



# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Preliminary Subdivision Application for “Dells Downeast”**  
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### Chapter 202 Subdivision of Land

PROJECT INFORMATION			
<b>General:</b>	<p><b>Project Name:</b> Dells Downeast Subdivision  <b># Lots Proposed:</b> 13 lots/ 13 dwelling units  <b>Applicant:</b> Patrick W. Johnson, PLS, 106 Gunning Point Road, Plymouth, MA 02360  <b>Landowner:</b> Paul M. Bisceglia, 106 Gunning Point Road, Plymouth, MA 02360  <b>Location:</b> Hiltons Lane, Wells, Maine  <b>Existing Use:</b> Vacant Land  <b>Proposed Land Use:</b> A Major Residential Cluster Subdivision consisting of 13 lots/dwelling units (single family dwellings) and roadway on 38.91 acres of which 25.72 acres shall be Open Space.  <b>Tax Parcel ID:</b> Tax Map 17, Lot 16  <b>Zoning District:</b> Rural District  <b>Chpt 145, Art VII Performance Standards:</b> 145-49 Residential Cluster  <b>Design Engineer:</b> JPS Surveying and Engineering, 106 Gunning Point Road, Plymouth, MA 02360  <b>Prelim Plan Application Submission Date:</b> January 7, 2021  <b>Plan Submission Date:</b> January 7, 2021</p>		
<b>Project Description:</b>	<p>Patrick Johnson of JPS Surveying and Engineering has submitted a Preliminary Subdivision Application on behalf of the property owner, Paul M. Bisceglia. The application proposes a 13 lot/ single-family dwelling unit major subdivision on 38.90 acres of land. The subdivision is designed as a Residential Cluster Development per 145-49. The property is located off of 260 Hiltons Lane and is within the Rural District. The property is identified as Tax Map 17, Lot 16. A 50' wide private roadway off of Hiltons Lane is proposed. 62.7% Dedicated Open Space (25.72 acres) is proposed. All lots to be served by individual drilled wells and on-site subsurface disposal systems.</p>		
<b>Approval Dates:</b>	<p>Preliminary Plan Approval: <b><u>To be determined</u></b></p>		
<b>Public Hearings:</b>	<table style="width: 100%; border: none;"> <tr> <td style="border: none; width: 60%;">Preliminary Public Hearing</td> <td style="border: none; text-align: right;">4/5/2021</td> </tr> </table>	Preliminary Public Hearing	4/5/2021
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#### PROJECT HISTORY

1. On 11/5/19 the applicant submitted a subdivision pre-application/ sketch plan for the above described subdivision.
2. On 11/6/19 abutters were mailed notification of the pre-application submission and of the 11/18/19 Planning Board meeting.
3. On 11/12/19 the Planning Office prepared a pre-application memo for the Planning Board.
4. On 11/18/19 the Planning Board received the subdivision pre-application and scheduled a site walk of the property for 11/23/19.
5. On 11/23/19 the Planning Board conducted a site walk of the property.
6. On 11/25/19 the Planning Office prepared a site walk results memo for the Planning Board.
7. On 12/16/19 the Planning Board reported the results of the site walk.
8. On 12/13/19 the applicant provided an alternate road connection.
9. On 1/8/20 the Planning Office met with the applicant to discuss the submission requirements.
10. On 1/21/20 the applicant provided a revised subdivision concept to the Planning Office for review.
11. On 1/30/20 the applicant provided a revised subdivision concept to the Planning Office for review.
12. On 3/23/20 the Town of Wells closed due to COVID-19.
13. On 5/12/20 the applicant contacted the Planning Office inquiring about when the Town Hall will reopen. The Planning Office recommend the applicant submit the Preliminary Subdivision Application.
14. On 7/20/20 the applicant provided a draft Preliminary Subdivision Application and plan to the Planning Office via email for review and comment prior to formal submission.
15. On 10/19/20 the Planning Office provided review comments to the applicant regarding the Preliminary Application submission.
16. On 1/7/21 the applicant submitted a Preliminary Subdivision Application, fee, plans and associated documents to the Planning Office for review.
17. On 1/15/21 abutters were mailed notification of the Preliminary Subdivision Application submission and of the 1/25/21 Planning Board meeting.
18. On 1/22/21 the Planning Office prepared Article V, VII and draft preliminary completeness (202-8) review checklists making not of various recommended plan changes. A memo summarizing the review was also prepared for the applicant and Planning Board.
19. On 1/25/21 the Planning Office forward the Road Name Request form to the Town Assessor for consideration.
20. On 1/25/21 the Planning Board received the Preliminary Subdivision Application, waived another site walk, conducted a workshop and continued the workshop for 60 days.
21. On 3/5/21 the applicant submitted revised materials to the Planning Office to address the completeness (202-8) review comments.
22. On 3/11/21 the Town Assessor approved the Road Name Request for Wildwood Road.
23. On 3/12/21 the Planning Office prepared revised Article V, VII and 202-8 completeness review checklists. A memo summarizing the review was prepared for the applicant and Planning Board.
24. On 3/15/21 the Planning Board conducted a workshop, waived the IF&W letter to be provided upon submission of the final subdivision application, found the application complete and scheduled the preliminary public hearing for 4/5/21.
25. On 3/26/21 the Planning Office mailed certified notice to abutters of the 4/5/21 Preliminary Public Hearing.
26. On 4/1/21 the Planning Office prepared draft Preliminary Findings of Fact & Decisions and a memo for the applicant and Planning Board.
27. On 4/5/21 the Planning Board conducted a Preliminary Public Hearing and voted to approved and sign the Preliminary Subdivision Findings of Fact & Decisions.



