

Town of Wells, Maine

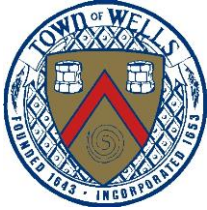
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Chapter 202 Subdivision of Land

PROJECT INFORMATION	
General:	<p>Project Name: Chick Crossing Village Subdivision</p> <p># Lots Proposed: 20 lots/ 20 dwelling units</p> <p>Applicant: Seacoast Land Acquisitions, LLC, 57 Smutty Lane, Saco, ME 04072</p> <p>Landowner: Seacoast Land Acquisitions, LLC, 57 Smutty Lane, Saco, ME 04072</p> <p>Location: Chick Crossing Road, Wells, ME</p> <p>Existing Use: Vacant land</p> <p>Proposed Land Use: 20 lot/dwelling unit major subdivisions as a residential cluster development</p> <p>Tax Parcel ID: Tax Map 83, Lot 8</p> <p>Zoning District: Rural, Aquifer Protection and 250' Shoreland Overlay Districts</p> <p>Chpt 145, Art VII Performance Standards: Rural, Aquifer Protection and 250' Shoreland Overlay Districts</p> <p>Design Engineer: 145-49. Residential Cluster Developments</p> <p>Final Plan Application Submission Date: Corner Post Land Surveying, Inc. 600 Main Street, Springvale, ME 04083</p> <p>Plan Submission Date: 11/30/2022</p>
Project Description:	<p>Corner Post Land Surveying has submitted a Final Subdivision Application on behalf of the property owner, Seacoast Land Acquisitions, LLC. The subdivision proposes 20 lots/single family dwelling units on 44.40 acres of land. A 108,349 SF out-sale parcel was divided off and is not considered part of the subdivision. The subdivision is to be a Residential Cluster development with 26.70 acres of Open Space. A private 50' wide roadway is proposed as frontage for 18 of the lots. The property is located within the Rural, Aquifer Protection and 250' Shoreland Overlay Districts. The development is located off of Chick Crossing Road. No development is proposed within the Aquifer Protection or Shoreland Overlay Districts. All lots to be served by individual on-site septic systems and drilled wells. Tax Map 83, Lot 8.</p>
Approval Dates:	<p>Preliminary Plan Approval: 6/20/2022</p> <p>Final Plan Approval: To be determined</p>
Public Hearings:	<p>Preliminary Public Hearing: 6/6/2022</p> <p>Final Public Hearing: 8/21/2023</p>

PROJECT HISTORY	
1.	On 12/7/21 the applicant/agents submitted a subdivision pre-application/ sketch plan for the above described subdivision.
2.	On 12/9/21 abutters were mailed notification of the pre-application submission and of the 12/20/21 Planning Board meeting.
3.	On 12/16/21 the Planning Office prepared a pre-application memo and draft Article V and VII review checklists for the Planning Board and applicant.



