



# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 1 of 24**

### Chapter 202 Subdivision of Land

PROJECT INFORMATION	
<b>General:</b>	<p><b>Project Name:</b> Grand Trail Place III</p> <p><b># Lots/ Dwellings Proposed:</b> 12 lots/dwellings are proposed for a total of 47 lots/dwellings in the development (1 lot/dwelling is being removed from the subdivision and conveyed to an abutter)</p> <p><b>Applicant:</b> Daniel Chase Family Real Estate Trust, PO Box 26, Wells, ME 04090</p> <p><b>Landowner:</b> Daniel Chase Family Real Estate Trust, PO Box 26, Wells, ME 04090</p> <p><b>Location:</b> Grand Trail Drive off of Lindsay Road, Sawyer Road and Branch Road</p> <p><b>Existing Use:</b> 35 lot residential cluster development off of a 50' private ROW to be extended from Lindsay Road to Branch Road and 1 non-cluster residential lot (remaining land) with 1,704,418 SF of Open Space (36 lots/dwellings total). Total project area: 4,474,544 SF.</p> <p><b>Proposed Land Use:</b> 47 lot residential cluster development off of a 50' private ROW to be extended from Lindsay Road to Branch Road. The 1 non-cluster residential lot (828,785 SF) to be removed from the subdivision and conveyed to an abutter. 2,290,268 SF of Open Space (62.82%) is proposed. Total project area: 3,645,759 SF.</p> <p><b>Tax Parcel ID:</b> Tax Map 56, Lot 6A-1 to 6A-36 exist. Lot 6A-36 to be removed from the development and conveyed to Map 55, Lot 28. Open Space to remain Tax Map 56, Lot 6A. Proposed 12 new lots to become Tax Map 56, Lots 6A-36 to 6A-47.</p> <p><b>Zoning District:</b> Rural District and Residential A District</p> <p><b>Land Use, Art. VII</b></p> <p><b>Performance Standards:</b> 145-49. Residential Cluster Development applies to lots 6A-1 to 6A-47</p> <p><b>Design Engineer:</b> Walter Pelkey, BH2M, 28 State St, Gorham, ME 04038</p> <p><b>Final Plan Application</b></p> <p><b>Submission Date:</b> 3/4/2020</p> <p><b>Plan Submission Date:</b> 3/4/2020</p>
<b>Project Description:</b>	<p>The Daniel Chase Family Real Estate Trust, owner; Walter Pelkey of BH2M, agent; Andrew Morrell, PE, engineer have submitted a Final Subdivision Application to create an additional 12 residential cluster lots/dwelling units off of Baker Road, to alter the Open Space, to reduce the size of the standard non-clustered lot (formerly Lot 6A-36) and convey and merge 828,785 SF of land to abutting parcel Map 55, Lot 28. The major subdivision to consist of a total of 47 lots/dwelling units all of which are designed to meet the Residential Cluster Development standards. All lots are to be served by on-site septic systems and drilled wells. On-site Fire Pond with dry hydrant exists for fire protection. The subdivision is located within the Residential A and Rural Districts. Tax Map 56, Lot 6A-1 to 6A-36 to become Lots 6A-1 to 6A-47.</p>



# Town of Wells, Maine

## Planning Board

### FINDINGS OF FACTS & DECISIONS

#### Final Subdivision Amendment Application for “Grand Trail Place III“

Page 2 of 24

<b>Approval Dates:</b>	Preliminary Plan Approval: 1/25/2021 Final Plan Approval: 5/9/2022
<b>Public Hearings:</b>	Preliminary Public Hearing 1/25/2021 Final Public Hearing 11/15/2021 and 4/11/2022

