



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for “Westhaven Preserve”
Page 1 of 9

Chapter 202 Subdivision of Land

PROJECT INFORMATION			
General:	<p>Project Name: Westhaven Preserve Subdivision</p> <p># Lots Proposed: 15 lots/ 15 dwelling units</p> <p>Applicant: Eastwood Estates, LLC, 1293 Main Street, Sanford, ME 04073</p> <p>Landowner: Eastwood Estates, LLC, 1293 Main Street, Sanford, ME 04073</p> <p>Location: Sanford Road, Wells, Maine</p> <p>Existing Use: Vacant Land; and outsale lot for one single family dwelling unit (not part of the subdivision)</p> <p>Proposed Land Use: A Major Residential Cluster Subdivision consisting of 15 lots/dwelling units (single family dwellings) and roadway on 17.25 acres of which 6.73 acres shall be Open Space.</p> <p>Tax Parcel ID: Tax Map 60, Lot 10</p> <p>Zoning District: Residential A District</p> <p>Chpt 145, Art VII Performance Standards: 145-49 Residential Cluster</p> <p>Design Engineer: Dana A. Libby, PLS, Corner Post Land Surveying, Inc. 600 Main Street, Springvale, ME 04083</p> <p>Prelim Plan Application Submission Date: April 25, 2022</p> <p>Plan Submission Date: April 25, 2022</p>		
Project Description:	<p>Corner Post Land Surveying has submitted a Preliminary Subdivision Application on behalf of the property owner, Eastwood Estates, LLC. The subdivision proposes a 15 lot/dwelling unit residential cluster subdivision on 17.25 acres (752,088 SF) of land. An outsale lot (10-A) has been conveyed and is not part of the subdivision. The proposed cluster lots to have street frontage off a private street ROW to be named Westhaven Lane. Lots to be served by on-site septic systems and wells. The subdivision is located within the Residential A District. Tax Map 60, lot 10.</p>		
Approval Dates:	<p>Preliminary Plan Approval: <u>To be determined</u></p>		
Public Hearings:	<table style="width: 100%; border: none;"> <tr> <td style="border: none; width: 60%;">Preliminary Public Hearing</td> <td style="border: none; text-align: right;">5/23/2022</td> </tr> </table>	Preliminary Public Hearing	5/23/2022
Preliminary Public Hearing	5/23/2022		



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for “Westhaven Preserve”
Page 2 of 9

PROJECT HISTORY
1. On 2.

§ 202- 8. Preliminary Plan for Major Subdivision	Findings & Decisions
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. See Cover sheet provided.
(a) Existing subdivisions adjacent to the proposed subdivision.	Cover sheet notes all adjacent approved Subdivisions.
(b) Locations and names of existing and proposed streets.	Sanford Road, High Pine Loop, Bald Hill Road, Wire Road, El Velvel Circle, etc. are noted. Westhaven Lane is noted.
(c) Boundaries and designations of zoning districts.	Parcel boundaries approximately identified. Zoning District Boundaries are identified.
(d) An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.	Subdivision identified on cover sheet. No remaining land proposed.
(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]	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET. Plan scale is 1" = 60 feet on sheet 1, 2 and 3. And 1" = 50 feet on C sheets.



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for “Westhaven Preserve”
Page 3 of 9

§ 202- 8. Preliminary Plan for Major Subdivision	Findings & Decisions
<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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Subdivision name noted.</p> <p><u>Proposed lots are to be identified as Map 60, Lots 10-1 to 10-15 on final plan submission.</u></p> <p>Outsale lot, not part of the subdivision, is identified as Lot 10A.</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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Plan prepared and stamped by Dana A. Libby, PLS #1350 of Corner Post Land Surveying Inc. dated 4-25-2022.</p> <p><u>Plan note, below #14 on boundary plan, states “This is not a boundary survey...” Clarification or further notation is needed. A discrepancy with the project area has been identified.</u></p> <p><u>Proposed monument types to be determined by the Planning Board during the final subdivision application review.</u></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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Deed provided. Book 18953, Page 400.</p> <p>Deed to outsale lot which includes a ROW easement provided, Book 18953, Page 395.</p> <p>Draft HOA documents and sample deed have been provided <u>and to be reviewed by the Town Planner and Town Attorney during final subdivision application review.</u></p>



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for “Westhaven Preserve”
Page 4 of 9

§ 202- 8. Preliminary Plan for Major Subdivision	Findings & Decisions
<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>Draft HOA and sample deed provided.</p> <p>Proposed stormwater forested buffers require easements on lots 2-9. <u>To be reviewed by Town Engineer during final subdivision application review.</u></p> <p>Lot 10A has a 50' wide private street ROW from Sanford Road to be named Westhaven Lane which is to be extended as a private street for the proposed 15 cluster lots.</p> <p>A 50' wide ROW and utility easement to the Town of Wells is identified along the southerly boundary of the parcel.</p> <p>The former State Route 109/ County Road location is identified through the proposed Open space of the parcel. See notes on sheet 2 and Boundary Survey.</p> <p><u>An easement to the Town over the Open space and Lot 11 is being considered to eliminate the trail encroachment. Sample deed for lot 11 and easement language to be reviewed during the final subdivision application review.</u></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>1 foot contours are shown on sheet C1.1, 3.1, 3.2 and 4.1.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for “Westhaven Preserve”
Page 5 of 9