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<b>§ 202- 8. Preliminary Plan for Major Subdivision</b>		<b>Findings &amp; Decisions</b>
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:	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Location Maps provided on sheets are 1" = 200 feet.</p>
	(a) Existing subdivisions adjacent to the proposed subdivision.	The Woodlands and Spring Meadow Estates Subdivisions are in the vicinity but not adjacent to the proposed subdivision.
	(b) Locations and names of existing and proposed streets.	Hiltons Lane noted on the Location Map.
	(c) Boundaries and designations of zoning districts.	<b><u>The Rural, RA and RP zones to be labelled on the Location Map on the final subdivision plan submission.</u></b>
	(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.	The subdivision is outlined on the Location Map.
	(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: <b>[Amended 4-12-1999]</b>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Plan scale is 1" = 100 feet on the cover sheet and sheets 1, 2, 3, and 5.</p> <p>Sheet 4 plan scale is 1" = 80 feet.</p> <p>Sheet 6 and 10 is 1" = 50 feet.</p> <p>Sheet 7 is 1" = 60 feet.</p>
	(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.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Dells Downeast Subdivision is noted. Wells, ME is noted. Tax Map 17, Lot 16 is noted.</p> <p><b><u>Proposed map and lot numbers to be noted on the final plan submission.</u></b></p>



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<b>§ 202- 8. Preliminary Plan for Major Subdivision</b>	<b>Findings &amp; Decisions</b>
<p>(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.</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Plan prepared and stamped by Patrick W. Johnson, PLS #2408 dated 12-18-2020 of JPS Surveying and Engineering.</p> <p>Existing monumentation depicted on sheet 2.</p> <p><b><u>Proposed monuments depicted on sheet 4 to be determined by the Planning Board during the final subdivision application review.</u></b></p>
<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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Warranty Deed Book 3455, Page 112 provided.</p> <p>Also Book 18092, Page 148 and Book 18264, Page 706.</p> <p><b><u>Draft HOA documents, fire hydrant easement at cistern, and sample deed to be provided with the final application submission and to be reviewed by the Town Planner and Town Attorney prior to final approval.</u></b></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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p><b><u>Draft HOA, fire hydrant easement at cistern, and sample deed to be provided with the final application submission.</u></b></p> <p>Cover sheet notes 18 and 19 describe the ownership and maintenance of the Open space and private street.</p> <p>Drainage easements shown on sheet 4.</p> <p>Well easement shown for lot 8 on sheet 4.</p>
<p>(e) Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Sheets 6 and 7 depict 2 foot contours.</p>