### PROJECT HISTORY

1. On 10/29/19 the applicant/agents 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 11/13/19 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 3/3/20 the applicant/agents submitted a Preliminary Subdivision Application, fee and associated documents to the Planning Office.
9. On 3/10/20 abutters were mailed notification of the Preliminary Subdivision Application submission and of the 3/23/20 Planning Board meeting.
10. On 3/17/20 Wells Town Hall closed due to the COVID-19 pandemic.
11. On 6/1/20 the Planning Office mailed abutters notice of the 6/15/20 Planning Board meeting for which this preliminary application would be considered for receipt.
12. On 6/12/20 the Planning Office prepared Article V, VI and draft preliminary completeness (202-8) review checklists and plan markups.
13. On 6/15/20 the Planning Board received the Preliminary Subdivision Application and continued the workshop for 60 days.
14. On 6/23/20 the Staff Review Committee commented on the Preliminary Subdivision application for the Planning Board.
15. On 8/3/20 the Planning Board granted a 60 day extension.
16. On 9/28/20 the Planning Board granted a 60 day extension.
17. On 10/8/20 the applicant/agents submitted revised materials to the Planning Office for review.
18. On 10/30/20 the Planning Office prepared revised Article V, VII and 202-8 completeness review checklists. Plan markups were also prepared and a memo.
19. On 11/2/20 the Planning Board conducted a workshop and voted to continue the workshop for 60 days.
20. On 12/4/20 the applicant submitted revised plans and documents to the Planning Office for review.
21. On 12/15/20 the Planning Office prepared revised Article V, VII and 202-8 completeness review checklists.
22. On 12/16/20 the Planning Office prepared a memo for the Planning Board and applicant.
23. On 12/21/20 the Planning Board conducted a workshop and appointed the Town Planner as the completeness agent for a preliminary public hearing to be scheduled for 1/25/21.
24. On 1/14/21 the applicant submitted revised plans to the Planning Office.
25. On 1/21/21 the Planning Office prepared draft Preliminary Findings of Fact & Decisions.
26. On 1/25/21 the Planning Board conducted a Preliminary Public Hearing and voted to approve and sign the Preliminary Subdivision Findings of Fact & Decisions.
27. On 6/17/21 the applicant submitted a Final Subdivision Application and plans to the Planning Office.
28. On 6/25/21 the Planning Office mailed abutters notice of the Final Subdivision Application submission and of the 7/12/21 Planning Board meeting.
29. On 6/24 to 6/25/21 the Planning Office prepared a draft final completeness review checklist and memo.
30. On 6/29/21 the applicant provided a revised subdivision plan set to the Planning Office.
31. On 7/9/21 the Planning Office prepared an updated final completeness review checklist and memo for the Planning Board and applicant.
32. On 7/12/21 the Planning Board received the final subdivision application, voted to require 3<sup>rd</sup> party inspection of the fire pond and continued the workshop for 90 days.
33. On 7/20/21 the Staff Review Committee commented on the final subdivision submission.
34. On 7/29/21 the Town had contacted Sebago Technics to conduct 3<sup>rd</sup> party inspections on the fire pond.



