6.19. Sheet C6.20 notes that prior to the issuance of a building permit the building foundations shall be located by a licenced surveyor by stakes or pins. Other plan mark-ups to be completed.</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 so vehicles are not backing out on to roadways. Driveways onto Town Roads shall require driveway permits. See note 25 on sheet S2. Lot 103 shall have a driveway off of Hobbs Farm Road via the 30' wide access easement across lot 102. Lot 103 shall not have a driveway onto Route 9A and shall be deed restricted as such.</p> <p>Parking is provided along roadways. Golf Course and Club uses shall obtain separate site plan approval which shall review and address Land Use parking requirements.</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>Plan note 25 on sheet S2 notes that driveways shall be located on the less traveled way except for lots 39 and 49 which must be located off of Old Mill Trail.</p>
<p>(4) Wherever possible, side lot lines shall be perpendicular to the street.</p>	<p>All lots are designed to be perpendicular to the proposed and existing streets.</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>Lots are noted to be for single family dwellings (SF) or two-family dwellings/duplexes (DP). See sheet S1 Density Area Calculation Table which states the number of lots and dwelling units proposed. Future resubdivision shall require Planning Board approval.</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>The subdivision is not located within an area planned for public water or public sewer extensions in the foreseeable future.</p>

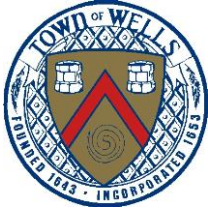


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<b>§ 202-12. General Standards</b>		<b>Findings &amp; Decisions</b>
(7)	If a lot on one side of a river, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the river, tidal water or road to meet the minimum lot size.	The Burnt Mill Estates subdivision shall consist of land currently identified as Tax Map 62A, Lot 1, 1-1 through 1-94 and Map 63, Lots 7-62, 7-95 through 7-103. (Formerly Map 62, Lots 8, 12 and 13 and Tax Map 63, Lot 7. These parcels meet the minimum lot size requirements of the Rural District.
(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.	Odd shaped lots are not proposed. Lots 23, 24, 87, and 90 are acceptable due to meeting 20,000 SF size requirement and being less than 3:1 length to width ratio.
(9)	Lots shall be numbered in accordance with Chapter 201, Article I, Street Naming and Numbering, of the Wells Municipal Code.	Town Assessor and E911 Coordinator review and assign street names and addresses.
(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.	Lots 102 and 103 continue to share a 30' wide access easement for a shared driveway. Lots 23 and 24 have a 50' wide access easement. Some other shared driveways are proposed conceptually. On 10/17/16 the Planning Board determined that the shared driveways of lots 102 and 103 and the curb cut proposed off Hobbs Farm Rd remain acceptable.
(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.	Driveways for lots 23, 24 and 25 to be located off of James Street. Driveways for lots 1 to 15 and 22, 54 to 56, and 99 to 103 to be located off of Hobbs Farm Road. Driveways for lots 57 and 58 to be located off of Storer Lane. Driveway for lot 62 to be located off of Route 9A. All other driveways to be located off of the less traveled way except for lots 39 and 49 which must be located off of Old Mill Trail. On 10/17/16 the Planning Board determined that the shared driveways for lots 102 and 103 and the curb cut onto Route 9A as proposed are acceptable.
E.	Utilities.	<b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
(1)	Utilities shall be installed underground except as otherwise approved by the Board.	Road Plan and Profile sheets (P1.0 to P1.18) depict proposed underground utilities and existing overhead utilities.
(2)	Underground utilities shall be installed prior to the installation of the final gravel base of the road.	Note 27 on sheet 2 requires that utilities and base course of pavement shall be installed prior to the issuance of a building permit or a satisfactory Performance Guarantee is provided to the Town to complete the utility and road infrastructure required.
(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.	Road Plan and Profile sheets (P1.0 to P1.18) depict proposed underground utilities and existing overhead utilities, water and sewer lines.  See sheet S2, note 34 regarding private utilities located in Hobbs Farm Road.
F.	Required improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.	



