



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS
Site Plan Amendment #11 Application for “Seagull Condominium”
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Chapter 145, Article X Site Plan Approval

PROJECT INFORMATION	
General:	<p>Project Name: Seagull Condominium Association Applicant: Seagull Condominium Association, PO Box 1559, Wells, ME 04090 Landowner: Seagull Condominium Association, PO Box 1559, Wells, ME 04090 Location: 1413 Post Road Existing Use: 20 hotel/motel units and 47 housekeeping cottage units with accessory parking, barn and amenities Proposed Land Use: 20 hotel/motel units and 47 housekeeping cottage units with accessory parking, barn and amenities Tax Parcel ID: Tax Map 129, Lot 31 Zoning District: General Business and 250' Shoreland Overlay Districts Art VII Performance Standards: 145-52 Lodging Facilities Design Engineer: Coppi Environmental, PO Box 226, Hollis Center, ME 04042 Plan Submission Date: July 11, 2022</p>
Project Description:	<p>The Seagull Condominium proposes a site plan amendment application to trim trees and remove invasive species within the Shoreland Overlay zone of the property and within the 25' wide landscaped buffer of the Lodging Facility boundaries and to cut trees within grids 1-5, 7-10, 12, 13, 10, 21, and 23. The parcel uses to remain unchanged. Uses consist of 20 hotel/motel units and 47 grandfathered/non-conforming housekeeping cottage units with accessory parking, barn and amenities. The parcel is a Lodging Facility. The parcel is located within the General Business and 250' Shoreland Overlay Districts. The property is identified as Tax Map 129, Lot 31 and is located off of 1413 Post Road. The property is served by public sewer and public water.</p>
Completeness Determination:	7/25/2022
Public Hearing:	8/15/2022



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Staff Review Mtg:	Not Applicable
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PROJECT HISTORY

1. On 7/11/22 the applicant submitted a site plan amendment application to the Planning Office for the above described project.
2. On 7/13/22 the Code Enforcement Officer prepared an Article V use determination.
3. On 7/14/22 the Planning Office mailed abutters notice of the use determination, of the site plan amendment application submission and of the 7/25/22 Planning Board meeting.
4. On 7/21/22 the Planning Office prepared draft Article V, VI, VII, completeness and compliance/ Findings of Fact & Decision review documents. A memo summarizing the review as well as recommended plan markups to be addressed by the applicant was also prepared.
5. On 7/25/22 the applicant provided revised plans to the Planning Office addressing the plan markup recommendations.
6. On 7/25/22 the Planning Board received the amendment application, waived a site walk, voted to find the application complete, voted to find trimming and selective cutting within the buffer suitable and scheduled a public hearing for 8/15/22.
7. On 8/3/22 the Planning Office mailed certified notice to abutters of the 8/15/22 public hearing.
8. On 8/10/22 the Planning Office prepared updated completeness and compliance/ Findings of Fact & Decisions.
9. On 8/15/22 the Planning Board conducted the public hearing and workshop, voted to find the application compliant and voted to approve and sign the site plan and Findings of Fact & Decisions.



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

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§ 145-75. Criteria and Standards	Comments
<p>A. Traffic. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number of exits and entrances that have adequate sight distances and do not conflict with or adversely impact the traffic movements at intersections, schools and other traffic generators. Curb cuts shall be limited to the minimum width necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the Town road system and shall provide adequate parking and loading areas. No use or expansion of a use shall receive site plan approval if any parking spaces are located in a public right-of-way or if any travel lane of a state number highway is used as part of the required aisle to access any parking spaces.</p>	<p>The amendment proposed does not alter any existing access to and from public or private roads. This lot has 169.15' of frontage along Route 1. Parcel does not have multiple street frontages. Speed limit on Route1 is 35 MPH and site distances are noted on prior approved plan. No changes to snow storage areas.</p> <p>References to prior site plan approvals noted on sheet 2.</p> <p>Adequate off-street parking is provided. On-street parking is prohibited. No changes proposed to parking spaces. See plan note #6 on prior approved site plan for parking requirements. ADA compliant signs for the handicap parking are required. All parking areas are proposed to be pavement.</p> <p>There are a total of 147 bedrooms between all the housekeeping cottage units and hotel units. $147 \times 1.1 = 162$ spaces. A total of 172 spaces have been provided for the parcel.</p> <p>Parking for the 14 hotel units in the Shoreland Overlay zone are laid out on the 2011 approved site plan and show 42 parking spaces (2 in driveway and 1 in garage for each unit).</p> <p>No changes to units, uses or parking proposed with this site plan amendment. No changes to trip generation proposed.</p>



