



# Town of Wells, Maine Planning Board

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

PROJECT INFORMATION			
<b>General:</b>	<p><b>Project Name:</b> The Timbers Subdivision  <b># Lots Proposed:</b> 2 lots/ 10 dwelling units  <b>Applicant:</b> Patrick W. Johnson, PLS, JPS Professional Services, 7 Traditional Lane, Kennebunk, ME 04043  <b>Landowner:</b> RT Property Holdings, LLC, 1371 Meetinghouse Road, Wells, ME 04090  <b>Location:</b> Near 1663 Sanford Road, Wells, ME  <b>Existing Use:</b> Vacant Land  <b>Proposed Land Use:</b> Major Subdivision consisting of 2 lots. Lot 13-1 for a single family dwelling. Lot 13-2 for three 3-dwelling unit Multifamily Dwelling units (Multifamily Development per 145-48)</p> <p><b>Tax Parcel ID:</b> Currently Tax Map 55, Lot 13-EXE and 14-EXE to become Lot 13-1 and 13-2  <b>Zoning District:</b> Resident A District  <b>Chpt 145, Art VII Performance Standards:</b> 145-48. Multifamily Development.  <b>Design Engineer:</b> Patrick W. Johnson, PLS, JPS Professional Services, 7 Traditional Lane, Kennebunk, ME 04043  <b>Prelim Plan Application Submission Date:</b> March 28, 2022  <b>Plan Submission Date:</b> March 28, 2022</p>		
<b>Project Description:</b>	<p>Patrick Johnson of JPS Professional Services, has submitted a Preliminary Subdivision application on behalf of the property owner, RT Property Holdings, LLC. The subdivision is proposed on a 10.62 acre parcel of land. The subdivision to consist of 2 lots and a total of 10 dwelling units. Lot 1 to consist of one single family dwelling unit on a 44,282 SF parcel. Lot 2 to consist of three 3-unit multifamily dwelling units on a 418,194 SF parcel (Multifamily Development). The subdivision has frontage off Route 109 (Sanford Road). The dwellings are to be served by on-site septic systems and drilled wells. The subdivision is located within the Residential A District. Tax Map 55, lot 13-EXE (portion) and Lot 14-EXE. Lots to be merged and identified as Map 55, Lot 13-1 and 13-2.</p>		
<b>Approval Dates:</b>	<p>Preliminary Plan Approval: <b><u>To be determined</u></b></p>		
<b>Public Hearings:</b>	<table style="width: 100%; border: none;"> <tr> <td style="border: none; width: 60%;">Preliminary Public Hearing</td> <td style="border: none; width: 40%;">8/15/2022</td> </tr> </table>	Preliminary Public Hearing	8/15/2022
Preliminary Public Hearing	8/15/2022		



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**PROJECT HISTORY**

1. On 1/31/22 the applicant submitted a subdivision pre-application and sketch plan.
2. On 2/1/22 the Planning Office mailed abutters notice of the subdivision pre-application and of the 2/14/22 meeting.
3. On 2/8/22 the Planning Office prepared an Article V and VII review checklist. A memo summarizing the review comments was also prepared for the applicant and Planning Board.
4. On 2/14/22 the Planning Board received the subdivision pre-application and scheduled a site walk for 4/9/22.
5. On 3/21/22 the Planning Board voted to reschedule the site walk to 4/2/22.
6. On 3/29/22 the applicant submitted a Preliminary Subdivision Application and plan to the Planning Office.
7. On 4/2/22 the Planning Board conducted a site walk of the property.
8. On 4/9/22 the Planning Office prepared a site walk results memo.
9. On 4/12/22 the Planning Office mailed notice to abutters of the Preliminary Subdivision Application submission and of the 4/25/22 Planning Board meeting.
10. On 4/18/22 the Planning Office prepared updated Article V, VII review checklists, a draft completeness checklist and memo for the applicant and Planning Board.
11. On 4/25/22 the Planning Board received the Preliminary Subdivision Application and continued the workshop for 60 days.
12. On 6/17/22 the applicant submitted a revised subdivision plan.
13. On 6/20/22 the Planning Board granted a 60 day extension.
14. On 7/5/22 the applicant submitted an IF&W letter and map for the project.
15. On 7/6/22 the Planning Office prepared updated Article V, VII and completeness review checklists. A memo was prepared for the applicant and Planning Board.
16. On 7/8/22 the applicant submitted revised plans, road name request for, and test pits to the Planning Office.
17. On 7/11/22 the Planning Board conducted a workshop and appointed the Planning Office as the completeness agent so a public hearing could be set.
18. On 8/3/22 the applicant submitted a Hydrogeologic Assessment for the subdivision.
19. On 8/3/22 the Planning Office found the application complete and mailed abutters notice of the preliminary public hearing to be held on 8/15/22.
20. On 8/10/22 the Planning Office prepared updated Article V, VII and completeness review checklists. Recommended plan markups were prepared.
21. On 8/11/22 the Planning Office provided the recommended plan markups to the applicant.
22. On 8/12/22 the Planning Office prepared preliminary Findings of Fact & Decisions and a memo.
23. On 8/15/22 the Planning Board conducted a preliminary public hearing and workshop. The Board voted to \_\_\_\_\_

