



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for “Wesley By the Sea – Phase 4”
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Chapter 202 Subdivision of Land

PROJECT INFORMATION	
General:	<p>Project Name: Wesley by the Sea (Phase 4) Subdivision</p> <p># Lots/ Dwellings Proposed: 15 lots/ 16 dwelling units</p> <p>Applicant: Preachers' Aid Society of New England, 51 Charles Wesley Court, Wells, ME 04090</p> <p>Landowner: Preachers' Aid Society of New England, 51 Charles Wesley Court, Wells, ME 04090</p> <p>Location: Dorfield Lane</p> <p>Existing Use: 10 lot/11 dwelling unit major (Residential Cluster) subdivision on Dorfield Lane with designated Open Space (lot 1 has 2 dwelling units, Lot 10 has no dwelling units)</p> <p>Proposed Land Use: 15 lot/16 dwelling unit major subdivision on Dorfield Lane with designated Open Space (lot 1 has 2 dwelling units, Lot 10 has no dwelling units)</p> <p>Tax Parcel ID: Tax Map 79, Lots 2-1 to 2-16</p> <p>Zoning District: Rural District and 75' Shoreland Overlay District</p> <p>Land Use, Art. VII Performance Standards: 145-49. Residential Cluster Development</p> <p>Design Engineer: BH2M Engineers, 28 State Street, Gorham, ME 04038</p> <p>Prelim Plan Application Submission Date: 01/14/2022</p> <p>Plan Submission Date: 01/14/2022</p>
Project Description:	<p>BH2M has submitted a Preliminary Subdivision Application on behalf of the applicant/owner, Preacher's Aid Society of New England for a major subdivision residential cluster development. 6 lots/ dwelling units are proposed what is currently identified as lot 2-10 consisting of approximately 9.172 acres of land off of Dorfield Lane. The approved subdivision consists of 10 lots/ 11 dwelling units (with two dwellings on Lot 1). A total of 16 dwellings units are proposed on 15 lots. Lot 2-10 is identified to remain as "remaining land." Further clarification on the remaining land to be addressed. The subdivision to continue to be served by public sewer and public water. The subdivision is located within the Rural and 75' Shoreland Overlay Districts. To become Tax Map 79, Lot 2-1 to 2-16. 37.9% Open Space to remain.</p>
Approval Dates:	<p>Preliminary Plan Approval: <u>To be determined</u></p> <p>Final Plan Approval: <u>To be determined</u></p>



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Public Hearings:	Preliminary Public Hearing Final Public Hearing	2/28/2022 <u>To be determined</u>
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PROJECT HISTORY
<ol style="list-style-type: none"> 1. On 9/23/21 the applicant submitted a subdivision pre-application to the Planning Office for the above described project. 2. On 10/8/21 the Planning Office mailed notice to abutters of the 10/18/21 Planning Board meeting. 3. On 10/13/21 the Planning Office prepared a subdivision pre-application memo for the Planning Board and applicant. 4. On 10/18/21 the Planning Board received the subdivision pre-application and scheduled a site walk for 10/23/21 at 9AM. 5. On 10/23/21 the Planning Board conducted a site walk of the property. 6. On 10/27/21 the Planning Office prepared a site walk results memo. 7. On 11/1/21 the Planning Board reported the results of the site walk. 8. On 1/14/22 the applicant submitted the Preliminary Subdivision Application for the above described project. 9. On 1/26/22 the Planning Office mailed abutters notice of the Preliminary Subdivision Application and of the 2/14/22 Planning Board meeting. 10. On 2/10/22 the Planning Office prepared Article V, VII and draft preliminary completeness review checklists as well as a memo summarizing the review comments for the applicant and the Planning Board. Recommended plan markups were also prepared. 11. On 2/14/22 the Planning Board received the Preliminary Subdivision Application, conducted a workshop, found the 2018 IF&W letter sufficient and scheduled a preliminary public hearing for 2/28/22. 12. On 2/15/22 the Planning Office mailed abutters notice of the preliminary public hearing scheduled for 2/28/22. 13. On 2/23/22 the Staff Review Committee commented on the submission for the Planning Board. 14. On 2/23/22 the Planning Office prepared draft preliminary Findings of Fact & Decisions and a memo. 15. On 2/28/22 the Planning Board conducted a preliminary public hearing and workshop.

