



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment Application for “Wells Activity Center”
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Chapter 145, Article X Site Plan Approval

PROJECT INFORMATION	
General:	<p>Project Name: Wells Activity Center</p> <p>Applicant: Parks & Recreation, Town of Wells, 208 Sanford Rd, Wells, ME</p> <p>Landowner: Town of Wells, 208 Sanford Rd, Wells, ME</p> <p>Location: 113 Sanford Road, Wells, ME</p> <p>Existing Use: Municipal Facility</p> <p>Proposed Land Use: Municipal Facility and Day-Care Center</p> <p>Tax Parcel ID: Tax Map 134, 34-EXE</p> <p>Zoning District: Residential Commercial, 75' Shoreland Overlay District, and Mobile Home Park</p> <p>Art VII Performance Standards: Overlay District</p> <p>Standards: None</p> <p>Design Engineer: None</p> <p>Plan Submission Date: 12/22/2021</p>
Project Description:	<p>The Town of Wells has submitted a site plan amendment application for the Wells Activity Center located off of 113 Sanford Road. The existing 4,997 SF building is a Municipal Facility use. The Town proposes to add a Day-Care Center use to the building and construct a 2,480 SF outdoor playground. The property is located within the Residential Commercial District and also falls within the Mobile Home Overly District and 75' Shoreland Overlay District from Depot Brook. The property is approximately 3.09 acres in size and is served by public sewer and public water. Tax Map 134, Lot 34-EXE.</p>
Completeness Determination:	2/14/2022
Public Hearing:	2/14/2022
Staff Review Mtg:	Not Applicable



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PROJECT HISTORY

1. On 12/21/21 the applicant submitted a site plan amendment application to the Planning Office.
2. On 12/29/21 the Code Enforcement Officer found the use proposed to be permitted within the RC zone.
3. On 12/29/21 the Planning Office mailed abutters notice of the use determination and of the 1/10/22 Planning Board meeting.
4. On 1/5/22 the Planning Office prepared a draft site plan with input from the applicant.
5. On 1/5/22 the Planning Office prepared Article V, VI, and draft completeness review comments. A memo summarizing the site plan review checklists was also prepared.
6. On 1/10/22 the Planning Board received the site plan amendment application and scheduled a site walk of the property, provided the weather conditions would allow, for 1/15/22 at 9:00 AM.
7. On 1/15/22 the Planning Board conducted a site walk of the property.
8. On 1/19/22 the Planning Office prepared a site walk results memo.
9. On 1/21/22 the Planning Office prepared plan revisions to address changes needed by the applicant.
10. On 1/21/22 the Planning Office prepared a revised Article VI and draft completeness checklist. A memo summarizing the review comments was also prepared.
11. On 1/24/22 the Planning Board reported the results of the site walk, voted to waive a boundary survey, voted on the Route 109 landscaped buffer, voted on traffic data and voted to schedule a public hearing for 2/14/22.
12. On 2/2/22 the Planning Office mailed certified mailed notices to abutters of the 2/14/22 public hearing.
13. On 2/10/22 the Planning Office prepared a revised site plan and notes.
14. On 2/10/22 the Planning Office prepared updated Article V, VI and completeness checklists. A draft compliance and Findings of Fact & Decisions document was also prepared.
15. On 2/14/22 the Planning Board conducted a public hearing and workshop and voted to find the application complete, compliant and voted to require 6' tall vinyl fencing around the playground. The workshop was continued to the next meeting.
16. On 2/15/22 the applicant decided to request the Board reconsider the vinyl fence requirement.
17. On 2/23/22 the Planning Office prepared a revised site plan depicting a vinyl fence.
18. On 2/23/22 the Planning Office prepared a revised Findings for the application. Two options were prepared, one for keeping the 6' tall solid fence option and one for 6' tall solid vinyl fencing.
19. On 2/28/22 the Planning Board conducted a workshop. The Board voted to approve and sign the site plan and Findings of Fact & Decisions.