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4. On 12/20/21 the Planning Board received the subdivision pre-application and voted to authorize the Town Planner to schedule a site walk at an appropriate time as the ground was covered in snow.
5. On 3/21/22 the Planning Board voted to schedule a site walk of the property on 4/9/22 at 11:00AM.
6. On 4/9/22 the Planning Board conducted a site walk of the property.
7. On 4/11/22 the Planning Office prepared a site walk results memo for the Planning Board.
8. On 4/11/22 the Planning Board reported the results of the site walk.
9. On 4/26/22 the applicant/agents submitted a Preliminary Subdivision Application, fee, plans and associated documents to the Planning Office.
10. On 4/28/22 abutters were mailed notification of the Preliminary Subdivision Application submission and of the 5/9/22 Planning Board meeting.
11. On 5/4/22 the Planning Office prepared Article V, VII and draft preliminary completeness (202-8) review checklists.
12. On 5/6/22 the Planning Office prepared a memo summarizing the review comments for the Planning Board and applicant.
13. On 5/9/22 the Planning Board received the Preliminary Subdivision Application, conducted a workshop, and appointed the Town Planner as the completeness agent so that a public hearing could be scheduled.
14. On 5/16/22 the applicant provided a revised subdivision plan set.
15. On 5/17/22 the Staff Review Committee commented on the Preliminary Subdivision application for the Planning Board.
16. On 5/17/22 the Planning Office provided recommended density notes to the applicant.
17. On 5/23/22 the applicant provided Chick Crossing Village Declarations for review.
18. On 5/24/22 the Town Planner found the application complete for purposes of scheduling a preliminary public hearing for 6/6/22.
19. On 5/24/22 the Planning Office mailed certified mail notice to abutters of the 6/6/22 preliminary public hearing.
20. On 5/31/22 the applicant provided revised Declarations for review.
21. On 6/1/22 the applicant provided a revised subdivision plan for review.
22. On 6/2/22 the Planning Office prepared a memo and copies of all public comments received regarding the proposed subdivision.
23. On 6/2/22 the Planning Office prepared revised Article V, VII and 202-8 completeness review checklists. A draft Preliminary Findings of Fact & Decisions document and memo were also prepared for the Planning Board and applicant.
24. On 6/6/22 the Planning Board conducted a Preliminary Public Hearing and workshop. The workshop was continued to allow the applicant time to address buffer recommendations.
25. On 6/14/22 the applicant submitted a revised plan to the Planning Office.
26. On 6/15/22 the Planning Office prepared updated Preliminary Findings of Fact & Decisions.
27. On 6/20/22 the Planning Board voted to approve and sign the Preliminary Subdivision Findings of Fact & Decisions.
28. On 11/9/22 the Planning Office reminded the applicant of the preliminary approval date and the requirement to submit a final application within 6 months.
29. On 11/30/22 the applicant submitted the final subdivision application and plan to the Planning Office.
30. On 12/7/22 the Planning Office mailed notices to abutters of the final subdivision application submission and of the 12/19/22 Planning Board meeting.
31. On 12/15/22 the Planning Office prepared a review memo summarizing review comments for the applicant and Planning Board.
32. On 12/19/22 the Planning Board received the Final Subdivision Application, reviewed compliance with preliminary conditions of approval, workshoped draft final completeness and continued the workshop for 60 days.
33. On 2/27/23 the Planning Board granted a 60 day extension.
34. On 4/17/23 the Planning Board granted a 60 day extension.
35. On 5/22/23 the applicant submitted a response memo and revised subdivision plan set to the Planning Office for review. Drainage design plans or easements were not submitted.
36. On 5/23/23 the applicant submitted the ACOE permit.
37. On 5/24/23 the applicant submitted revised drainage design plans to the Planning Office for review.
38. On 6/5/23 the Planning Board granted a 60 day extension.
39. On 6/13/23 the applicant submitted HOA documents and easements to the Planning Office for review.