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§ 202-12. General Standards	Findings & Decisions
(1) Monuments.	<b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  Sheets S1 to S10 identify all proposed and existing Monumentation. No changes to monumentation are proposed.
(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.	Monumentation found to be suitable by the Wells Planning Board on 10/17/16.
(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.	Monumentation found to be suitable by the Wells Planning Board on 10/17/16.
(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.	Such Monumentation shall meet these standards.
(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.	Such Monumentation shall meet these standards.
(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.	Monumentation found to be suitable by the Wells Planning Board on 10/17/16.
(2) Water supply.	<b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
(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.	

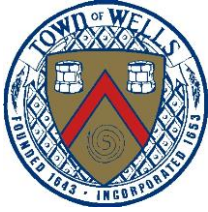


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<p>(b) When the location of a subdivision does not allow for a financially reasonable connection to the Kennebunk, Kennebunkport and Wells Water District, the Planning Board may allow the use of individual wells or a private community water system.</p>	<p>See note 12 on sheet S1. All dwelling units shall be served by privately owned drilled wells. Lots 95-103 and lot 62; and 23-25 shall have individual drilled wells. All other lots and dwellings and the Clubhouse shall utilize a common well(s) which are considered a public water supply. See amended Hydrogeological Study and pump test by Sweet Associates dated 12/5/14. See DHHS Permit PSWID#92341, dated 4/14/2004.</p>
<p>[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.</p>	<p>Note 12 on Sheet S1. Dug wells are prohibited.</p>
<p>[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).</p>	<p>See note 12 on sheet S1. All dwelling units shall be served by privately owned drilled wells. Lots 95-103 and lot 62; and 23-25 shall have individual drilled wells. All other lots and dwellings and the Clubhouse shall utilize a common well(s) which are considered a public water supply. See amended Hydrogeological Study and pump test by Sweet Associates dated 12/5/14. See DHHS Permit PSWID#92341, dated 4/14/2004.</p> <p>The water supply system shall comply with the standards of the Maine Rules Relating to Drinking Water.</p>
<p>[3] Fire protection. [Amended 3-11-2002]</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>

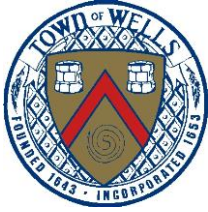


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<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
<p>[a] The subdivider shall construct dry hydrants connected to ponds or water storage tanks, provide fire hydrants connected to a public water source or implement an alternative program 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:</p>	<p>The dry hydrant in Hobbs Pond was required to be upgraded or relocated by the developer to the specifications of the Wells Fire Chief. This dry hydrant was upgraded to the Fire Chief's approval on 9/20/2019.</p> <p>The 2019 subdivision amendment was approved by the Planning Board to allow the dry hydrant near the Clubhouse to be installed prior to the issuance of a Certificate of Occupancy for a lot exceeding .5 miles (2,640 linear feet) from the Hobbs Farm Road hydrant, not prior to the issuance of a building permit.</p> <p>In June 2020 an 8" dry hydrant was installed adjacent to the Clubhouse/Event Hall area. The dry hydrant is connected to an existing pond behind the Clubhouse. The useable gallons of this pond is approximately 2.3 million gallons. Details of the pond are found on sheet C7.7. The developer granted the Town of Wells an easement to the proposed Clubhouse fire pond and dry hydrant prior to the issuance of a Certificate of Occupancy for a lot exceeding .5 miles in distance from the Hobbs Farm dry hydrant. Sheet S1 shows the installed hydrant location.</p> <p>A drilled well water supply and associated power service and control panel shall be installed prior to July 30, 2021. A water volume/pond level acceptable to the Fire Chief shall be monitored and maintained by the Developer of HOA. See plan note 17 on sheet S2. The Fire Chief provided an email approving Note 17 on 3-12-2021.</p> <p>The 3-unit Multifamily Dwellings on lot 54 may be required to be constructed with sprinkler systems.</p>
<p>[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</p>	<p>The dry hydrant is to be owned by the Burnt Mill Estates subdivision and the existing dry hydrant in Hobbs Pond is located on the Ruth James parcel M63, Lot 1. The Fire Department has the right to use these hydrants for fire protection purposes. The Hobbs Pond dry hydrant may be relocated to the Hobbs Pond Road bridge to the specifications of the Wells Fire Chief.</p>