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§ 145-75. Criteria and Standards	Comments
<p>The following standards shall be applied to all applications for site plan approval. These standards are intended to provide a frame of reference for the applicant in the development of his plans and a method of review. These standards shall be applied reasonably and fairly, when applicable, taking into account any extenuating circumstances or special features of the property or its neighborhood.</p>	

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<p>A. Traffic. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number of exits and entrances that have adequate sight distances and do not conflict with or adversely impact the traffic movements at intersections, schools and other traffic generators. Curb cuts shall be limited to the minimum width necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the Town road system and shall provide adequate parking and loading areas. No use or expansion of a use shall receive site plan approval if any parking spaces are located in a public right-of-way or if any travel lane of a state number highway is used as part of the required aisle to access any parking spaces.</p>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The parcel has approximately 238' of street frontage along Route 109. Parcel does not have multiple street frontages. The property has an existing entrance/ exit onto Route 109. No changes to this curb cut proposed. Planning Board found traffic data is not necessary on 1/24/22.</p> <p>Site plan notes that parking along or within the Route 109 ROW is prohibited. Snow storage areas are depicted on the site plan. Areas that could be used for parking shall be on pavement/ gravel. Grass parking does not exist nor is it proposed.</p> <p>All prior approved parking is designed to meet 90 degree parking standards. (9' x 18.5' with 26' wide two-way aisles). Parking lot to be restriped to match the site plan approval no later than 6-1-22.</p> <p>With parking lot corrections to be addressed, the property to provide a total of 60 spaces, 3 of which shall be ADA compliant.</p> <p>Daycare Center use requires 16 spaces. $4,997 / 400 + 3 = 16$ spaces are required.</p> <p>CEO provided a parking space recommendation for the Municipal Facility use. The occupancy of the building has been restricted to 240 people so that 60 parking spaces would meet occupancy load requirements. See note 6B. On 2/14/2022 the Planning Board voted to find 60 spaces are required for the Municipal Facility use based on maximum occupancy of 240 people.</p>
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§ 145-75. Criteria and Standards		Comments
		<p>Sight distances onto Route 109 is noted to be 350'+ in both directions. Speed limit is 35 MPH. See note 7 regarding signage not to cause a visual obstruction.</p> <p>Property falls within sidewalk development area. Changes proposed do not require sidewalk construction.</p>
B.	Dust, fumes, vapors and gases. Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The parcel is prohibited from emitting dust, fumes, vapors or gases at any point beyond its lots lines.</p>
C.	Odor. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond its lot lines, measured either at ground or habitable elevation.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The parcel is prohibited from producing such odor at any point beyond its lot lines as measured at ground or habitable elevation.</p>
D.	Glare. No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring lots or onto any Town way so as to impair the vision of the driver of any vehicle upon that Town way.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 12. Exterior lighting locations noted on the plan. This parcel is prohibited from producing such glare onto abutting lots or street right of ways. All existing and proposed exterior lights shall be downward directional and comply with Land Use lighting provisions.</p>



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§ 145-75. Criteria and Standards		Comments
E.	<p>Stormwater runoff. Surface water runoff shall be minimized and detained on site if possible or practicable in accordance with Chapter 202-12F(4) General Standards of the Wells Subdivision Ordinance (wherein the word “site plan” shall be substituted for “subdivision”). If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding which would be caused by his project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. [Amended 4-27-2007]</p>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Such existing site features are noted.</p> <p>The 12” diameter culvert required in 2004 was installed.</p> <p>No additional impervious area is proposed. The playground area proposed will consist of mulch. The Town Engineer has reviewed and recommends that no additional stormwater facilities are necessary.</p>
F.	<p>Erosion control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: [Amended 4-27-2007]</p>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Best Management Practices for soil erosion and sedimentation control are a condition of approval.</p>
(1)	Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.	
(2)	The duration of exposure of the disturbed area shall be kept to a practical minimum.	
(3)	Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.	
(4)	Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.	



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(5)	Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority.	
(6)	The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.	
(7)	During grading operations, methods of dust control shall be employed.	
(8)	The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	
(9)	The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.	
(10)	Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.	
(11)	Topsoil shall be considered part of the site plan and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.	