<b>§ 202- 8. Preliminary Plan for Major Subdivision</b>		<b>Findings &amp; Decisions</b>
B.	Submissions:	
	(1) Location map. The preliminary plan shall be accompanied by a location map adequate to show the relationship of the proposed subdivision to the adjacent properties and to allow the Board to locate the subdivision within the municipality. The location map shall show:	Location Maps provided on G1. Scale is 1"=2000'
	(a) Existing subdivisions adjacent to the proposed subdivision.	Approved abutting subdivisions identified on sheet G1 locus map (High Pine Estates, Hobbs Pond Woods, Meeting Place Estates)



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(b) Locations and names of existing and proposed streets.	Route 109/ Sanford Road, Bragdon Road and Meetinghouse Road are identified.  Proposed Road name Foliage Way approved by E911 coordinator on 8/12/22. <b><u>To be noted on the locus map and final subdivision plan.</u></b>
(c ) Boundaries and designations of zoning districts.	The Rural zone is identified on the locus map on G1.  RA, and RC zones 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.	The proposed subdivision is identified on the locus map.
(2) Preliminary plan. The preliminary plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. The Board may allow plans for subdivisions containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. In addition, the applicant shall submit to the Office of Planning and Development 11 copies of the plan(s) reduced to a size of 11 inches by 17 inches and all accompanying information assembled into a booklet no less than 10 days prior to the meeting. The following information shall either be shown on the preliminary plan or accompany the application for preliminary approval: <b><u>[Amended 4-12-1999]</u></b>	Plan scale is 1" = 60 feet on sheet 1" = 50 feet on sheet S2, 1" = 40 feet on S3, 1" = 50' on E1 and 1" = 40 feet on U1.
(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.	The name of the subdivision is: The Timbers.  <b><u>Corrections to map and lot numbering needed. The existing Map and Lot number of the subject parcel is Lot 13. Lot 13 to become 13-1 and 13-2. The abutting Town of Wells land is Lot 14-EXE. Corrections to be addressed on the final subdivision plan.</u></b>
(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.	Sheet S1 entitled “Plan of Land” is prepared and stamped by Patrick W. Johnson, PLS #2408 dated 3-28-2021.
(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.	Warranty Deed with Covenant provided, Book 18667, Page 464 for RT Property Holdings, LLC.



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(d) A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.	<p>Units on Lot 2 shall be part of a Condominium Association. <b><u>Condominium documents to be provided upon submission of the final subdivision application.</u></b></p> <p><b><u>Proposed Deed for Lot 1 to be provided by the applicant for review with the final subdivision application submission and to address the following: Lot 1 to have rights to dedicated Open Space of subdivision? What responsibilities will be required for Lot 1 with regard to maintenance of the access road (sight distance easement, plowing, paving, stormwater, etc)?</u></b></p> <p><b><u>A 50' access easement is proposed for Lot 13-1 off Route 109. Easement language to be provided by the applicant and reviewed by the Town with the final subdivision plan submission. This easement is not a private street.</u></b></p> <p>Open Space totaling 4.59 acres (43.2%) is proposed on Lot 13-22.</p> <p>Property is subject to MDOT Permit #29518.</p>
(e) Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.	Sheet S2 depicts 1 foot contours.
(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>Total Area of subdivision is provided on G1 10.62 acres.</p> <p>Trees greater than 24” in diameter are noted on sheet S2. Sheet E1 identifies the 24” diameter trees that are proposed to be removed.</p> <p>Old stone foundations exist near Route 109 and are depicted on the plan.</p>
(g) Indication of the type of sewage disposal to be used in the subdivision.	The subdivision shall be served by on-site septic systems. See sheet E1 and U1.
[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.	Not applicable.
[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>Test pit logs prepared by James Logan, LSE/ CSS# 237/213 dated 2/9/22.</p> <p>Primary systems proposed all have suitable test pit limiting factors greater than 24 inches.</p>



