



# Town of Wells, Maine Planning Board

**FINDINGS OF FACTS & DECISIONS**  
**Site Plan Amendment Application for “Bills Lane Pit”**  
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## Chapter 145, Article X Site Plan Approval

PROJECT INFORMATION	
<b>General:</b>	<p><b>Project Name:</b> Bills Lane Pit</p> <p><b>Applicant:</b> Swan Brooks Holdings, LLC, 258 McGuire Rd, Kennebunk, ME 04043</p> <p><b>Landowner:</b> Swan Brooks Holdings, LLC, 258 McGuire Rd, Kennebunk, ME 04043</p> <p><b>Location:</b> Bills Lane</p> <p><b>Existing Use:</b> Mineral Extraction for 17.83 acres of 31.75 acre parcel</p> <p><b>Proposed Land Use:</b> Mineral Extraction for 17.83 acres of 31.909 acre parcel</p> <p><b>Tax Parcel ID:</b> Tax Map 47, Lot 39</p> <p><b>Zoning District:</b> Rural District</p> <p><b>Art VII Performance Standards:</b> 145-53. Mineral Extraction.</p> <p><b>Design Engineer:</b> Civil Consultants, PO Box 100, S. Berwick, ME 03908</p> <p><b>Plan Submission Date:</b> 10/3/2022</p>
<b>Project Description:</b>	<p>Geoff Aleva, PE of Civil Consultants has submitted a Site Plan Amendment Application on behalf of the owner/applicant Swan Brooks Holdings, LLC. The Site Plan Amendment Application is for after the fact approval of land conveyances and lot line changes. 4.773 acres was acquired from abutting lot 35 to the northeast and two, 2.307 acre parcels (A and B) were divided out along Bragdon Road for residential use. The result is the 17.85 acre Mineral Extraction (Gravel Pit) operation on a 31.75 acre parcel is now on a 31.909 acre parcel . No more than 10 acres of open Mineral Extraction permitted at one time. Reclamation of the Mineral Extraction use is required. No structures are proposed. Accessory screening of material is proposed. The parcel is located off of Bills Lane and is within the Rural District. Tax Map 47, Lot 39.</p>
<b>Completeness Determination:</b>	10/17/2022
<b>Public Hearing:</b>	10/31/2022
<b>Staff Review Mtg:</b>	None



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### PROJECT HISTORY

1. On 10/3/22 the applicant submitted a site plan amendment application for the above described site plan.
2. On 10/6/22 the Code Enforcement Officer found the use proposed to be permitted in the Rural District.
3. On 10/6/22 the Planning Office mailed notice to abutters of the use determination and of the 10/17/22 Planning Board meeting.
4. On 10/13/22 the Planning Office reviewed the site plan and prepared draft Article V, VI, VII and completeness review checklists. Plan markups and a memo summarizing the review the applicant and Planning Board were also prepared. A draft compliance/ Findings of Fact & Decisions was also prepared.
5. On 10/13/22 the Planning Office received a revised plan.
6. On 10/17/22 the Planning Office made recommendations to be addressed on the plan regarding the 100 foot buffer.
7. On 10/17/22 the Planning Office received a revised plan.
8. On 10/17/22 the Planning Board received the site plan amendment application, waived a site walk, made various determinations, found the application complete, and scheduled a public hearing for 10/31/22.
9. On 10/21/22 the Planning Office mailed certified mail notice to abutters of the 10/31/22 public hearing.
10. On 10/25/22 the Planning Office prepared a revised Findings of Fact & Decisions and memo for he 10/31/22 meeting.
11. On 10/31/22 the Planning Board conducted a public hearing and voted to approve and sign the Findings of Fact & Decisions and plan.

### § 145-75. Criteria and Standards

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.

### Comments



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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<p><b>A. Traffic.</b> 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><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>The plan sheet C1 notes the 200’ street frontage requirement. The parcel has frontage off of Bills Lane. The amount of frontage is noted to be 1,279 feet. See note 2. The parcel no longer has frontage off of Bragdon Road.. See note 2. Parcel does not have multiple street frontages. No buildings are proposed.</p> <p>On 6-15-18 the CEO prepared a written recommendation that the Mineral Extraction use provide a minimum of 3 parking spaces. On 7-2-18 the Planning Board found 3 parkings spaces to be required for the Mineral Extraction use on this property. No change to parking proposed.</p> <p>Plan sheet C1 note 13 states that off-site parking is prohibited. 3 parking spaces to be provided. The pit will be open to the public for sales. Areas that could be used for parking shall be on gravel. No grass parking proposed.</p> <p>On 6/18/18 the Planning Board found that additional traffic information was not necessary for this application. No change to traffic generation proposed.</p>	



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§ 145-75. Criteria and Standards		Comments
		<p>Plan sheet C1 notes that snow may be stored anywhere within the limits of the gravel pit excavation area.</p> <p>Speed limit on Bills Lane is noted as 35 MPH. Sight distances onto Bills Lane are noted to be sufficient with brush cutting to be completed.</p> <p>Plan notes the sight distances achieved with brush cutting within the Bills Lane right of way.</p> <p>An entrance gate is proposed. The entrance/exit to the property shall be located off of Bills Lane.</p> <p>Sheet C1, note 7 states truck traffic will be limited to no more than 24 trucks in the peak hour. Increase in truck traffic requires Planning Board review and may require MDOT review.</p> <p>Sheet C1, note 10 states Road Warning Signs “trucks entering” shall be placed at least 350’ from the Pit entrance at two locations on Bills Lane.</p>
<b>B.</b>	<p><b>Dust, fumes, vapors and gases.</b> 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><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>The parcel is prohibited from emitting dust, fumes, vapors or gases at any point beyond its lots lines.</p> <p>Plan note 10 states that the entrance road shall be treated/ swept to minimize the generation of dust or mud onto Bills Lane.</p>



