



# Town of Wells, Maine

## Planning Board

### FINDINGS OF FACTS & DECISIONS

Preliminary Subdivision Amendment Application for “Moody Country Estates Subdivision”  
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## Chapter 202 Subdivision of Land

PROJECT INFORMATION	
<b>General:</b>	<p><b>Project Name:</b> Moody Country Estates Subdivision</p> <p><b># Lots Exist:</b> 17 lots total</p> <p><b># Lots Proposed:</b> 1 lot proposed for a total of 18 lots</p> <p><b>Applicant:</b> Lindsey Development Group, LLC &amp; Sterling Ogunquit, LLC, PO Box 777, Wells, ME 04090</p> <p><b>Landowners:</b> Lindsey Development Group, LLC &amp; Sterling Ogunquit, LLC, PO Box 777, Wells, ME 04090</p> <p><b>Location:</b> 277 Post Road, Wells, ME</p> <p><b>Existing Use:</b> Lots 33-1 to 33-14 single family dwellings, Lot 33-15 vacant, Lot 33-16-exe (town owned vacant land), Lot 33-28 commercial lot for Medical Clinic (subject to site plan approval). Lot 33-exe and 33-27 were labelled as ‘remaining land’ with drainage easements for the development.</p> <p><b>Proposed Land Use:</b> No changes to Lots 33-1 to 33-14, or 33-16-exe. Lot 33-15 is proposed to be subdivided into two lots; to become 33-15 and 33-15-1 (lots may be for residential use or commercial use (subject to separate site plan approvals)). Lot 33-28 remains a commercial lot for Medical Clinic (subject to site plan approval). Lot lines of 33-27, 33-28 and 33-15 to be altered.</p> <p><b>Tax Parcel ID:</b> Tax Map 108, Lots 33-15, 33-27 and 33-28. Lot 33-15 to become 33-15 and 33-15-1</p> <p><b>Zoning District:</b> Subdivision is located within the General Business, Residential A, and 250’ Shoreland Overlay Districts. The subject parcels are located in the General Business District only.</p> <p><b>Chpt 145, Art VII Performance Standards:</b> None</p> <p><b>Design Engineer:</b> Tidewater Engineer &amp; Surveying, Inc. 1021 Goodwin Road, Unit 1, Eliot, ME 03903</p> <p><b>Prelim Plan Application</b></p> <p><b>Submission Date:</b> August 19, 2022</p> <p><b>Plan Submission Date:</b> August 19, 2022</p>



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<b>Project Description:</b>	Ryan McCarthy of Tidewater Engineering & Surveying, Inc has submitted a Preliminary Subdivision Amendment Application on behalf of the owners, Lindsey Development, LLC and Sterling Ogunquit, LLC. The amendment seeks to further subdivide lot 33-15 into 2 lots (to become Lot 33-15 and 33-15-1). The amendment also seeks to alter the lots lines of lots 33-15, 33-28 and 33-27 as well as release an access and sewer easement between lot 33-28 for the benefit of lot 33-15. Lots 33-15 and 33-28 are identified as lots 15 and 26 on the Moody Country Estates Subdivision plans approved in 1990 and 1994. The subdivision consists of a total of 17 lots (33-1 to 33-15, 33-16-EXE and 33-28). An 18 <sup>th</sup> lot is proposed. Lots 33-EXE and 33-27 were designated as “remaining land” on the 1994 approved plan. The subdivision is located within the General Business and Residential A District with 250’ Shoreland Overlay. The subdivision is served by public sewer and public water. The amended subdivision lots are located within the General Business District off of 277 Post Road, Salt Marsh Circle and Mariner Lane. Tax Map 108, Lots 33-15, 33-27 and 33-28.	
<b>Approval Dates:</b>	Preliminary Plan Approval:	<u><b>To be determined</b></u>
<b>Public Hearings:</b>	Preliminary Public Hearing	<u><b>To be determined</b></u>

### PROJECT HISTORY

1. On 8/19/22 the applicant/agents submitted a Preliminary Subdivision Application, fee and associated documents to the Planning Office.
2. On 8/31/22 abutters were mailed notification of the Preliminary Subdivision Application submission and of the 9/12/22 Planning Board meeting.
3. On 9/9/22 the Planning Office prepared a memo for the Planning Board and applicant. An Article V review checklist and recommended plan changes were also prepared for the applicant.
4. On 9/12/22 the Planning Board received the Preliminary Subdivision Application and scheduled a site walk for 9/22/22.
5. On 9/22/22 the Planning Office prepared draft completeness review checklist and recommended plan changes for the applicant to address.
6. On 9/22/22 the Planning Board conducted a site walk of the property.
7. On 9/23/22 the Planning Office prepared draft preliminary Findings of Fact & Decisions.
8. On \_\_\_\_ the applicant provided a revised plan to the Planning Office addressing the plan markups.
9. On 9/26/22 the Planning Board reported the results of the site walk, conducted a workshop and voted to find the application complete, voted to grant a waiver of the IF&W letter based on submission of the Beginning with Habitat maps, voted to waive a Preliminary Public Hearing and voted to approved and sign the Preliminary Subdivision Findings of Fact & Decisions.