# Town of Wells, Maine

## Planning Board

### FINDINGS OF FACTS & DECISIONS

#### Final Subdivision Amendment Application for "Grand Trail Place III"

Page 3 of 24

#### PROJECT HISTORY

35. On 8/9/21 the applicant provided the funds to cover the cost of 3d party inspections by Sebago.
36. On 10/6/21 the Town received the fire pond monitoring report from Sebago Technics.
37. On 10/14/21 the applicant provided the Town with the DEP Permit approval.
38. On 10/14/21 the Planning Office prepared a memo for the Planning Board and applicant.
39. On 10/18/21 the Planning Board conducted a workshop of the fire pond monitoring report. The workshop was continued for 60 days.
40. On 10/25/21 the Fire Chief provided comments on the fire pond.
41. On 10/27/21 the applicant provided recommendations and plan details to address the fire pond concerns.
42. On 10/27/21- 10/28/21 the Planning Office prepared an updated final completeness checklist, Article VII and a memo.
43. On 10/28/21 the applicant provided test pit logs, cost estimate and community impact statement.
44. On 11/1/21 the Planning Board conducted a workshop and voted to find the application complete for purposes of scheduling a final public hearing.
45. On 11/5/21 the Planning Office mailed abutters certified notice of the 11/15/21 final public hearing.
46. On 11/9/21 the Planning Office prepared a memo for the Planning Board and applicant.
47. On 11/12/21 the Planning Office prepared draft final compliance/ Findings of Fact & Decisions.
48. On 11/15/21 the Planning Board conducted a final public hearing and workshop. The Board voted to grant a 60 day extension.
49. On 12/7/21 the applicant submitted revised materials regarding the fire pond to the Planning Office.
50. On 12/17/21 the Planning Office prepared a fire pond review memo.
51. On 12/20/21 the Planning Board conducted a workshop on the fire pond and voted to continue the workshop for 60 days.
52. On 1/12/22 the applicant submitted revised materials regarding the fire pond to the Planning Office.
53. On 1/24/22 the applicant submitted revised materials regarding the fire pond to the Planning Office.
54. On 1/24/22 the Planning Board conducted a workshop on the fire pond and voted to continue the workshop for 60 days.
55. On 3/7/22 the applicant submitted revised materials and plans to the Planning Office.
56. On 3/16/22 the Planning Office prepared a fire pond review memo.
57. On 3/21/22 the applicant submitted a revised plan to the Planning Office.
58. On 3/21/22 the Planning Board conducted a workshop and voted to schedule a second final public hearing.
59. On 3/30/22 the Planning Office mailed abutters certified notice of the 4/11/22 final public hearing.
60. On 4/8/22 the applicant provided fire pond materials to the Planning Office for review.
61. On 4/8/22 the Planning Office prepared a fire pond review memo and a memo responding to fire pond questions.
62. On 4/11/22 the applicant provided a revised fire pond plan.
63. On 4/11/22 the Planning Board conducted a final public hearing and workshop.
64. On 4/13/22 the applicant provided a revised subdivision plan set to the Planning Office for review. The Planning Board provided the applicant with direction on fire pond details and requirements to be included on the plan.
65. On 4/22/22 the Planning Office prepared updated Article VII and completeness review checklists and memo. Draft compliance/ Final Findings of Fact & Decisions were also updated.
66. On 4/25/22 the Planning Board conducted a workshop and made determinations on habitat setbacks, open space, driveways, fire pond improvements, 24" trees and voted to continue the workshop for 30 days.
67. On 5/2/22 the applicant provided a revised subdivision plan set to the Planning Office.
68. On 5/6/22 the Planning Office prepared a stormwater management and road review memo.
69. On 5/6/22 the Planning Office prepared updated completeness and final compliance/ Final Findings of Fact & Decisions.
70. On 5/6/22 the Planning Office prepared an HOA, ByLaws and sample deed review memo.
71. On 5/9/22 the applicant provided revised plans and materials to the Planning Office.
72. On 5/9/22 the Planning Board conducted a workshop, voted on monumentation and voted to continue the workshop for 30 days.
73. On 5/10/22 the applicant provided the requested 100 year stream crossing analysis.
74. On 5/18/22 the Planning Office requested additional information on the 100 year storm data as concerns were identified.
75. On 5/19/22 the applicant provided the stream data and hydrocad analysis to address the concerns. The Planning Office reviewed and found the concerns to be addressed.
76. On 5/19/22 the Town Planner prepared an updated HOA document review memo for the applicant. Various review comments remained unaddressed.
77. On 5/19/22 the Planning Office prepared an updated compliance/ Final Findings of Fact & Decisions document and memo.



# Town of Wells, Maine Planning Board

## FINDINGS OF FACTS & DECISIONS Final Subdivision Amendment Application for “Grand Trail Place III” Page 4 of 24

### PROJECT HISTORY

- 78. On \_\_\_\_ the applicant provided revised HOA documents.
- 79. On \_\_\_\_ the Town Planner reviewed the HOA documents and \_\_\_\_.
- 80. On 5/23/22 the Planning Board conducted a workshoped and voted to find the application compliant, and voted to approve and sign the subdivision plan at the end of the meeting.

§ 202-12. General Standards	Findings & Decisions
<p>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.</p>	
<p>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.</p>	<p><b>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>This standard shall be met.</p>
<p>B. Retention of open spaces and natural or historic features. [Amended 6-11-2013]</p>	<p><b>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<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 proposes more than 10 lots/ dwelling units and is required to provide a minimum of 35% Open Space. See note 11 for 35% requirement.</p> <p>See note 24 regarding dedicated open space areas proposed. Total area of the development to become 4,474,544 – 828,785 = 3,645,759 SF. Designated area of Open Space is 2,290,268 SF or 62.82%.</p> <p>828,785 SF is being removed from the subdivision (formerly Lot 6A-36) and to be merged with Map 55, Lot 18, an abutting lot resulting in a new subdivision project total area of 3,645,759 SF.</p>



# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 5 of 24**

<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>See note 18 on sheet 1. The Open Space shall be retained by the Daniel Chase Family Real Estate Trust, it's successors and/or assigns for forestry and lot owners may use the open space for passive recreation use. No structures are proposed in the Open Space. No more than 2% of the Open Space shall be impervious surface.</p> <p>The Fire Pond/Wetpond and drainage easement areas defined within the Open Space areas are included in the 2,290,268 SF Open Space land area calculation. Note 18 permits the construction of the fire pond and drainage within the Open Space areas. On 2/12/18 the Planning Board voted to permit these improvements within the Open Space.</p> <p>Any forestry or timber harvesting activities within the Open Space shall be managed by a licensed forester to comply with the Planning Board determination granted on 8/7/17 not requiring trees greater than 24" in diameter to be depicted on the plans. Waiver to not require 24" trees in Open Space to be depicted was granted on 4/25/22.</p> <p>On 4/25/22 the Planning Board found the change to the open space by the removal of the 828,785 SF area of land from the subdivision to an abutter to be suitable.</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>No such reservation or conveyance proposed.</p> <p>The HOA documents allow the ability to convey the Open Space to the HOA. <b><u>HOA documents reviewed. See memo dated 5/19/22. Revisions recommended.</u></b></p>



# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 6 of 24**

<b>§ 202-12. General Standards</b>		<b>Findings &amp; Decisions</b>
(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>Any forestry or timber harvesting activities within the Open Space shall be managed by a licensed forester to comply with the Planning Board determination granted on 8/7/17 not requiring trees greater than 24” in diameter to be depicted on the plans. See note 18.</p> <p>15’ wide no cut buffer remains along southerly lot line of Lot 6A-1, a 30’ wide setback/ no cut buffer proposed for lot 6A-4 and part of lot 6A-5 and 6A-18. A 30’ setback/ no cut buffer is required for lot 6A-26 as this lot abuts non-clustered lot 6A-36.</p> <p>A 30’ setback/ no cut buffer is proposed with Open Space surround the residential cluster. On 5/7/18 the Planning Board reviewed the 30’ setback/ no cut buffer shown in Open Space areas abutting the cluster lots and found it to be sufficient. No new plantings or fencing for abutting residential lots to be required. The shed within the buffer shall be removed prior to the issuance of a building permit.</p> <p>On 2/12/18 the Planning Board waived the 30’ no cut buffer between the proposed Open Space and proposed non-clustered lot 6A-36.</p> <p>The required 50’ setback/no cut buffer in the Rural Zone is shown/noted on the plans. The RA zone requires 30’ setback/no-cut buffer and is shown/noted on the plans.</p> <p>On 4/25/22 the Planning Board found the 50’ setback/no-cut buffer in the Rural zone to be suitable.</p>
C.	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><b>BASE BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Grand Trail Drive exceeds 1,000 linear feet in length. A 5’ wide pedestrian pathway was waived by the Planning Board on 2/12/18.</p> <p>No parallel streets are proposed.</p>
D.	Lots.	<p><b>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>



# Town of Wells, Maine Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 7 of 24**

§ 202-12. General Standards	Findings & Decisions
<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>§145-21. Residential A District requirements apply to 35 single family dwelling units/ lots.</p> <p>§145-30. Rural District requirements apply to the 12 new single family dwelling units/lots proposed off of Baker Road.</p> <p>The 47 single family lots are also a Residential Cluster Development and are permitted by §145-49 to be 20,000 SF in size if not served by public sewer. All lots proposed are at least 20,000 SF in size. Planning Board voted to permit a lot size reduction for the proposed cluster lots on 8/21/17 and again on 1/25/21.</p> <p>On 8/21/17 and 1/25/21 the Planning Board voted to allow a reduction in street frontage per 145-49B. Applicant proposes a min. street frontage of 50' for the residential cluster lots.</p> <p>See note 20 on sheet 1. A plot plan prepared by a PLS or PE shall be provided for each cluster lot upon submission of a building permit to the CEO depicting the house, well, driveway, septic and reserve septic locations, setbacks, buffers, and wetlands as applicable in compliance with the approved subdivision plan. The plot shall also detail the proposed lot coverage to demonstrate the 40% maximum lot coverage requirement is met for lots in the RA zone; 40% maximum lot coverage for cluster lots in the R zone that are smaller than 40,000 SF; and 20% maximum lot coverage for cluster lots in the R zone greater than 40,000 SF.</p> <p>The subdivision is not located within the Shoreland Overlay District.</p> <p>Previously approved standard (non-clustered) lot 6A-36 to be removed from the subdivision and conveyed to an abutter (Map 55, Lot 18).</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 vehicle are not backing out on to roadways. See note 15 on sheet 1.</p> <p>See note 35 that states parking along Grand Trail Drive and Baker Road is prohibited.</p>



# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 8 of 24**

<b>§ 202-12. General Standards</b>		<b>Findings &amp; Decisions</b>
(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.	See note 39. Lots 6A-28 and 6A-24 shall have vehicular access off of Baker Road as it is the less travelled way. This requirement shall be noted in the deed for these parcels.
(4)	Wherever possible, side lot lines shall be perpendicular to the street.	This shall be met.
(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.	See Standard Condition of Approval note 4.
(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.	Extensions of such utilities in this area are not planned for the foreseeable future. Lots shall be served by private individual septic systems and private individual drilled wells.
(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.	Not applicable.
(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.	This shall be met.
(9)	Lots shall be numbered in accordance with Chapter 201, Article I, Street Naming and Numbering, of the Wells Municipal Code.	This shall be met.
(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.	On 2/12/18 the Planning Board voted to find that shared driveways are to be required.  On 4/25/22 the Planning Board found that shared driveways are not required for the proposed new 12 lots off Baker Road.
(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.	All driveways for cluster lots shall be located off of Grand Trail Drive or Baker Road.  Lots 6A-24 to 6-28 shall have vehicular access off of Baker Road.
E.	Utilities.	<b>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
(1)	Utilities shall be installed underground except as otherwise approved by the Board.	Note 14 on sheet 1 requires electrical and telephone lines to be installed underground. Lots 6A-1, 6A-2 and 6A-3 are served by existing overhead utility lines.
(2)	Underground utilities shall be installed prior to the installation of the final gravel base of the road.	See note 14 on sheet 1.





# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 9 of 24**

<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
<p>(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.</p>	<p>See sheets 5 through 9 of prior approval for utilities.</p> <p>See sheets 4 to 8 of current amendment for proposed utilities.</p> <p>Sheet 8 shows electrical lines across lot 6A-26. The deed for this property shall include an easement prior to conveyance.</p>
<p>F. Required improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.</p>	
<p>(1) Monuments.</p>	<p><b>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Sheet 3 identifies all Monumentation proposed and monuments found for this phase of subdivision development. See prior subdivision approvals for lots 1 – 35 monumentation.</p>
<p>(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.</p>	<p>On 2/12/18 the Planning Board granted a waiver to permit an iron rod for the southerly corner of lot 6A-32.</p> <p>On 5/9/22 the Planning Board found the monumentation shown for lots 6A-36 to 6A-47 off of Baker Road to be suitable.</p>
<p>(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.</p>	<p>This shall be met.</p>
<p>(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.</p>	
<p>(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.</p>	
<p>(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.</p>	<p>On 5/9/22 the Planning Board found the monumentation shown for lots 6A-36 to 6A-47 off of Baker Road to be suitable.</p>
<p>(2) Water supply.</p>	<p><b>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p>
<p>(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.</p>	<p>Subdivision not served by the KKW Water District.</p>



# Town of Wells, Maine Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 10 of 24**

§ 202-12. General Standards	Findings & Decisions
[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.	
(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>The subdivision proposes individual drilled wells for the all lots.</p> <p>Sheet 3 identifies Well Zones where drilled wells are permitted to be installed for lots 6A-36 to 6A-47. See note 13 on sheet 1.</p> <p>The drilled well for the fire pond is identified on sheet 8.</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.	See note 13 on sheet 1.
[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).	Not applicable.
[3] Fire protection. <b>[Amended 3-11-2002]</b>	<b>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>



# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 11 of 24**

<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>Prior approved/existing lots 6A-1, 6A-2 and 6A-3 are required to be constructed with sprinkler systems for fire protection.</p> <p>The subdivision constructed a fire pond with dry hydrant to serve as the on-site fire protection for lots 6A-4 through 6A-35.</p> <p>The fire pond with dry hydrant is proposed to serve as the on-site fire protection for lots 6A-36 to 6A-47. See note 45 on sheet 1 describing the Performance Guarantee requirements of the fire pond reconstruction.</p> <p>See note 37 on sheet 1 regarding fire pond/hydrant requirements responsibilities.</p> <p>2-2-18 email from the Wells Fire Chief approving the water source for fire-fighting purposes was provided. See email from Fire Chief dated 10-21-21 regarding the Fire Pond.</p> <p>An easement providing the Town access to the hydrant and pond was previously required, see notes 37 and 38 on sheet 1. The recorded easement book and page are noted on the subdivision plan.</p> <p>Homes are permitted to install sprinkler systems. The installation of a sprinkler system does not supercede the requirement to maintain the fire pond, see sheet 8 of the subdivision plan set. Add to note 16 on sheet 1.</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>A subdivision of greater than 10 lots/dwellings is proposed. A waiver of on-site fire protection is not permitted.</p>
<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 subdivision of greater than 10 lots/dwellings is proposed. A waiver of on-site fire protection is not permitted.</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>	



# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 12 of 24**

<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
<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>BASED ON THE FOREGOING, 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>	
<p>[2] The district shall review and approve in writing the construction drawings for the sewage system.</p>	
<p>(b) Private systems.</p>	<p>Subdivision shall be served by individual subsurface wastewater disposal systems. See note 12 on sheet 1. Minor deviations in subsurface system placement shall be approved by the Town Code Officer (<math>\pm</math> 10 feet).</p> <p>Sheet 3 of this subdivision phase depicts all primary and reserve system locations for lots 6A-36 to 6A-47.</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>New test pits provided for lots 6A-36 to 6A-47 by Alexander A. Finamore, LSE #391, dated 11/18/19, 6/24/20, 8/10/20 and 10/5/20.</p> <p>A Hydrogeologic Assessment for this phase was provided on 11/30/20 by Mark Cenci, Certified Maine Geologist #467.</p>



# Town of Wells, Maine Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 13 of 24**

§ 202-12. General Standards	Findings & Decisions
<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. [Amended 4-27-2007]</p>	<p><b>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>Stormwater Management Report for Grand Trail Place II prepared by Andrew Morrell, of BH2M dated March 2017. Town Engineer/Planner Michael Livingston, PE reviewed the stormwater management report. See memo dated 1-18-18. Items found to be sufficiently addressed on 3/19/18 revised plan submission. Best management practices for soil erosion and sedimentation control are noted on sheet 14 of original approval.</p> <p>DEP permit approved: L-27578-NJ-A-N dated 12-19-17.</p> <p>A Stormwater Management Report for Grand Trail Place III prepared by Andrew Morrell of BH2M dated February 2020, Revised October 2020 was provided. Town Engineer reviewed, see memo dated 5/6/22.</p> <p>DEP Stormwater Management (NRPA) approval granted. L-27578-NJ-C-A and L-27578-TC-D-N dated 9/3/2021.</p> <p>See Note 35, 12” diameter N12 HDPE storm drain pipe require for all driveway culverts.</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 system designed by BH2M.</p>
<p>(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.</p>	<p>Additional drainage easements along the fronts of several lots are proposed to allow swale maintenance.</p>
<p>(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>	<p>Stormwater analysis provided which concludes reductions in runoff conditions.</p>



# Town of Wells, Maine Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 14 of 24**

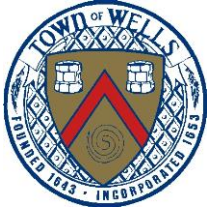
§ 202-12. General Standards	Findings & Decisions
(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.	Provided.
(e) For subdivisions that require MDEP review under 38 M.R.S.A. § 481 et seq. (Site 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.	Not Applicable. Town review only.
(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.	DEP permit approved: L-27578-NJ-A-N dated 12-19-17; and DEP Stormwater Management (NRPA) approval granted. L-27578-NJ-C-A and L-27578-TC-D-N dated 9/3/2021.
(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.
(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:	A 144' x 49" single radius arch culvert, 62' in length is proposed within the brook crossing of Baker Road. Stream data and hydrocad analysis provided by BH2M. Town Planner reviewed and found concerns addressed.  ACOE approved the Brook Crossing.