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§ 145-75. Criteria and Standards		Comments
		<p>See note #23 on prior approved site plan. Snow storage areas are identified on the plan. The internal road shall be plowed in the off-season and snow storage will be placed in parking areas.</p> <p>Parking spaces and travel ways do not fall within 75' of the high waterline or upland edge of the wetland.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
B.	<p>Dust, fumes, vapors and gases. Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited.</p>	<p>The parcel is prohibited from emitting such dust, fumes, gases or vapors.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
C.	<p>Odor. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond its lot lines, measured either at ground or habitable elevation.</p>	<p>The parcel is prohibited from producing such odors.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
D.	<p>Glare. No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring lots or onto any Town way so as to impair the vision of the driver of any vehicle upon that Town way.</p>	<p>No changes to exterior lighting proposed. See note #15 and 10 on prior approved site plan.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



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§ 145-75. Criteria and Standards		Comments
E.	<p>Stormwater runoff. Surface water runoff shall be minimized and detained on site if possible or practicable in accordance with Chapter 202-12F(4) General Standards of the Wells Subdivision Ordinance (wherein the word “site plan” shall be substituted for “subdivision”). If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding which would be caused by his project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. [Amended 4-27-2007]</p>	<p>The changes proposed have an insignificant effect on the existing stormwater conditions.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
F.	<p>Erosion control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: [Amended 4-27-2007]</p>	<p>Standard terms and conditions of the Town of Wells appear on the plan. No changes proposed that would significantly alter prior site plan approval. No soil disturbance proposed. See plan note 6 on sheet 1.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
(1)	Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.	
(2)	The duration of exposure of the disturbed area shall be kept to a practical minimum.	
(3)	Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.	
(4)	Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.	



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§ 145-75. Criteria and Standards		Comments
(5)	Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority.	
(6)	The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.	
(7)	During grading operations, methods of dust control shall be employed.	
(8)	The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	
(9)	The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.	
(10)	Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.	
(11)	Topsoil shall be considered part of the site plan and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.	



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<p>G. Setbacks and screening. Parking and loading areas, exposed storage areas, exposed machinery installation and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on the surrounding lots. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.</p>	<p>See note #3 on prior approved site plan. 15' setbacks shown from abutting lot lines. Parcel does abut a known cemetery. 25' setback shown. 40' Route 1 setback shown. <u>This is a non-conforming development and the cottage units were constructed prior to the 25' cottage separation zoning change was adopted. The housekeeping cottage units are grandfathered in that they do not meet the 25' separation requirement. If cottages are ever relocated or reconfigured those relocated units shall meet these requirements.</u></p> <p>Per 145-521(3): The one story hotel units nearest to Route One meet the 40 foot setback requirements.</p> <p>Per 145-521(4): This property was developed prior to the adoption of this performance standard and is grandfathered in its existing condition. A 25' wide vegetated buffer is required along all lot lines of the property. This buffer does not exist along the northerly or southerly lot lines. The 25' wide buffer can be satisfied along Route One to the west. The applicant proposes to trim trees and remove invasive species within 75 feet of the property boundary line along the marsh which also falls within the 25' wide Lodging Facility buffer and within the 75' Shoreland Overlay District. On 7/25/22 the Planning Board voted permit the trimming of the bottom 1/3 of trees and the removal of invasive species within 75' of the easterly lot line. The Board also voted to permit selective cutting of trees within grids 1-5, 7-10, 12, 13, 19, 21, and 23 in compliance with 145-33E, see plan note 6b.</p> <p>25' landscaped buffer required around all lot lines depicted on the site plan (green hatching). A 40' setback/ vegetated buffer from Route One identified on the site plan (green hatching). All areas of the lodging facility buffer are to remain with no changes proposed, except for the areas within 75' of the easterly property line along the march designated for selective tree cutting, trimming and invasive species removal.</p> <p>The existing large tree near the office appears to be on the property line and is included as part of the 25' wide required buffer.</p>
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§ 145-75. Criteria and Standards		Comments
		<p>The elimination of the previously required but unconstructed parking spaces adjacent to unit 1 shall make the Route One Lodging Facility buffer per 145-52I more conforming. The arborvitae plantings adjacent to units 1 shall be maintained as depicted on the site plan.</p> <p>A 6' tall stockade fence is shown along the easterly lot line of Map 129, Lot 32 on the prior approved site plan. Existing vegetation along the southern and northern boundary is also shown on prior approved plan and shall be maintained.</p> <p>The 15' landscaped buffer is also required per 145-38 along Route One is shown on the prior approved site plan. Arborvitae adjacent to units 1 to 3 shall remain/be maintained as they exist and will not be relocated as the parking spaces are no longer to be installed near the office. The amendments proposed with this current application show no changes to the landscaping buffer along Route 1.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
H.	<p>Explosive materials. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA) standards.</p>	<p>Explosive materials shall be stored in compliance with NFPA standards. No changes to the storage of explosive materials proposed.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