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<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
<p>[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.</p>	<p>A final letter from the Wells Fire Chief dated 12/3/2015 was provided. An updated letter regarding the temporary hydrant and access road adjacent to the existing pond has been requested by the applicant from the Fire Chief and shall be provided prior to the installation of the hydrant.</p> <p>The Fire Chief provide an email approving Note 17 on 3-12-2021.</p> <p>Both hydrants have been tested and found acceptable by the Fire Department.</p>
<p>[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.</p>	<p>All driveways serving lots shall be located within 1 mile of the existing and proposed dry hydrants. If a driveway is located outside a 1 mile distance from a dry hydrant, the dwelling shall be constructed with a sprinkler system. See note 19 on sheet S2.</p>
<p>[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.</p>	<p>This is a condition of approval to be provided prior to the issuance of a building permit.</p>
<p>(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:</p>	<p>This is a condition of approval.</p>
<p>[1] A letter from the Kennebunk, Kennebunkport and Wells Water District indicating availability of service; or</p>	<p>Not applicable.</p>
<p>[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.</p>	<p>This is a condition of approval.</p>
<p>(3) Sewage disposal.</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<p>(a) Public system.</p>	<p>Subdivision not served by the Wells Sanitary District.</p>
<p>[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.</p>	



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<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
<p>[2] The district shall review and approve in writing the construction drawings for the sewage system.</p>	
<p>(b) Private systems.</p>	
<p>[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.</p>	<p>See note 9 on sheet S1. All dwellings shall be served by private subsurface disposal systems. Lots 95-98 shall have individual on-site systems. Lots 100-103 and 62 shall have individual systems located on an easement within the Open Space land. Lots 23-25 shall have individual systems located on easements on lots 23-25. All other lots and dwellings shall pump to a common treatment facility and subsurface system located within the Open Space land north of Old Mill Trail. See amended Hydrogeological Study and pump test by Sweet Associates dated 12/5/14. See DHHS approval letter dated 8/4/2015. All conditions in the DHHS letter shall be met. The proposed Clubhouse shall have an individual system in the Open Space. System locations may vary up to 10 feet with CEO written approval.</p> <p>On 9/24/18 the Planning Board determined that Note 9 is to be inclusive of Lots 62 and 98.</p> <p>Test Pits prepared by Mark Hampton, LSE #263 dated 11/17/2014. See sheets C5.1 to C5.9 for septic system locations. See Sheets S1 to S10 for septic easement areas for lots 95-98, 100-103 and 62, and 23-25. Septic areas and test pits previously approved (6/27/2005) for Lots 95-103 and 23-25.</p>
<p>[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.</p>	
<p>(4) Stormwater management. <b>[Amended 4-27-2007]</b></p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<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>	<p>Stormwater analysis and design prepared by Ken Wood, PE of Attar Engineering dated 1/28/2020. Reviewed by Town Engineer. See revised memo dated 7/2/2020. Drainage changes reviewed by Town Engineer and found acceptable on 3/11/21.</p> <p>DEP Permit Approval granted #L-21263-87-I-A/ L-21263-TH-J-N dated November 2015. The drainage changes proposed require MDEP review/approval. Attar Engineering filed the Site Law Project Modification to DEP on 5/5/20. MDEP Permit approval granted 3/1/21 #L-21263-87-L-B.</p>

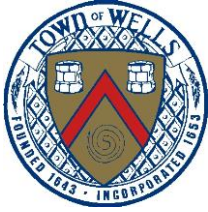


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<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.	
(c) The developer shall provide a statement from the designing 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>Stormwater analysis and design prepared by Ken Wood, PE of Attar Engineering dated 1/28/2020. Reviewed by Town Engineer. See revised memo dated 7/2/2020. Drainage changes reviewed by Town Engineer and found acceptable on 3/11/21.</p> <p>DEP Permit Approval granted #L-21263-87-I-A/ L-21263-TH-J-N dated November 2015. The drainage changes proposed require MDEP review/approval. Attar Engineering filed the Site Law Project Modification to DEP on 5/5/20. MDEP Permit approval granted 3/1/21 #L-21263-87-L-B.</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>MGL Drainage Memo dated 2/7/20 and revised 7/2/20. Drainage changes to be reviewed by Town Engineer. Memo was updated on 3/10/21 and all additional comments have been addressed.</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>DEP Permit Approval granted #L-21263-87-I-A/ L-21263-TH-J-N dated November 2015. MDEP Permit approval granted 3/1/21 #L-21263-87-L-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.	Not applicable.
(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.	Not applicable.