# Town of Wells, Maine Planning Board

## FINDINGS OF FACTS & DECISIONS Final Subdivision Amendment Application for “Grand Trail Place III” Page 15 of 24

§ 202-12. General Standards		Findings & Decisions
	<p>[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.</p>	
G.	Streets.	<b>BASED ON THE FOREGOING, 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.	The proposed streets must comply with the requirements of Chapter 201. Streets are 50' wide.
	(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>The subdivision is expected to generate a daily traffic of 200 trips per day or more. Traffic generation is calculated to be 360 trips per day for all 36 lots; or 330 trips per day for the proposed 33 lots.</p> <p>Two street connections are proposed for Grand Trail Drive onto Lindsay Road and Branch Road.</p> <p>Baker Road does not require a second connection. Trip generateion on this road shall not exceed more than 170 trips per day with 17 lots required to have driveways off of Baker Road.</p>
	(a) Single-family house: 10.0 trips per day per unit.	47 x 10.0 = 470.00 trips per day for the subdivision
	(b) Residential condominium: 5.9 trips per day per unit.	17 x 10.0 = 170.00 tripes per day on Baker Road only.
	(c) Motel: 10.2 trips per day per room.	
	(d) Industrial: 7.0 trips per day per 1,000 square feet of floor space.	
	(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.	Grand Trail Drive shall connect from Lindsay Road to Branch Road. Baker Road is a dead-end road with a cul-de-sac.
H.	Land features.	<b>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>



# Town of Wells, Maine Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 16 of 24**

<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
(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.	This is a condition of approval.
(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>	This is a condition of approval.
(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.	
(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.
(4) Dedication and maintenance of common open space and services.	Grand Trail Place HOA documents were provided and reviewed by the Town Engineer. <b><u>See memo dated 5-19-22, revisions needed.</u></b>
(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.	
(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.	





# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 17 of 24**

§ 202-12. General Standards	Findings & Decisions
(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.	
(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 21. No flood zone is present for the parcel to be subdivided. See FEMA Map 2031580013D.
(6) Impact on groundwater.	
(a) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:	<p>A Nitrate Study prepared by Sevee &amp; Maher Engineers, Inc dated April 7, 2017 and revised statement prepared dated August 10, 2017. Town Engineer reviewed and nitrate plumes remain on the property being developed and are depicted on sheets 2 and 3.</p> <p>A Hydrogeologic Assessment for this third phase was provided on 11/30/20 by Mark Cenci, Certified Maine Geologist #467.</p>
[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.	



# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 18 of 24**

<b>§ 202-12. General Standards</b>	<b>Findings &amp; Decisions</b>
<p>[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.</p>	
<p>[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.</p>	
<p>(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.</p>	
<p>(c) Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).</p>	
<p>(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.</p>	
<p>(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.</p>	
<p>(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.</p>	
<p>(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.</p>	



# Town of Wells, Maine

## Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Final Subdivision Amendment Application for “Grand Trail Place III”**  
**Page 19 of 24**

<b>§ 202-13. Performance Guaranties. [Amended 4-12-1999]</b>		<b>Findings &amp; Decisions</b>
A.	Types of guaranties.	
	<p>(1)</p> <p>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:</p>	<p><b>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See Performance Guarantee note 38 on sheet 1.</p> <p>A cash performance guarantee shall be provided to the Town prior to the start of construction or conveyance of a lot. The cash guarantee shall cover third party construction monitoring costs, \$3,500 per acres of soil disturbance, monumentation, and the as-built plan.</p> <p>Prior to the issuance of a certificate of occupancy for lots 6A-36 to 6A-47 the base course of pavement and underground utilities shall be installed and cash escrow or a Letter of Credit shall be provided to the Town in an amount required to finish all incomplete items.</p> <p>Prior to the conveyance of or issuance of a building permit on Lots 6A-36 to 6A-47 the fire pond shall be reconstructed by the developer. See plan note 45.</p> <p>Prior to the conveyance of any lot or issuance of a building permit, the Deed conveying 828,785 SF of land to Map 55, Lot 28 shall be recorded at the YCRD and provided to the Town. See plan note 46.</p> <p>See plan note 47. Prior to the 11<sup>th</sup> occupancy for lots 6A-36 to 6A-47, as-built plans and finish course of pavement shall be installed.</p>
	(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.	
	(b) A performance bond payable to the municipality issued by a surety company approved by the municipal officers or Town Manager.	
	(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.	