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§ 145-75. Criteria and Standards		Comments
i.	Water quality. All aboveground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious dike monolithically poured, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating fuel and diesel fuel, not exceeding 275 gallons in size, shall be exempted from this requirement.	Water quality standards shall be met. THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.



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§ 145-75. Criteria and Standards		Comments
J.	<p>Preservation of landscape. Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.</p>	<p>See lot coverage table on the prior approved site plan. Lot coverage to remain 40.53% in the GB zone and shall remain 19.94% in the Shoreland zone. No changes to lot coverage proposed.</p> <p>Shoreland Overlay existing as built coverage is 19.94% (23,385 SF). The pervious/pavers, however, are not counted toward lot coverage. The 2008 Shoreland Overlay lot coverage approval also did not consider the pavers or rip rap as was the practice at that time. The 2008 coverage approval would be grandfathered.</p> <p>No grade changes noted. Site plan depicts 1 foot contours.</p> <p>25' landscaped buffer required around all lot lines depicted on the site plan (green hatching). A 40' setback/ vegetated buffer from Route One identified on the site plan (green hatching). All areas of the lodging facility buffer are to remain with no changes proposed, except for the areas within 75' of the easterly property line along the march designated for selective tree cutting, trimming and invasive species removal.</p> <p>The removal of invasive species would help maintain the existing vegetation along the easterly property line. No tree removal or grade changes are proposed.</p> <p>The existing large tree near the office appears to be on the property line and is included as part of the 25' wide required buffer.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</p>



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§ 145-75. Criteria and Standards		Comments
K.	Refuse disposal. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The review board shall consider the impact of particular industrial or chemical wastes or by-products upon the Wells transfer station (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.	<p>The property is served by an on-site dumpster. See prior approved site plan. This dumpster shall meet setback requirements and be screened by a 6' tall solid fence.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
L.	Water supply. The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.	<p>No change of use or new use proposed. No changes to capacity proposed. A letter from the KKWWD is not required.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
M.	Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters.	<p>No change of use or new use proposed. No changes to capacity proposed. A letter from the WSD is not required.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
N.	Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personal.	<p>No changes are proposed that alter provisions for access by emergency personnel or equipment.</p> <p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



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Standard Conditions of Approval