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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>C.</b>	<b>Odor.</b> 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><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>The parcel is prohibited from producing such odor at any point beyond its lot lines as measured at ground or habitable elevation.</p>
<b>D.</b>	<b>Glare.</b> 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><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>See note 11 on sheet C1. Temporary lighting is proposed and shall be shielded and downward directional as not to produce glare onto abutting lots or streets.</p>
<b>E.</b>	<b>Stormwater runoff.</b> 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. <b>[Amended 4-27-2007]</b>	<p><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>No wetland or watercourse exists. Extraction area to be internally drained. No off-site stormwater discharge.</p> <p>The Town Engineer confirms that no adverse off-site impacts can occur by this use.</p>
<b>F.</b>	<b>Erosion control.</b> Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices: <b>[Amended 4-27-2007]</b>	<p><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Best Management Practices for soil erosion and sedimentation control are a condition of approval. Notes on sheet C2 and reclamation notes on shee C1 are sufficient.</p>



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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
(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.	
(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.	



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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
(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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<b>§ 145-75. Criteria and Standards</b>	<b>Comments</b>
<p><b>G. Setbacks and screening.</b> 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><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Setback requirements of 145-30 are noted on sheet C1, note 1. 25 foot setback required from Bills Lane. 25 foot setback from abutting properties required.</p> <p>A 15' wide landscaped buffer is required along Bills Lane. A Mineral Extraction use requires a 100 foot no-cut buffer. The plan depicts a 100' wide vegetated buffer along all lot lines. On 10/17/22 the Planning Board reviewed the landscape buffer determined that the existing vegetation in the 100' wide no-cut buffer remains sufficient along Bills Lane.</p> <p>The parcel abuts residential abutters to the east: Map 39, Lots 16 and 56, and Map 47, Lots 22, 24-2 and 24. The plan depicts a 100' wide no-cut vegetated buffer. Plan revisions depict the 100' wide buffer for lot 56.</p> <p>Recently divided off parcels A and B are proposed to have a 60' wide no-cut vegetated buffer, per buffer reduction agreement Book 19099, Page 71.</p> <p>On 10/17/22 the Planning Board reviewed the existing 100' wide and proposed 60' wide no-cut buffer proposed and found them to be suitable.</p>





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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<p><b>H.</b> <b>Explosive materials.</b> 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><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>See plan note 8 on sheet C1.</p> <p>(a) No fuels, antifreeze, lubricants or hydraulic fluids shall be stored within any excavation area. They may be stored on site only if they are stored within a containment structure which would hold and prevent any of the fluid from entering the ground.(b) Any refilling or draining of any fluids (e.g., fuel, hydraulic fluid, brake fluid or antifreeze) or repair of equipment on an extraction site shall take place only over an impermeable surface from which any spilled fluids can be collected and removed from the site. Said surface or container shall have a capacity of at least 20 gallons. (c) Every extraction use shall have a plan, and the ability to implement the plan, for the containment and cleanup of any fuel or fluid spill on site.</p>	
<p><b>I.</b> <b>Water quality.</b> 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>	<p><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Reclamation note 2 on sheet C1 states that the operator of the pit shall, at the request of the CEO, dig a test pit to demonstrate compliance with this standard.</p> <p>Three existing monitoring wells are shown on the exiting plan.</p>	



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§ 145-75. Criteria and Standards		Comments
<p><b>J.</b> <b>Preservation of landscape.</b> Unnecessary disturbance of the landscape shall be minimized, insofar as practicable, by minimizing tree removal and any grade changes.</p>	<p><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Two foot contours are depicted. Sheet C3 depicts existing site conditions. Sheet C1 depicts the proposed site conditions. 3:1 slopes are proposed.</p> <p>Maximum lot coverage is noted to be 20% on sheet C1.</p> <p>Proposed lot coverage to be noted for entrance pavement only. See note 1. Sheet C2 states 2,400 SF of lot coverage is proposed by the 24' x 100' entrance.</p> <p>Sheet C1 depicts existing utility poles along Bills Lane. No utility are connections proposed. See note 16 on sheet C1.</p> <p>The Mineral Extraction use requires reclamation in compliance with the regulations outlined in 145-53 of the Wells Code. Reclamation Notes are provided on sheet C1 of the plan set.</p> <p>A 100' wide vegetated No-Cut buffer shall be maintained along all lot lines of the property, except for the 60' no-cut buffer from proposed parcels A and B.</p>	



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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>K.</b>	<b>Refuse disposal.</b> 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><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>An on-site dumpster may be used. See Sheet C1 note 6.</p>
<b>L.</b>	<b>Water supply.</b> The applicant shall demonstrate the availability of adequate water supply for fire protection and the consumption needs of the proposed development.	<p><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Property to have no connection to water supply. No buildings are proposed.</p> <p>Three existing monitoring wells are shown on the exiting plan.</p>
<b>M.</b>	<b>Sewage disposal.</b> The applicant shall provide for the safe disposal of all wastewaters.	<p><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>Parcel does not propose a septic system.</p> <p>The site shall have 1 portable toilet. See note 13 on sheet C1.</p>



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<b>§ 145-75. Criteria and Standards</b>		<b>Comments</b>
<b>N.</b>	<b>Fire safety.</b> The site plan shall make adequate provisions for access by fire-fighting equipment and personal.	<p><b>BASED ON THE FOLLOWING, THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</b></p> <p>An entrance gate is required. The gate location is depicted. A Knox box is to be installed and prior to its installation shall be reviewed by the Fire Department. See sheet C1 and C2.</p>

### 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.



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- (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.
  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