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<p>G. Setbacks and screening. Parking and loading areas, exposed storage areas, exposed machinery installation and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on the surrounding lots. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.</p>	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>15' setback shown along easterly lot line. On 1/24/22 the Planning Board granted a waiver a did not require the submission of a boundary plan. In lieu of a boundary plan, the applicant shall install playground equipment that must meet setbacks plus 10 feet. Playground equipment shall be a minimum of 25 feet from the easterly lot line.</p> <p>Setback line from Route 109 shown on the site plan. The existing 4997 SF building is within 40 feet of Route 109 but is grandfathered in this nonconformity. No changes to this building proposed.</p> <p>A 15 foot wide landscaped buffer is required along Route 109. This buffer is proposed to consist of grass areas and 4 shade trees. One shade tree exists and 1 shade trees is proposed shall be planted no later than 6-1-22. Planning Board found the Route 109 proposed buffer as suitable on 1/24/22.</p> <p>This commercial parcel abuts residential lots to the east, west and north. All vegetation to remain in its existing condition for lots 32, 32A and 33.</p> <p>Lot 35 has a vegetative screen which is proposed to be extended for the outdoor playground area. In addition to evergreens, a 6' tall solid vinyl fence is also proposed on the easterly side of the playground limit which shall serve as screening and to minimize noise per 145-45. On 2/28/22 the Planning Board voted to find the screening proposed for Lot 35 to be suitable.</p>



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H.	Explosive materials. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA) standards.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>No change proposed with regard to storage of fuels. 500 gallon propane tank identified on the plan. Protective bollards required. All fuels shall be stored in compliance with NFPA standards.</p>
I.	Water quality. All aboveground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious dike monolithically poured, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating fuel and diesel fuel, not exceeding 275 gallons in size, shall be exempted from this requirement.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>No change proposed with regard to storage of fuels.</p>



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J.	Preservation of landscape. Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Maximum allowed lot coverage of 60% is noted on the plan. Approved lot coverage is 28.2% or 37,934 SF</p> <p>Proposed lot coverage of playground area is 2,500 SF creating a total of 40,434 SF or 30.1%.</p> <p>Existing trees, shrubs and tree lines shall be maintained as shown on the plan. A proposed tree line is shown around the proposed playground area. Tree clearing shall be minimized to achieve the area needed for the playground only. No grade changes proposed.</p>
K.	Refuse disposal. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The review board shall consider the impact of particular industrial or chemical wastes or by-products upon the Wells transfer station (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>An onsite dumpster is identified on the plan and shall meet lot line setback requirements. The dumpster is noted that it shall be screened by a solid 6’ tall fence. Dumpster fencing shall be installed no later than 6/1/22. Refuse shall be disposed of in a timely and safe manner.</p>



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L.	Water supply. The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Property is served by public water. A letter from KKWWD was provided dated 2/1/22 stating adequate capacity exists to serve the existing and proposed uses.</p> <p>Nearest fire hydrant is noted on the plan. See note 16.</p>
M.	Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Property is served by public sewer. A letter from WSD was provided on 1/24/22 stating adequate capacity exists to serve the existing and proposed uses.</p>
N.	Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personal.	<p>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>The property is served by public water. The nearest fire hydrant is located approximately 250' to the west at the corner of Depot Road and Route 109. The site is already developed and provides sufficient access to 3 sides of the existing structure.</p>

Standard Conditions of Approval

1. Site Plan approval secured under the provisions of this chapter shall expire within 10 years from the date on which the site plan is signed if all aspects of the site plan approval are not fully completed and established. Any site plan approval may include a phasing plan according to an approved time schedule not to exceed 10 years from the date on which the site plan is signed. Site plan approval shall expire if a use has been established and then discontinued for five years or more. §145-74F
2. Approval is conditioned upon compliance by the applicant with the Findings of Fact, plans and specifications, and reports which have been received and relied upon by the Town in connection with this development's proposed compliance with Town Ordinances.