1. Site Plan approval secured under the provisions of this chapter shall expire within 10 years from the date on which the site plan is signed if all aspects of the site plan approval are not fully completed and established. Any site plan approval may include a phasing plan according to an approved time schedule not to exceed 10 years from the date on which the site plan is signed. Site plan approval shall expire if a use has been established and then discontinued for five years or more. §145-74F
2. Approval is conditioned upon compliance by the applicant with the Findings of Fact, plans and specifications, and reports which have been received and relied upon by the Town in connection with this development's proposed compliance with Town Ordinances.
3. Conditions of approval or notes written on the face of the site plan may be amended only by the reviewing authority that approved the site plan per the Reviewing Authority Chart. §145-74G(1)(b)
4. Failure to comply with any conditions of approval shall be construed to be a violation of Article X of the Land Use Ordinance and shall be grounds for denial of a site plan approval or denial of a building permit (§145-61.C.1, §145-74.J.), revoking the approved development plan, initiating legal proceedings to enjoin construction development or any specific activity violating the conditions of plan approval or applying the legal penalties detailed in §145-64, §145-79A
5. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the owner to immediately install sedimentation control devices on his lot and to remove sediment from all adjoining surfaces, drainage systems and watercourses and to repair any drainage, at his expense, as quickly as possible. Any landowner that fails to do so within two weeks after official written notification by the Code Enforcement Officer shall be penalized as set forth in §145-6, §145-79B
6. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: §145-75F
 - (a) Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.
 - (b) The duration of exposure of the disturbed area shall be kept to a practical minimum.
 - (c) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
 - (d) Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.
 - (e) Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods as determined by the reviewing authority.
 - (f) The top of a cut or the bottom of a fill section which alters the existing grade by more than two feet shall not be closer than 10 feet to an adjoining lot.
 - (g) During grading operations, methods of dust control shall be employed.
 - (h) The proposed site plan shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.
 - (i) The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
 - (j) Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.
 - (k) Topsoil shall be considered part of the site plan and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
7. The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board and/or Staff Review Committee and/or Town Staff proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board or Staff Review Committee or Town Staff. §145-74G
8. Approval of the application or amendment application does not relieve the applicant from the responsibility to obtain building permits prior to construction and a certificate of occupancy prior to occupancy. §145-61, §145-62
9. It is the applicant's responsibility to contact Dig Safe prior to construction.



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10. It is the Owner/Tenant's/Homeowners or Condominium Association's/ Applicant's/-Developer's responsibility, not the Town Code Office or Town Planning Office, to contact the Town Clerk's Office to apply for and maintain any and all business license(s) for the use(s) conducted on this parcel(s). §150-4
11. Approval of any proposed field changes shall be obtained prior to construction. Said approvals shall be in writing. The Code Enforcement Office shall consult with the Office of Planning and Development prior to approving any field change. §145-74.I.4
12. Prior to the pouring of a building footing/foundation, the location of each building to be constructed shall be located on the face of the earth and shall be marked and certified to by a surveyor or engineer with pins or stakes. The developer shall receive approval of each building location from the Code Enforcement Office prior to the commencement of footing/foundation excavation. §145-74I
13. If the property will be converted to a condominium form of ownership, the proposed condominium documents must be consistent with this site plan approval.
14. Upon completion of construction, the applicant shall provide to the Town record as-built drawings of the property to include buildings, roadways, drainage, screening and landscaped areas, and utility related construction work. §145-74I
15. The Town of Wells, Maine may employ the services of an engineering firm to assist in the inspection of roads and other infrastructure if, in the opinion of the Code Enforcement Office, the work necessary to insure compliance with Town ordinances or the requirements of this approval are beyond those capacities available by staff. The cost of such additional services will be born by the developer. §145-74I
16. All components, features, improvements and conditions of site plan approval shall be fully completed prior to any issuance of a certificate of occupancy. §145-74E

Special Conditions of Approval

1. All previous Conditions of Approval will remain in effect unless specifically amended by this application. The approval of this Amended Site Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.
2. Notification to the Planning Office and Planning Board required:
 - a. The applicant to notify the Planning Office and Planning Board within 15 days of tree trimming and invasive species removal occurring within 75' of the easterly lot line. The Planning Board to schedule and conduct a site inspection to observe the tree trimming and invasive species removal within 45 days of being notified of the trimming/removal. OR
 - b. During the site inspection to observe the tree trimming and invasive species removal, the Planning Board to review and observe trees selected for cutting within grids 1-5, 7-10, 12, 13, 19, 21, and 23. Trees selected for cutting shall be clearly flagged and shall at a minimum comply with the point system per 145-33E of the Land Use ordinance. The Board shall approve or approve with modifications the selected trees for cutting. Any trees approved for cutting shall be cut by a licensed arborist and monitored by Coppi Environmental for compliance with approvals and 145-33E. Within 15 days of completion of tree cutting the Planning Board shall be notified so an on-site inspection can be conducted to observe the cutting. The on-site inspection shall be held within 45 days of being notified of the completion of the work.

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

Wells Planning Board

By: _____
Charles Millian, Chairman