## § 202- 8. Preliminary Plan for Major Subdivision

### Findings & Decisions

B. Submissions:



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<b>§ 202- 8. Preliminary Plan for Major Subdivision</b>	<b>Findings &amp; Decisions</b>
<p>(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:</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>Location Maps provided on sheet.</p>
<p>(a) Existing subdivisions adjacent to the proposed subdivision.</p>	<p>Existing adjacent subdivisions identified</p>
<p>(b) Locations and names of existing and proposed streets.</p>	<p>Post Road, Mariner Lane and Saltmarsh Circle identified.</p>
<p>(c) Boundaries and designations of zoning districts.</p>	<p>GB and RA zones identified. <b><u>Shoreland Overlay and RP zones not identified on location map.</u></b></p>
<p>(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.</p>	<p>Moody Country Estates Subdivision identified.</p>
<p>(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>[Amended 4-12-1999]</b></p>	<p>Plan scale is 1" = 30 feet</p>
<p>(a) The proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's map and lot numbers.</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>Note 1 details the Map and lot numbers. <b><u>Lot 28 is not 28-A and correction to be addressed. Proposed lots to be identified as 15 and 15-1.</u></b></p>
<p>(b) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>Plan prepared and <b><u>to be stamped</u></b> by Ryan M. Mccarthy, PLS #2515 of Tidewater Engineering &amp; Surveying Inc dated Aug 2022.</p> <p><b><u>Proposed monument types to be determined. One point at Rte. 1 required to be a bound.</u></b></p>



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(c) A copy of the deed from which the survey was based and a copy of all covenants or deed restrictions, easements, rights-of-way or other encumbrances currently affecting the property.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>Deeds provided: Book 18474, Page 558.</p>
(d) A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>Plan note 11 identifies the access and sewer easements across 33-28 to benefit 33-15 to be released. Wells Sanitary District easement to remain.</p> <p>Note 8 identifies unwritten rights that may exist which may apply to existing drainage easements from Route 1 and access connection to Lot 34.</p>
(e) Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>Plan depicts 1 foot contours.</p>
(f) The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>Total Area of lot 33-15 is 58,050 SF. Lot to be subdivided and convey land to abutting lot 33-28. Lot 15 to become 34,851 SF, Lot 15-1 to be 20,478 SF, Lot 28 to become 67,495 SF and Lot 27 to become 45,367 SF.</p> <p><b><u>Dumpster within setback on Lot 28 to be relocated.</u></b></p> <p>A trees greater than 24” in diameter is identified. Plan to note the tree to remain. No other such trees on the property were observed on the site walk</p>
(g) Indication of the type of sewage disposal to be used in the subdivision.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>The subdivision shall be served by public sewer (Wells Sanitary District.) <b>See recommended note 15.</b></p>
[1] When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Wells Sanitary District indicating that there is adequate capacity within the district’s system to transport and treat the sewage shall be submitted.	<p>A letter from the WSD dated 8/18/22 was provided.</p>



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<p>[2] When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses prepared by a licensed site evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.</p>	
<p>(h) Indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a letter from the Kennebunk, Kennebunkport and Wells Water District shall be submitted indicating that there is adequate supply and pressure for the subdivision.</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>The subdivision shall be served by public water (KKW Water District.) <b><u>See recommended note 15.</u></b></p> <p>A letter from the KKWWD dated 8/11/22 was provided.</p>
<p>(i) The date the plan was prepared, North point (identified as true or magnetic), graphic map scale, and names and addresses of the record owner, subdivider and individual or company who or which prepared the plan.</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p><b><u>Grid North?</u></b> Plan scale is 1" = 30 feet. Record owners noted, see note 2. Surveyor noted.</p>
<p>(j) The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>Abutters identified.</p>
<p>(k) The location of any zoning boundaries affecting the subdivision.</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>The properties subject to this amendment are located within the General Business District. The lots are adjacent to the RA zone.</p>
<p>(l) The location and size of existing and proposed sewers, water mains, culverts and drainageways on or adjacent to the property to be subdivided.</p>	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>The plan identifies sewer and water.</p> <p><b><u>Overhead and/or underground utilities not identified serving lot 15. Existing sewer stub at SMH or elsewhere?</u></b></p> <p><b><u>Existing culverts and drainage system that conveys stormwater from the property to be depicted.</u></b></p>



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(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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>All adjacent road names are labelled on the plan sets.</p> <p>Route 1 ROW width is noted to be 66’ wide. Mariner Lane ROW width is noted as 50’ in width. <b><u>Paved road widths to be noted.</u></b></p>
(n) The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>No such public improvements proposed.</p>
(o) The proposed lot lines with approximate dimensions and lot areas.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>All lots proposed shall exceed the minimum of 20,000 SF per 145-26. <b><u>Setbacks to be identified on the plan.</u></b></p>
(p) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>No such dedication proposed.</p>
(q) The location of any open space to be preserved and an indication of its improvement and management.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>No dedicated open space was previously identified. No open space is proposed.</p>
(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.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>SCS Map provided</p>
(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.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>See note 10. Properties are within zone X per FIRM panel 2301580023D dated 1/16/03.</p>





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(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><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>Not required as the subdivision shall be served by public sewer.</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	
[2] The subdivision has an average density of less than 100,000 square feet per dwelling unit.	
(u) The location of any wetlands, streams, rivers, brooks or ponds located within or adjacent (within 75 feet) to the proposed subdivision.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p>No such features identified within the subject lots.</p>
(v) The location of any significant wildlife or fisheries habitat as located by the Department of Inland Fisheries and Wildlife.	<p><b>THE PLANNING BOARD FINDS THAT THIS STANDARD HAS BEEN MET.</b></p> <p><b><u>A letter from IF&amp;W not provided.</u></b> Beginning with habits maps provided. Lot division is internal to the original subdivision. <b><u>A waiver could be considered.</u></b></p>

#### **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.



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#### SPECIAL CONDITIONS OF APPROVAL

1. All previous Conditions of Approval will remain in effect. The approval of this Amended Plan in no way negates the need for applicant compliance with all previously set Conditions of Approval.
2. Items identified as **bolded/ underlined** within this Findings of Fact & Decisions document shall be addressed on the final subdivision plan submission or provided at the time of the final plan submission to the Planning Office.

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

Wells Planning Board

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

DRAFT