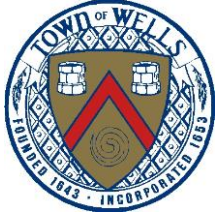
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3. Conditions of approval or notes written on the face of the site plan may be amended only by the reviewing authority that approved the site plan per the Reviewing Authority Chart. §145-74G(1)(b)
4. Failure to comply with any conditions of approval shall be construed to be a violation of Article X of the Land Use Ordinance and shall be grounds for denial of a site plan approval or denial of a building permit (§145-61.C.1, §145-74.J.), revoking the approved development plan, initiating legal proceedings to enjoin construction development or any specific activity violating the conditions of plan approval or applying the legal penalties detailed in §145-64, §145-79A
5. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the owner to immediately install sedimentation control devices on his lot and to remove sediment from all adjoining surfaces, drainage systems and watercourses and to repair any drainage, at his expense, as quickly as possible. Any landowner that fails to do so within two weeks after official written notification by the Code Enforcement Officer shall be penalized as set forth in §145-6, §145-79B
6. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: §145-75F
 - (a) Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.
 - (b) The duration of exposure of the disturbed area shall be kept to a practical minimum.
 - (c) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
 - (d) Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.
 - (e) Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority.
 - (f) The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.
 - (g) During grading operations, methods of dust control shall be employed.
 - (h) The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.
 - (i) The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
 - (j) Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.
 - (k) Topsoil shall be considered part of the site plan and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
7. The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board and/or Staff Review Committee and/or Town Staff proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board or Staff Review Committee or Town Staff. §145-74G
8. Approval of the application or amendment application does not relieve the applicant from the responsibility to obtain building permits prior to construction and a certificate of occupancy prior to occupancy. §145-61, §145-62
9. It is the applicant's responsibility to contact Dig Safe prior to construction.
10. It is the Owner/Tenant's/Homeowners or Condominium Association's/ Applicant's/-Developer's responsibility, not the Town Code Office or Town Planning Office, to contact the Town Clerk's Office to apply for and maintain any and all business license(s) for the use(s) conducted on this parcel(s). §150-4
11. Approval of any proposed field changes shall be obtained prior to construction. Said approvals shall be in writing. The Code Enforcement Office shall consult with the Office of Planning and Development prior to approving any field change. §145-74.I.4
12. Prior to the pouring of a building footing/foundation, the location of each building to be constructed shall be located on the face of the earth and shall be marked and certified to by a surveyor or engineer with pins or stakes. The developer shall receive approval of each building location from the Code Enforcement Office prior to the commencement of footing/foundation excavation. §145-74I



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13. If the property will be converted to a condominium form of ownership, the proposed condominium documents must be consistent with this site plan approval.
14. Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the property to include buildings, roadways, drainage, screening and landscaped areas, and utility related construction work. §145-74I
15. The Town of Wells, Maine may employ the services of an engineering firm to assist in the inspection of roads and other infrastructure if, in the opinion of the Code Enforcement Office, the work necessary to insure compliance with Town ordinances or the requirements of this approval are beyond those capacities available by staff. The cost of such additional services will be born by the developer. §145-74I
16. All components, features, improvements and conditions of site plan approval shall be fully completed prior to any issuance of a certificate of occupancy. §145-74E

Special Conditions of Approval

1. All previous Conditions of Approval will remain in effect unless specifically amended by this application. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.
2. In lieu of a boundary plan, the applicant shall install playground equipment that must meet setbacks plus 10 feet. Playground equipment shall be a minimum of 25 feet from the easterly lot line.
3. No later than 6/1/2022 the following shall be completed:
 - a. 6' tall solid fencing shall be installed around all sides of the dumpster.
 - b. 1 new shade tree shall be planted along Route 109 near the easterly boundary. The existing shade tree along Route 109 shall be maintained.
 - c. Parking lot shall be restriped to match the site plan approval. Spaces shall be 9' x 18.5' in dimension with a minimum aisle width of 26'.
 - d. 6' tall evergreen trees shall be planted every 5 feet on center as shown on the site plan, along the easterly lot line and around the southerly side of the playground area.
4. Prior to or at the time of installation of the outdoor playground equipment all playground fencing shall be installed.

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

Wells Planning Board

By: _____
Charles Millian, Chairman