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40. On 6/14/23 the Planning Office informed the applicant of missing items to satisfy preliminary conditions of approval (Lot 5 test pit issues, KKWWD Conservation Easement) as well as incomplete items regarding the municipal impact statement and plan copies.
41. On 6/16/23 the applicant provided the draft KKWWD Conservation Easement to the Planning Office.
42. On 6/26/23 the applicant inquired about the municipal impact statement. The Planning Office provided a sample.
43. On 6/26/23 the applicant submitted the municipal impact statement.
44. On 7/7/23 the Planning Office prepared updated completeness review, plan markups, and a stormwater management review memo for the applicant and Planning Board.
45. On 7/10/23 the applicant provided subdivision plan corrections to the density chart as recommended.
46. On 7/10/23 the Planning Board workshopped the compliance with preliminary conditions of approval and continued the workshop for 30 days.
47. On 7/11/23 the Planning Office provided the applicant the plan markup from June 2022 regarding the Lot 1 drainage easement recommended.
48. On 7/17/23 the applicant submitted the revised test pits and plans to address review comments.
49. On 7/20/23 the applicant submitted revised drainage design plans and a response letter for review.
50. On 7/21/23 the Planning Office requested Town Attorney review of the HOA documents.
51. On 7/23/23 the Town Attorney provided HOA review comments for the subdivision.
52. On 7/25/23 the Staff Review Committee commented on the final subdivision plan for the Planning Board.
53. On 7/25/23 the applicant submitted the revised fire cistern easement.
54. On 8/3/23 the Planning Office prepared a revised memo and final completeness review checklist for the applicant and Planning Board.
55. On 8/7/23 the Planning Board found the preliminary conditions of approval to be met, voted to find the final application complete and voted to schedule a public hearing for 8/21/23.
56. On 8/10/23 the Planning Office mailed certified mail notice to abutters of the 8/21/23 final public hearing.
57. On 8/17/23 the Planning Office prepared a draft compliance/ Final Findings of Fact & Decisions document and memo for the applicant and Planning Board. Plan markups were also prepared.
58. On 8/21/23 the Planning Board conducted a final public hearing and workshop. The Board voted on the 50 foot no-cut buffer; allowed reduced frontage for lots 1, 2, 4, 7 – 18 and 20; allowed lots 3, 4, 6, 8, 9-12 and 15-20, which are smaller than 40,000 SF in area, to have 40% lot coverage; voted to find the 50' setback/buffer for abutting non-clustered residential lots suitable, voted to find the 50' setback/ buffer for the outsale lot suitable, voted to require underground utilities for lots 1 and 2 to follow driveway openings and for utilities to be underground unless another pole is necessary; voted to find lot 8 buffer is suitable based on existing vegetation to be no-cut; voted to find access paths to open space through the 50' wide buffer to be suitable; voted to find shared driveways are not required; voted to allow lot 1 and 2 driveways off of Chick Crossing Road; voted to find proposed monumentation suitable; voted to find performance guarantee notes suitable; and voted to continue the workshop for 60 days.
59. On 8/29/23 the applicant provided revised HOA declarations, bylaws and easements for review.
60. On 9/5/23 the applicant provided an updated cost estimate for review.
61. On 9/11/23 the Planning Board granted a 60 day extension to allow the applicant time to obtain MDEP permit approval.
62. On 11/15/23 the Site Location of Development Permit for Chick Crossing Village was approved by MDEP.
63. On 11/21/23 Seacoast Land Acquisitions was found in default of the Parker Ridge Subdivision and River's Edge Subdivision approvals.
64. On 11/27/23 the Planning Office communicated with the applicant, owner and agents that the Planning Board consideration of Chick Crossing Village would be postponed until the defaults are resolved.
65. On 12/4/23 the Planning Board granted a 60 day extension.
66. On 2/5/24 the Planning Board granted a 60 day extension.
67. On 2/15/24 the Select Board and Seacoast Land Acquisitions entered into a consent agreement to resolve the Parker Ridge and Rivers Edge defaults.
68. On 2/20/24 the Planning Office prepared updated final compliance/ Findings of Fact & Decisions.
69. On 2/26/24 the Planning Board _____

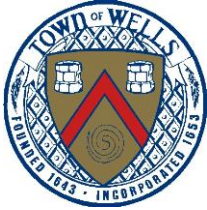


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§ 202-12. General Standards		Findings & Decisions
<p>In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a final plan. In all instances the burden of proof shall be upon the applicant.</p>		
A.	<p>Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Comprehensive Plan of the municipality and with the provisions of all pertinent state and local codes and ordinances.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>
B.	<p>Retention of open spaces and natural or historic features. [Amended 6-11-2013]</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>
(1)	<p>In any subdivision with no more than five lots or dwellings units, no dedicated open space is required. In any subdivision with at least six lots or dwelling units and no more than 10 lots or dwelling units, there shall be a minimum of 10% or 20,000 square feet, whichever is greater, of the total property net area dedicated as open space. Off site dedication of open space land may be approved by the Planning Board if excess land is provided and the land has a greater benefit to the public than land within the development. In any subdivision with more than 10 lots or dwelling units, there shall be a minimum of 35% of the total property net area dedicated as open space.</p>	<p>This subdivision proposes 20 lots/dwelling units. This is more than 10 lots/ dwelling units so the subdivision is required to provide a minimum of 35% Open Space.</p> <p>This subdivision proposes approximately 26.70 acres open space or 60.14% of the 44.40 acre parcel.</p>
(2)	<p>Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Planning Board may deem suitable. The configuration of such sites shall be deemed adequate by the Planning Board with regard to scenic or historic attributes to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate.</p>	<p>See note 19 on sheet 3. The Open Space shall be owned and maintained by the Chick Crossing Village Owners' Association and shall be used for Open Space and passive recreation use. A Conservation Easement shall be granted to the KKWWD and the Town. <u>Town Engineer reviewed proposed conservation easement, see memo dated 8-18-23. Updated conservation easement provided on 8/29/23. Town Engineer reviewed, see memo dated 2/22/24.</u></p> <p>See note 19 on sheet 3. No timber cutting/clearing or soil disturbance of the open space is permitted, except for the removal of dead/dying or hazardous trees with the written approval of the. The removal of any vegetation within buffer areas will require a replacement shade or evergreen tree, 4' to 6' in height, to be planted. The removal of trees within the Shoreland Overlay zone are subject to cutting restrictions per 145-33E.</p> <p>On 8/21/23 the Planning Board found the Open space access suitable.</p>