# Town of Wells, Maine

## Planning Board

### FINDINGS OF FACTS & DECISIONS

#### Final Subdivision Amendment Application for “Grand Trail Place III“

	(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.	
(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>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>
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>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  See Performance Guarantee note 38 on sheet 1.
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>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  See Performance Guarantee note 38 on sheet 1.
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>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  See Performance Guarantee note 38 on sheet 1.
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>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b>  See Performance Guarantee note 38 on sheet 1.



# Town of Wells, Maine

## Planning Board

### FINDINGS OF FACTS & DECISIONS

#### Final Subdivision Amendment Application for “Grand Trail Place III“

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>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See Performance Guarantee note 38 on sheet 1.</p> <p>See plan notes 40, 41, 45, 46, and 47 on sheet 1.</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:	
	(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>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>This is phase III of the Grand Trail Subdivisiion development.</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>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See Performance Guarantee note 38 on sheet 1.</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>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See Performance Guarantee note 38 on sheet 1.</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>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See note 34 on sheet 1.</p>



# Town of Wells, Maine

## Planning Board

### FINDINGS OF FACTS & DECISIONS

#### Final Subdivision Amendment Application for “Grand Trail Place III”

K.	<p><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 style="text-align: center;"><b>BASED ON THE FOREGOING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</b></p> <p>See Performance Guarantee note 38 on sheet 1.</p> <p>See plan notes 40, 41, 45, 46, and 47 on sheet 1.</p>
<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>		
A.	The subdivision:	<b>The Planning Board finds that these standards shall be met.</b>
	(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;	
	(2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;	
	(3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;	
	(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;	
	(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;	
	(6) Will provide for adequate solid and sewage waste disposal;	
	(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;	
	(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;	
	(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;	



# Town of Wells, Maine Planning Board

## FINDINGS OF FACTS & DECISIONS

### Final Subdivision Amendment Application for “Grand Trail Place III”

Page 23 of 24

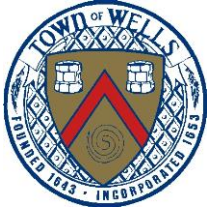
	(10) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water; and	
	(11) Will not, alone or in conjunction with existing activities, adversely 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 be 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	<b>Not applicable.</b>
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.	<b>Not applicable.</b>

### 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))

### 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 Subdivision Plan in no way negates the need for applicant/owner/association compliance with all previously set Conditions of Approval.



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# Town of Wells, Maine

## Planning Board

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### FINDINGS OF FACTS & DECISIONS

#### Final Subdivision Amendment Application for "Grand Trail Place III"

#### Page 24 of 24

2. Prior to any construction activity associated for Phase III is started, the applicant/developer shall participate in a pre-construction conference with Town and other regulatory officials to review the project's construction considerations.
3. Prior to any construction on the site, the applicant shall post a suitable financial guarantee (see plan note 38 on sheet 1). The work included within this financial guaranty shall include the roadway and infrastructure improvements including but not limited to utilities, drainage, lot Monumentation and As-Built Plans of the subdivision. A financial guaranty shall also be established to cover costs for inspection services of the work associated with the roadway improvements and drainage and erosion control measures beyond the limits of the road right of way.
4. The Town of Wells, Maine shall employ the services of an engineering firm to assist in the third party inspection of roads and other infrastructure if necessary to insure compliance with Town ordinances or the requirements of this approval. The cost of such additional services will be born by the developer.

Dated at Wells, Maine this \_\_\_\_\_ day of \_\_\_\_\_, 2022

Wells Planning Board

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

DRAFT