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<b>§ 202- 8. Preliminary Plan for Major Subdivision</b>	<b>Findings &amp; Decisions</b>
<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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Total Area of subdivision is provided on Sheet 1 is 38.901 acres.</p> <p>Sheet 6 depicts existing treeline, wetlands and vernal pools.</p> <p>Trees greater than 24” in diameter at breast height are identified on sheet 3. <b><u>Final Plans to depict which trees are to be removed and which are to be preserved. The Planning Board to consider if any such trees are to be preserved during the final subdivision application review. Most exist near proposed lot 7 or within the proposed ROW.</u></b></p>
<p>(g) Indication of the type of sewage disposal to be used in the subdivision.</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>The subdivision shall be served by private subsurface wastewater disposal systems. See plan note 16 on cover sheet.</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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>The Applicant is proposing individual subsurface disposal units for each lot. A letter from WSD is not necessary.</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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Test pits prepared by James Logan, LSE #237 dated 11-14-19 and 4-8-20. Limiting factors are noted on sheet 10.</p> <p>Abutting septic system on Map 17, Lot 15 is identified.</p> <p><b><u>Lot 8, on sheet 10 requires a reserve septic system area in another location, outside the drainage area. To be addressed on the final plan submission.</u></b></p>



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<b>§ 202- 8. Preliminary Plan for Major Subdivision</b>	<b>Findings &amp; Decisions</b>
<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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>The subdivision shall be served by individual drilled wells. Dug wells are prohibited. See plan note 10 on cover sheet.</p> <p>Lot 13's well is proposed on lot 8.</p> <p>Well location on abutting lot Map 17, Lot 15 identified on sheet 10.</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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Grid North.</p> <p>Plan scales are noted.</p>
<p>(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>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p><u><b>Abutters identified except for new Map and Lot numbers for possible divided abutting parcel Map 17, lot 15. To be addressed on final plan submission if the lot is divided.</b></u></p>
<p>(k) The location of any zoning boundaries affecting the subdivision.</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>The Rural zone is noted on the cover sheet, note 6. The subdivision falls entirely within the Rural zone.</p>
<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>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Lot 13 proposes a well on Lot 8. A 20' x 20' well easement is proposed on lot 8 for Lot 13.</p> <p>Sheets 6 to 10 depict proposed drainage and utilities. Details are shown on sheets 11 to 14.</p>



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<b>§ 202- 8. Preliminary Plan for Major Subdivision</b>	<b>Findings &amp; Decisions</b>
(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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>The width of Hiltons Lane is noted.</p> <p>Proposed street width labelled as 50 feet.</p> <p>The street name has been approved by the Town Assessor. Wildwood Road is approved.</p> <p>Existing buildings on abutting lot 15, Map 17 are identified.</p> <p>Open space minimum of 35% to be noted on cover sheet, note 18. The subdivision proposes 62.7% as Open Space or 25.72 acres.</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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>No such public improvements proposed.</p>
(o) The proposed lot lines with approximate dimensions and lot areas.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>All cluster lots proposed shall exceed the minimum of 20,000 SF per 145-49.</p>
(p) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>The Open Space is to be owned and maintained by the HOA. <b><u>HOA documents to be reviewed once provided with the Final Subdivision Application submission.</u></b></p>
(q) The location of any open space to be preserved and an indication of its improvement and management.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p><b><u>HOA documents, sample deed, conveyance to the Town, to be provided to the Planning Office and Town Attorney for review upon submission of the final subdivision application.</u></b></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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>SCS Map provided</p>



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<b>§ 202- 8. Preliminary Plan for Major Subdivision</b>	<b>Findings &amp; Decisions</b>
(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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>See note 14 on cover sheet. The subdivision is not identified to be within a flood zone.</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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL NOT APPLY.</b></p> <p>A hydrogeologic assessment is not required. The subdivision is not served by public sewer but does not fall within a gravel aquifer or have an average density less 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	The subdivision is not located within a sand or gravel aquifer.
[2] The subdivision has an average density of less than 100,000 square feet per dwelling unit.	The subdivision does not have an average density less than 100,000 SF per dwelling.
(u) The location of any wetlands, streams, rivers, brooks or ponds located within or adjacent (within 75 feet) to the proposed subdivision.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Wetland delineation done by James Logan, CSS #213.</p> <p><b><u>Wetland disturbance proposed. MDEP Permit By Rule may be required. Notation to be added to sheet 1 with the Final Subdivision Plan submission.</u></b></p>
(v) The location of any significant wildlife or fisheries habitat as located by the Department of Inland Fisheries and Wildlife.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p><b><u>A letter from IF&amp;W has been requested by the applicant and shall be provided upon submission of the final subdivision application.</u></b></p>

**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





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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 if to be utilized; an Army Corps of Engineers dredge and fill permit; NPDES permit for stormwater discharges.

### SPECIAL CONDITIONS OF APPROVAL

1. All items **bolded/underlined** within this document shall be addressed on the final plan submission for this proposed development.

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

Wells Planning Board

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