



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Site Plan Application for “Jeff Goodwin Timber Harvest”

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Article X Site Plan Approval

| PROJECT INFORMATION | |
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| General: | <p>Project Name: Jeff Goodwin Timber Harvesting Plan Applicant: Parker Forestry Associates, LLC, 334 Maple St, N. Berwick, ME 03906 Landowner: Jeff and Leisa Goodwin, 185 Chick Crossing Rd, Wells, ME 04090 Location: 185 Chick Crossing Rd Existing Use: Single Family Dwelling unit with accessory garage</p> <p>Proposed Land Use: Single Family Dwelling unit with accessory garage; Timber Harvest</p> <p>Tax Parcel ID: Tax Map 83, Lot 7 Zoning District: Rural, Aquifer Protection, and 250' Shoreland Overlay District</p> <p>Art VII Performance Standard: None Design Engineer: David Parker, Professional Forester, Parker Forestry Associates Plan Submission Date: June 30, 2022</p> |
| Project Description: | <p>David Parker of Parker Forestry Associates, LLC has submitted a site plan application for Timber Harvesting on the parcel owned by Leisa and Jeff Goodwin. The Site Plan application is for timber harvesting within the 250' Shoreland Overlay and Aquifer Protections zones of the parcel. The parcel is also located within the Rural zone; timber harvesting within the Rural zone does not require site plan review or approval. The parcel is identified as Tax Map 83, Lot 7 and is located off of 185 Chick Crossing Road. The parcel is approximately 21.8 acres in size and abuts the Branch Brook and the Kennebunk town line. An existing single family dwelling and accessory garage are located on the southwest portion of this parcel along Chick Crossing Road.</p> <p>Chick Crossing Road will be used during the timber harvest of this parcel.</p> |



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| Completeness Determination: | 8/3/2022 |
| Public Hearing: | 8/15/2022 |
| Staff Review Mtg: | Not applicable |

PROJECT HISTORY

1. On 6/30/22 the applicant submitted a site plan application for timber harvesting.
2. On 6/13/22 the Code Enforcement Officer, Jodine Adams, prepared a use determination for the timber harvest application and found the use to be permitted within the Shoreland and Aquifer Protection Zones.
3. On 6/14/22 the Planning Office mailed abutters notice of the use determination and of the 7/25/22 Planning Board meeting.
4. On 7/20/22 the Planning Office prepared Article V, VI, VII and draft completeness and compliance review checklists for the timber harvest application. Recommended plan notes were prepared for the applicant.
5. On 7/25/22 the Planning Board received the site plan application, waived a site walk, waived plan scale, waived a boundary survey, waived YCSCD review, found on-site parking suitable, found site distances suitable and appointed the Planning Office as the completeness agent.
6. On 8/3/22 the Planning Office found the application complete for purposes of scheduling the public hearing for 8/15/22 and mailed certified notice to abutters of the 8/15/22 public hearing.
7. On 8/8/22 the applicant provided revised plans to the Planning Office.
8. On 8/10/22 the Planning Office prepared updated Article V, completeness and compliance review checklists. Draft Findings of Fact & Decisions and a memo were also prepared.
9. On 8/10/22 a letter from KKWWD was received.
10. On 8/15/22 the Planning Board conducted a public hearing, 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 |
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| <p>The following standards shall be applied to all applications for site plan approval. These standards are intended to provide a frame of reference for the applicant in the development of his plans and a method of review. These standards shall be applied reasonably and fairly, when applicable, taking into account any extenuating circumstances or special features of the property or its neighborhood.</p> | |
| <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 applicant has noted the temporary harvest entrance/exit location onto Chick Crossing Road and the 350'+ site distances available. Chick Crossing Road speed limit is noted as 35 MPH.</p> <p>See note 10 requiring temporary warning signs to be posted during timber harvest operations.</p> <p>The Planning Board found that a traffic study was not required on 7/25/22. Timber harvest is a temporary activity.</p> <p>The width of the woods road system is approximately 12'.</p> <p>CEO recommendation for parking is "off-street" parking that may be temporary in nature to accommodate the vehicles that are working in that area of the property at any given time. It is understood that this area will continually change as the site is harvested. Planning Board found the proposed off-street parking to be suitable on 7/25/22.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> |



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| B. | Dust, fumes, vapors and gases. Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited. | <p>This property and the uses on this property are prohibited from emitting dust, fumes, vapors, and gases at any point beyond this parcel lot lines.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> |
| C. | Odor. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond its lot lines, measured either at ground or habitable elevation. | <p>This property and the uses on this property are prohibited from producing offensive or harmful odors at any point beyond this parcel lot lines.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> |
| D. | Glare. No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring lots or onto any Town way so as to impair the vision of the driver of any vehicle upon that Town way. | <p>This property and the uses on this property are prohibited from producing strong, dazzling light or reflection of that light beyond its lot lines onto neighboring lots or onto any Town ways so as to impair the vision of the driver of any vehicle upon that Town way.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> |
| E. | 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>The woods roads on the property have existed for over 60 years and no change to existing drainage is proposed. See plan note 6.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> |



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| F. | 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>These standard conditions of approval are referenced in plan note 11. See also plan note 9 regarding Best Management practices shall be followed.</p> <p>The applicant has requested various waivers with regard to the Shoreland Overlay zone road requirements as the woods roads exist and have for over 50 years and no change to existing drainage is proposed.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE 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. | |
| (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. | |



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| (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. | |
| 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>Setback requirements are noted on the plan. See Note 3.</p> <p>Vegetative areas requirements as outlined in 145-33 shall be strictly adhered to.</p> <p>If screening is found to be necessary due to potential safety hazards the applicant shall be required to install and maintain a physical screen in areas where a hazard is likely.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> |



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| H. | Explosive materials. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA) standards. | <p>The timber harvest will not store in bulk any explosive materials on the property.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> |
| I. | Water quality. All aboveground outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be located on reinforced cement and shall be completely enclosed by an impervious dike monolithically poured, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating fuel and diesel fuel, not exceeding 275 gallons in size, shall be exempted from this requirement. | <p>The timber harvest will not store in bulk any explosive materials on the property.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> |
| J. | Preservation of landscape. Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes. | <p>The intent of this application is to disturb the landscape of this parcel by harvesting trees. Best Management practices, setbacks, volume limitations, buffers, etc. per 145-33 shall be followed so unnecessary and prohibited disturbances will be prevented or minimized.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> |



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| <p>K. Refuse disposal. The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The review board shall consider the impact of particular industrial or chemical wastes or by-products upon the Wells transfer station (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.</p> | <p>Any trash generated by the timber harvest staff, machinery, trucks, visitors shall be disposed of by the applicant on a daily or as needed basis. No dumpsters shall be used to manage on-site trash.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> | |
| <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> | <p>The timber harvest proposal does not require the use of any water supply.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> | |
| <p>M. Sewage disposal. The applicant shall provide for the safe disposal of all wastewaters.</p> | <p>The timber harvest proposal does not require the use of any sewage disposal.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> | |
| <p>N. Fire safety. The site plan shall make adequate provisions for access by fire-fighting equipment and personal.</p> | <p>Temporary portable signs indicating the timber harvest entrance/exit location shall be erected during the harvest operations. Parking along Chick Crossing Road is prohibited. The area to be harvested is existing woodlot.</p> <p>BASED ON THE FOREGOING THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE 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

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

Wells Planning Board

By: _____
Charles Millian, Chairman