§ 202- 8. Preliminary Plan for Major Subdivision	Findings & Decisions
<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 area of the subdivision is 793,288 – 41,200 (outsale lot) – 6,489 (ROW area) = 745,599 SF. See sheet 2. The area of the ROW serving Lot 10A is deducted to determine the net area of the subdivision. ROW/easement area for lot 10A is 6,489 SF.</p> <p>See Area Table on sheet 2.</p> <p>793,288 (total area) -41,200 (outsale) -399,650 (15 proposed lots total area) -110,199 (open space) -192,761 (open space) -3,103 (open space)</p> <p>=46,375 SF remains for ROW. <u>ROW area is noted to be 1.24 acres (54,014+/- SF) which is a difference of 7,639 SF. Discrepancy in areas must be addressed.</u></p> <p>See plan note 31 on sheet 3. No trees greater than 24” in diameter were identified on the property.</p> <p>Outsale/division lot is specified as not part of the subdivision.</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 private on-site septic systems. See plan note 16 on sheet 2.</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>Not served by public sewer (WSD).</p>



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for “Westhaven Preserve”
Page 6 of 9

§ 202- 8. Preliminary Plan for Major Subdivision	Findings & Decisions
<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>Mark J. Hampton CSS #216/ LSE#263 prepared test pits lots dated 4/10/22.</p> <p><u>Septic boxes for lot 10 do not coincide with Test pits. Additional test pits may be needed or move septic boxes to test pits.</u></p> <p><u>Lot 2 test pit #28 is suitable, #27 has a limiting factor of less than 24 inches, which requires a reserve system to be identified.</u></p>
<p>(h) Indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a letter from the Kennebunk, Kennebunkport and Wells Water District shall be submitted indicating that there is adequate supply and pressure for the subdivision.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>The subdivision shall be served by private on-site drilled wells. See plan note 16 on sheet 2.</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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Grid North. Plan scale is 1" = 60 feet, or 50 feet . Record owner/developer 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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Abutters are identified.</p>
<p>(k) The location of any zoning boundaries affecting the subdivision.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Parcel falls entirely within the RA District. Cover sheet identifies adjacent zoning district boundaries.</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>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Proposed drainage depicted on C2.1-C5.2 and D1.0 and D2.0.</p> <p>Existing utility poles along Route 109 are identified on sheet 1. <u>Proposed underground utilities are not identified. Is a utility pole installed or to be installed? To be addressed on the final subdivision plan submission.</u></p> <p><u>Poles on Route 109 to be identified on sheet C2.1 and natural gas line to be depicted on C2.1. To be addressed on the final subdivision plan submission.</u></p>



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for “Westhaven Preserve”
Page 7 of 9

§ 202- 8. Preliminary Plan for Major Subdivision	Findings & Decisions
(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. Route 109 is noted to be 80' wide, see note 3 on sheet 2.</p> <p>Buildings adjacent to the subdivision are approximately depicted on sheet 1 based on aerial imagery</p> <p>Driveways across from Route 109 are identified on sheet 1. <u>To be depicted on C2.1 also.</u></p> <p><u>Proposed deceleration and acceleration lanes to be depicted on the final subdivision plan submission.</u></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.</u></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 BE MET.</p> <p>No such dedication proposed.</p>
(q) The location of any open space to be preserved and an indication of its improvement and management.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>The subdivision proposes a minimum of 35% Open Space. Open Space requirement noted on sheet 2, note 15.</p> <p>Open space is detailed on sheet 2, note 19. A total of 6.73 acres or <u>39.3%</u> open space is proposed based on cluster development area of <u>745,599 SF.</u></p> <p>Note 19 on sheet 2 states the Open Space shall be owned and maintained by the Westhaven Owners Association.</p>



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Preliminary Subdivision Application for “Westhaven Preserve”
Page 8 of 9

§ 202- 8. Preliminary Plan for Major Subdivision	Findings & Decisions
(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.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET. SCS Map provided
(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.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET. See note 11 on sheet 2 states the property does not fall within a flood prone area per FEMA FIRM panel number 2301580010D.
(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:	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET. A hydrogeologic assessment was prepared by Mark Cenci dated 4/21/22. <u>To be reviewed with the final subdivision application review.</u>
[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 project is located over a sand and gravel aquifer.
[2] The subdivision has an average density of less than 100,000 square feet per dwelling unit.	The project does propose an average density of 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.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET. Wetland delineation shown on sheet 1. Wetland delineation done by Mark Hampton Associates. Total wetland impact proposed is 3,492 SF.
(v) The location of any significant wildlife or fisheries habitat as located by the Department of Inland Fisheries and Wildlife.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET. A letter from IF&W provided dated 3/17/22. Bat, Northern Black Racer Snakes and Rare Turtle Species are identified in the vicinity of the project area. If these habitats are present a 250' undisturbed vegetated cover is recommended.

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



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS Preliminary Subdivision Application for "Westhaven Preserve" Page 9 of 9

preparation of the final plan. The final plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received

2. The developer must, within six months of the approval of the preliminary plan, file with the Planning Board an application for final approval. Failure to do so may result in the Planning Board refusing to entertain such final plan, and the lapse of approval of the preliminary plan. The final plan shall approximate the layout shown on the Preliminary Plan, plus recommendations and requirements made by the Planning Board.
3. Prior to the submittal of the final plan application, the following approval shall be obtained in writing if applicable: Maine Dept. of Environmental Protection, under the Site Location of Development Act and the Natural Resources Protection Act; the KKW Water District, if connected to public water; Maine Dept. of Human Services, if a central water supply system is proposed; The Wells Sanitary District, if connected to public sewer; Maine Dept. of Human Services, if a centralized or shared subsurface sewage disposal system 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 Findings of Fact & Decisions document shall be addressed on the final subdivision plan submission, provided with the final subdivision plan submission, or reviewed by the Town as part of the final subdivision application review.

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

Wells Planning Board

By: _____
Charles Millian, Chairman