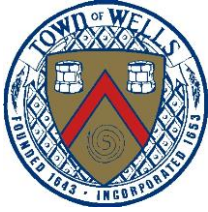




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<b>§ 202-12. General Standards</b>		<b>Findings &amp; Decisions</b>
	(h) For subdivisions located within the watershed of a great pond containing: 1. five or more lots or dwelling units created within any five-year period; or 2. any combination of 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.	Not applicable.
	(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:	Not required.
	[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.	
G.	Streets.	<b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
	(1) All streets in a subdivision shall meet Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code.	A temporary fire truck turnaround shall be installed at the intersection of Trail Head Lane prior to the issuance of an occupancy permit for any lot within phase 3 as noted on sheet S2, note 29.  An access road is proposed for the temporary hydrant adjacent to the existing pond. Sheet T1.1 of 2019 approval provides a road cross section detail.

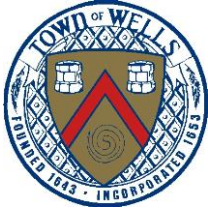


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<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
<p>(2) Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown 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:</p>	<p>Well House Way, Double Eagle Court, Greenview Drive, Trail Head Lane, Cidermill Lane, Little Meadow Court, Bryant Farm Lane, Parkland Drive, and Faxon Drive shall individually not exceed 200 trips per day in traffic generation. Lots 39 and 49 are restricted to have their vehicular access off of Old Mill Trail to ensure Trail Head Lane does not exceed the 200 trip generation.</p> <p>Storer Lane shall be extended (privately) and connect to the proposed Old Mill Trail road which shall connect to the existing Hobbs Farm Road. An agreement has been reached with the abutters (Arthur Conley, LCC) to be recorded at the YCRD. These connections serve the over 200 trips per day in traffic generated by all units proposed on the northeast side of Hobbs Farm Road. The distance from Storer Lane to Old Mill Trail exceeds 400 linear feet. Hobbs Farm Road further connects to Route 9A and to Meetinghouse Road.</p>
<p>(a) Single-family house: 10.0 trips per day per unit.</p>	<p>154 x 10.0 = 1540.00 trips per day for the residential cluster development lots.</p> <p>20x 10.0 = 200 trips per day for the multifamily development lot. The entrances serving lot 54 are located 400 linear feet apart along Hobbs Farm Road. See note on sheet 6.19.</p>
<p>(b) Residential condominium: 5.9 trips per day per unit.</p>	
<p>(c) Motel: 10.2 trips per day per room.</p>	
<p>(d) Industrial: 7.0 trips per day per 1,000 square feet of floor space.</p>	
<p>(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.</p>	<p>Subdivision note located in the RA zone or East of Route One.</p>
<p>H. Land features.</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<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.</p>	<p>This is a condition of approval.</p>
<p>(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></p>	<p>This is a condition of approval.</p>



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(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.	See applicable sheets in C3, C6 and C7 plan series for Erosion and Sedimentation Control Best Management Practices.
(c) Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.	
(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. See notes 23 and 24 on sheet S2.
(4) Dedication and maintenance of common open space and services.	Burnt Mill Estates HOA documents provided and prepared by Joe Carleton, Attorney. Town Attorney and Town Engineer review completed of the HOA documents and have been found to be acceptable. See Town Attorney memo dated 12/4/15.  No changes proposed to HOA documents with this amendment application.
(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.	All common land and private roads to be owned by the HOA.
(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.	
(c) The common open space shall be shown on the final plan with appropriate notation on the plan to indicate that:	
[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.	