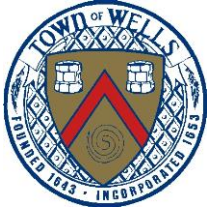


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(3)	Reserved open space land, acceptable to the Planning Board and subdivider, may be dedicated or conveyed to the municipality, a land trust, or other recognized conservation organization. Such reservation may also be accomplished by incorporation into homeowners' association or condominium association documents or into restrictive deed covenants. (See § <u>145-49</u> , residential cluster development standards.)	See note 19 on sheet 3. The Open Space shall be owned and maintained by the Chick Crossing Village Owners' Association and shall be used for Open Space and passive recreation use. A Conservation Easement shall be granted to the KKWWD and the Town. On 9/6/23 the KKWWD found the conservation easement language acceptable. <u>Town Engineer reviewed proposed conservation easement, see memo dated 8-18-23. Updated conservation easement provided on 8/29/23. Town Engineer reviewed, see memo dated 2/22/24.</u>
(4)	The Planning Board may require that the development plans include a landscape plan that will show the preservation of any existing trees larger than 24 inches in diameter at breast height, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.	Trees larger than 24” inches in diameter at breast height (abh) were not identified on the property. See plan note 31, sheet 3.
C.	Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require an utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width. Maintenance obligations of the easement shall be included in the written description of the easement.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL NOT APPLY.
D.	Lots.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.

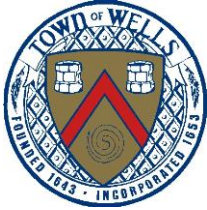


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<p>(1) All lots shall meet the minimum requirements of Chapter 145, Land Use, for the zoning district in which they are located. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.</p>	<p>§145-30. Rural District requirements apply to the 20 single family dwelling units/lots proposed. The 20 single family lots proposed are also a Residential Cluster Development and are permitted by §145-49 to be 20,000 SF in size as they are not served by public sewer. All lots proposed are at least 20,000 SF in size. This development is grandfathered to the Residential Cluster Standards of 145-49 in effect prior to the 6-14-2022 town code adopted amendment.</p> <p>See plan note 26 on sheet 3. Driveways and house footprints are typical and changes to their locations to not require a plan amendment, provided setbacks, buffers, septic, wells, wetlands, easements, etc remain unchanged.</p> <p>See lot coverage table on sheet 3. Note 15 notes that for lots smaller than 40,000 SF in area, 40% maximum lot coverage is permitted. On 8/21/23 the Planning Board voted to allow the increased lot coverage for lots 3, 4, 6, 8, 9-12, and 15-20. Lots greater than 40,000 SF in area have a maximum lot coverage of 20%.</p> <p>The proposed cluster development area is not located within the Shoreland Overlay District or Aquifer Protection District.</p>
<p>(2) Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.</p>	<p>All driveways shall be designed to comply with Chapter 201 and must provide an on-site turnaround so vehicle are not backing out on to roadways. See plan note 21 on sheet 3.</p> <p>See plan note 23. Parking along Lydia's Circle and Chick Crossing Road is prohibited.</p>
<p>(3) Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less traveled way.</p>	<p>Lot 3 has street frontage on Lydia's Circle and Chick Crossing Road. Lot 3 shall not have a driveway onto Chick Crossing Road and shall be deed restricted to have a driveway off Lydia's Circle only.</p> <p>The outstate lot, not part of the subdivision, shall have a driveway onto Chick Crossing Road.</p>
<p>(4) Wherever possible, side lot lines shall be perpendicular to the street.</p>	
<p>(5) The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as to preclude future resubdivision.</p>	<p>No such lots proposed. Any change to lot lines or Open Space area requires Planning Board approval.</p>
<p>(6) Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.</p>	<p>Extensions of such utilities in this area are not planned for the foreseeable future. Lots shall be served by private individual septic systems and private individual drilled wells.</p>