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B. Submissions:	
(1) Location map. The preliminary plan shall be accompanied by a location map adequate to show the relationship of the proposed subdivision to the adjacent properties and to allow the Board to locate the subdivision within the municipality. The location map shall show:	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.
(a) Existing subdivisions adjacent to the proposed subdivision.	References to approved abutting subdivision added to sheet 1.
(b) Locations and names of existing and proposed streets.	Harrissetket Road, Willow Way, Charles Wesley Court and Dorfield Lane are identified on the plan sets
(c) Boundaries and designations of zoning districts.	The Rural zone and Shoreland Overlay Districts are noted on sheet 1. Location map identifies zoning (Rural and Aquifer Protection zones are in the vicinity).



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<p>(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.</p>	<p>Remaining land parcel is identified as Lot 10. <u>Is this remaining land parcel to be further subdivided in the future? Notes addressing this property to be added to the plan. Application states for 6 lots only. Sheet 2 missing some metes and bounds.</u></p>
<p>(2) Preliminary plan. The preliminary plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. The Board may allow plans for subdivisions containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. In addition, the applicant shall submit to the Office of Planning and Development 11 copies of the plan(s) reduced to a size of 11 inches by 17 inches and all accompanying information assembled into a booklet no less than 10 days prior to the meeting. The following information shall either be shown on the preliminary plan or accompany the application for preliminary approval: [Amended 4-12-1999]</p>	<p style="text-align: center;">THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Plan scale is 1" = 60 feet on sheet 1 and 2. And 1" = 40 feet on sheet 3. Sheets 4, 5, and 6 have 1" = 25'</p>
<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>	<p style="text-align: center;">THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Note 7 notes the existing Map and Lot numbers of the subject parcels.</p> <p>Note 7 states the Lot numbering to become Map 79, Lots 2-1 through 2-10. Lot 2-10 to become 2-10 to 2-16.</p>
<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 style="text-align: center;">THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Plan prepared and stamped by Robert C. Libby, PLS #2190 of BH2M dated 1/13/22.</p> <p><u>Sheet 2 missing some metes and bounds. To be addressed on the final subdivision plan submission.</u></p> <p><u>Found and to be set monument types are identified on the plan. To be reviewed and determinations made by the Planning Board during the final subdivision application review.</u></p>



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<p>(c) A copy of the deed from which the survey was based and a copy of all covenants or deed restrictions, easements, rights-of-way or other encumbrances currently affecting the property.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Deeds provided: Book 17815, Page 421 and Book 17815, Page 423.</p> <p><u>Draft Amended Declaration of Covenants and Restrictions were provided and to be reviewed as part of the final subdivision application review.</u></p>
<p>(d) A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p><u>Draft Amended Declaration of Covenants and Restrictions were provided and to be reviewed as part of the final subdivision application review.</u></p> <p>Various drainage easements are identified on the plan. <u>Drainage easements on Lots 11 – 16 proposed and to be reviewed as part of the final subdivision application review.</u></p> <p>A 20' wide access and utility easement exists across Lot 1 from Willow Way to Dorfield Lane.</p> <p>A 20' wide access and utility easement exists along Willow Way across Lot 1 and the Open Space.</p> <p>A 60' parking easement area exists on Lot 9.</p>
<p>(e) Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Plan depicts 1 foot contours.</p>



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<p>(f) The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Total parcel area is noted to be 25 acres or 1,090,719 SF.</p> <p>Net area is noted as 1,022,512 SF with the stream and pond area (68,207 SF) deducted.</p> <p>See Density Table on Sheet 1. Per 145-49B:</p> <p>1,090,719 - Brook and Pond Areas (68,207 SF) = 1,022,512 Net Area x .15 =153,377 SF deduction</p> <p>1,022,512 -153,377 = 869,135 SF</p> <p>869,135/ 40,000 = 21 dwelling units permitted</p> <p><u>Street ROW areas to be noted on sheet 1 (existing area and proposed area) of the final subdivision plan submission.</u></p> <p>A total of 16 dwelling units are proposed on the 15 cluster lots. <u>Lot 10 to remain as “remaining land?” Notes needed to address future development of Lot 10 on the final subdivision plan submission.</u></p> <p>Trees greater than 24” in diameter are identified. 24” trees to be retained on the lots or within the Open Space are labelled “To Remain” or crossed out as they are to be removed. <u>Planning Board to review proposed trees to be eliminated on lots 14,15 and 16 after the preliminary public hearing on 2/28/22.</u></p>
<p>(g) Indication of the type of sewage disposal to be used in the subdivision.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>The subdivision shall be served by public sewer (Wells Sanitary District.) See note 12, on sheet 1.</p>
<p>A letter from the WSD dated 11-09-21 was provided for the proposed 6 lots.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>A letter from the WSD dated 11-09-21 was provided for the proposed 6 lots.</p>