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(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.	The subdivision shall be served by private on-site drilled wells. Well locations identified on U1.
(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.	Grid North. Plan scales are noted. Record owner/developer noted.
(j) The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.	Abutters are identified.
(k) The location of any zoning boundaries affecting the subdivision.	The property is located within the RA zone.
(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>Sheet U1 identifies existing and proposed utilities. CMP poles along Route 109 identified. A new pole is proposed to the north of the access road of the proposed subdivision.</p> <p>Underground utilities are proposed for all units in the subdivision.</p> <p>Drainage is shown on sheet E1. Preliminary design appears to provide a system to detain and treat stormwater.</p> <p>Existing natural gas line in Route 109 is depicted.</p>
(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>All adjacent road names are labelled on the plan sets.</p> <p>Route 109 variable width noted. Meetinghouse Road width is 3 roads, 49.5' wide.</p> <p>Approximately building lines of structures on abutting lots are identified from aerial imagery on S2 and S3.</p> <p>4.59 acres of Open Space is proposed on Lot 2 <math>4.59 / 10.62 = 43.2\%</math></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.	No such public improvements proposed.



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(o) The proposed lot lines with approximate dimensions and lot areas.	<p>All lots proposed shall exceed the minimum of 40,000 SF per Residential A dimensional requirements.</p> <p>A 25' buffer is required along all lot boundaries of the Multifamily Development (lot 2). Plan identifies a 25' wide no-cut buffer area. This buffer to consist of existing vegetation. <b><u>What cutting restrictions will be in place for the remaining Open Space? The Planning Board to review this buffer and determine if suitable after the preliminary public hearing on 8/15/22. Final plan to specify.</u></b></p> <p>A 25' wide buffer is proposed between Lot 13-1 and the proposed access road. <b><u>Is the grass roadside swale and existing wetland vegetation sufficient for screening? Are plantings or a fence proposed for lot 13-1? Final Subdivision Plan submission to depict and provide further details. A landscaped plan with planting details is recommended.</u></b></p>
(p) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.	No such dedication proposed.
(q) The location of any open space to be preserved and an indication of its improvement and management.	Open space use, management and ownership must be detailed. See plan notes 18 and 19 on sheet G1. Condominium form of ownership is proposed.
(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.	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 subdivision is not identified to be within a flood zone.
(t) A hydrogeologic assessment prepared by a certified geologist or registered professional engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and:	<p>A hydrogeologic assessment dated 7/26/22 was provided by Mark Cenci Geologic Inc. <b><u>Town Engineer to review the assessment as part of the final subdivision application review.</u></b></p> <p>The subdivision is not served by public sewer and has an average density of less than 100.000 SF per dwelling.</p>
[1] Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers" by the Maine Geological Survey, 1985, Map Nos. 2 and 4; or	



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[2] The subdivision has an average density of less than 100,000 square feet per dwelling unit.	Yes
(u) The location of any wetlands, streams, rivers, brooks or ponds located within or adjacent (within 75 feet) to the proposed subdivision.	Wetlands are identified on S2 and E1. Wetland delineation prepared by James Logan. See note 15 on G1.  Merriland River to be identified on G1. 200' setback from high water line of Merriland River to be identified on sheets S3, E1, and U1.
(v) The location of any significant wildlife or fisheries habitat as located by the Department of Inland Fisheries and Wildlife.	A letter from IF&W dated 6-3-22 was provided.  <b><u>Special concern/endangered species including bats, rare turtles and new England cottontail have been identified in the area. A small mammal biologist was recommended to be contacted. Applicant to address with the Final Subdivision Plan submission.</u></b>

**STANDARD CONDITIONS OF APPROVAL**

1. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received
2. The developer must, within six months of the approval of the preliminary plan, file with the Planning Board an application for final approval. Failure to do so may result in the Planning Board refusing to entertain such final plan, and the lapse of approval of the preliminary plan. The final plan shall approximate the layout shown on the Preliminary Plan, plus recommendations and requirements made by the Planning Board.
3. Prior to the submittal of the final plan application, the following approval shall be obtained in writing if applicable: Maine Dept. of Environmental Protection, under the Site Location of Development Act and the Natural Resources Protection Act; the KKW Water District, if connected to public water; Maine Dept. of Human Services, if a central water supply system is proposed; The Wells Sanitary District, if connected to public sewer; Maine Dept. of Human Services, if a centralized or shared subsurface sewage disposal system if to be utilized; an Army Corps of Engineers dredge and fill permit; NPDES permit for stormwater discharges.

**SPECIAL CONDITIONS OF APPROVAL**

1. All items **bolded/underlined** within this document shall be addressed on the final subdivision plan or with the final subdivision application submission.
2. Multifamily Dwelling Units to be added to sheet S3 or to an additional sheet created that can be signed and recorded.



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

Wells Planning Board

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

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