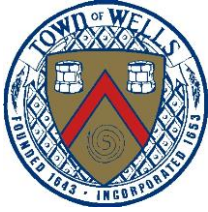


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§ 202-12. General Standards	Findings & Decisions
(e) Covenants for mandatory membership in the homeowners' association setting forth the owners' rights, interests and privileges in the association and the common property shall be reviewed by the Board and included in the deed for each lot or dwelling.	
(f) The homeowners' association shall have the responsibility of maintaining the common property.	
(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.	
(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.	
(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.	See note 11 on sheet S1. The parcel was identified to partially be located within Flood Zone AE (Elevation 130 to 131) of Flood Insurance Rate Map 2301580010D.
(6) Impact on groundwater.	
(a) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:	Nitrate plumes done by Sweet Associates in report dated 12/04/2014 entitled “Amended Groundwater Impact Study, Burnt Mill Country Club.” See Sheets D5.1 to C5.9.
[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.	
(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.	

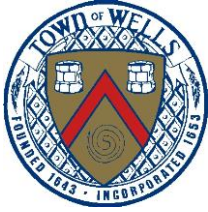


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<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
(c) Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).	
(d) No subdivision shall increase any 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.	
(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:	<b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  See note 29 on sheet S2.
(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.	To be determined at the pre-construction meeting.
(b) A performance bond payable to the municipality issued by a surety company approved by the municipal officers or Town Manager.	To be determined at the pre-construction meeting.
(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.	To be determined at the pre-construction meeting.



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	(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.	The sale of lots or units is prohibited until the pre-construction meeting is held and determinations are mutually made by the developer and Town regarding performance guarantees required.
(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.	<b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  To be determined at the pre-construction meeting.
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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  To be determined at the pre-construction meeting.
C.	<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.	<b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  To be determined at the pre-construction meeting.
D.	<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.	<b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  To be determined at the pre-construction meeting.
E.	<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.	<b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  To be determined at the pre-construction meeting.



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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 <b>K</b>, 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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>To be determined at the pre-construction meeting.</p>
	(1) 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:	To be determined at the pre-construction meeting.
	(a) 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	
	(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 <b>H</b> .	
G.	<p><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>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See note 29 for complete phasing requirements.</p>
H.	<p><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>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
I.	<p><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>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
J.	<p><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>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See proposed note 26.</p>



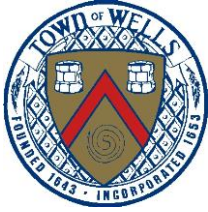
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<p>K. <b>Improvements guaranteed.</b> Performance guaranties shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the public or private streets, stormwater management facilities, public 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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Established of the type, form and conditions of the Performance Guarantee is required at the pre-construction meeting.</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>	
<p>A. The subdivision:</p>	<p><b>The Planning Board finds that these standards shall remain met.</b></p>
<p>(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;</p>	
<p>(2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;</p>	
<p>(3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;</p>	
<p>(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;</p>	
<p>(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;</p>	
<p>(6) Will provide for adequate solid and sewage waste disposal;</p>	
<p>(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;</p>	
<p>(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;</p>	
<p>(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;</p>	
<p>(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</p>	





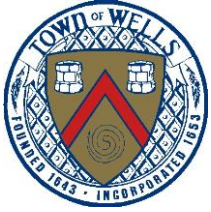
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	(11) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;	
B.	The subdivider has adequate financial and technical capacity to meet the above-stated standards;	<b>The Planning Board finds that these standards shall remain met.</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	<p><b>The Planning Board finds that these standards shall remain met.</b></p> <p>Subdivision identified to be partially located within Flood Zone AE. Plans note elevation 130 -131. See note 11 on sheet S1.</p>
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.	<p><b>The Planning Board finds that these standards shall remain met.</b></p> <p>Hobbs Pond is considered a Great Pond. Planning Board found this requirement to be satisfied on 12/7/15. No homes or septic systems proposed within 500 feet of Hobbs Pond. An Integrated Pest Management (IPM) Plan is required as a condition of the MDEP permit which limits pesticides, herbicides, and fertilizers.</p>

### 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))



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# Town of Wells, Maine Planning Board

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**SPECIAL CONDITIONS OF APPROVAL**

1. All previous Conditions of Approval shall remain in effect. The approval of this Amended Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.

Dated at Wells, Maine this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Wells Planning Board

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

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