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[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.	Not applicable.
(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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>The subdivision shall be served by public water (KKW Water District.) See note 13, on sheet 1.</p> <p>A letter from the KKWWDD dated 10-11-21 was provided.</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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Grid North. Plan scale is 1" = 60 feet, 40 feet or 25 feet. Record owner/developer noted.</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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Abutters across Harrissectet Road, Willow Way and Charles Wesley Court are identified.</p>
(k) The location of any zoning boundaries affecting the subdivision.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>The Rural and 75' Shoreland Zone are noted or labelled on the plan. See note 11 on sheet 1.</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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Sheets 3, 4, 5, and 6 identify proposed utilities, stormwater plan and erosion control details. <u>To be reviewed by Town Engineer as part of the final subdivision application review.</u></p> <p>Stormwater Management Report prepared by Christopher Ryan MacDonald, PE #11985 of BH2M dated January 2022 was provided. <u>To be reviewed by Town Engineer as part of the final subdivision application review.</u></p> <p>MDEP Site Location Permit Amendment filing provided by BH2M. <u>Permit approval is pending.</u></p>



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(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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>All adjacent road names are labelled on the plan sets.</p> <p>Road widths and speed limits noted.</p> <p>See note 23 on sheet 1.</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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>No such public improvements proposed.</p>
(o) The proposed lot lines with approximate dimensions and lot areas.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>All lots proposed shall exceed the minimum of 20,000 SF per 145-49, <u>pending Planning Board determinations to be made after the preliminary public hearing.</u></p> <p>Lot 9 was found to be odd shaped, less than 3 to 1 length to width ratio. On 2/25/19 the Planning Board granted a waiver to allow Lot 9 to be odd shaped with a ratio of 5:1.</p>
(p) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL NOT APPLY.</p> <p>No such dedication proposed.</p>
(q) The location of any open space to be preserved and an indication of its improvement and management.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>See notes 16 and 21 on sheet 1.</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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>SCS Map provided</p>
(s) If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year-flood elevation shall be delineated on the plan.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>See note 18 on sheet 1. The subdivision is not identified to be within a flood zone.</p>



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(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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL NOT APPLY.</p> <p>Not required as the subdivision shall be served by public sewer.</p>
[1] Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers" by the Maine Geological Survey, 1985, Map Nos. 2 and 4; or	
[2] The subdivision has an average density of less than 100,000 square feet per dwelling unit.	
(u) The location of any wetlands, streams, rivers, brooks or ponds located within or adjacent (within 75 feet) to the proposed subdivision.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>The stream and Pond are identified. A 75' Shoreland overlay zone setback is shown.</p> <p>An IF&W recommended 100' stream setback is also identified.</p> <p>Soils and Wetland Report prepared by Mainely Soils, LLC dated 8-23-18 was provided.</p>
(v) The location of any significant wildlife or fisheries habitat as located by the Department of Inland Fisheries and Wildlife.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>A letter from IF&W provided dated 10-19-18. Planning Board found the 2018 IF&W letter to remain suitable on 2/14/22.</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 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,



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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. The items **bolded/underlined** within this Preliminary Findings of Fact & Decisions shall be addressed on the final subdivision plan submission or with the submission of the final subdivision application to the Planning Office.
2. Fire Chief to review and approve the proposed fire hydrant location. Existing fire hydrant location to be labelled.

Dated at Wells, Maine this _____ day of _____, 2022

Wells Planning Board

By: _____
Charles Millian, Chairman