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(7) If a lot on one side of a river, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the river, tidal water or road to meet the minimum lot size.	No such lots exist or are proposed.
(8) Odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than three to one.	Odd shaped lots are not proposed. <u>3:1 ratio to be confirmed for Lot 2. On 8/21/23 it was discussed to shorten lot 2 so the length to width ratio would be met.</u>
(9) Lots shall be numbered in accordance with Chapter 201, Article I, Street Naming and Numbering, of the Wells Municipal Code.	
(10) Where the Board finds that safety considerations so require, driveways of adjoining lots shall be combined or joined so as to minimize the number of driveway entrances and maximize the distance between entrance points.	On 8/21/23 the Planning Board voted to find shared driveways are not required. Lot 1 and 2 proposed driveways onto Chick Crossing Road.
(11) Proposed lots shall not be permitted to have driveway entrances onto existing arterial or collector streets unless the Planning Board determines that no reasonable alternate exists.	Lot 1 and 2 proposed driveways onto Chick Crossing Road. On 8/21/23 the Planning Board voted to allow lot 1 and lot 2 driveways onto Chick Crossing Road.
E. Utilities.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.
(1) Utilities shall be installed underground except as otherwise approved by the Board.	Note 22 on sheet 3 requires utilities to be installed underground for lots 1 and 2 and lots off of Lydia's Circle. Existing utility poles along Chick Crossing Road depicted.
(2) Underground utilities shall be installed prior to the installation of the final gravel base of the road.	See note 22 on sheet 3.
(3) The size, type and location of streetlights, electric and gas lines, telephone and other utilities shall be shown on the plan and approved by the Board.	See C101, C200-C202. Utilities easements proposed for lots 3 and 4 along Lydia's Circle.
F. Required improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.	
(1) Monuments.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET. Sheet 3 identifies all Monumentation proposed and monuments found.
(a) Stone or concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.	
(b) Stone or concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less. New monumentation shall not be required at corner or angle points where there is existing monumentation that complies with this section.	

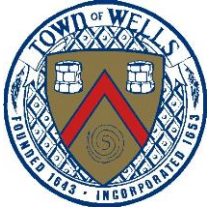


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(c) Stone monuments shall be a minimum of four inches square at the top and four feet in length and set in the ground at final grade level. After they are set, drill holes one-half-inch deep shall locate the point or points described above.	
(d) Concrete monuments shall be portland cement reinforced with half-inch reinforcement bar. Concrete monuments shall be either four inches square or four inches in diameter and four feet in length and set in the ground at final grade with their top flush to four inches above the final grade.	
(e) All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points, shall be marked by suitable monumentation.	On 8/21/23 the Planning Board voted to find the proposed Monumentation shown is acceptable.
(2) Water supply.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.
(a) When a subdivision is to be served by the Kennebunk, Kennebunkport and Wells Water District, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider.	Subdivision not served by the KKW Water District.
[1] The subdivider shall provide a written statement from the Water District that adequate water for both domestic and fire-fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The subdivider shall be responsible for paying the costs of system improvements necessary to serve the subdivision.	
[2] The size and location of mains, gate valves, hydrants and service connections shall be reviewed and approved in writing by the Water District and the Fire Chief.	
(b) When the location of a subdivision does not allow for a financially reasonable connection to the Kennebunk, Kennebunkport and Wells Water District, the Planning Board may allow the use of individual wells or a private community water system.	The subdivision proposed individual drilled wells for the proposed 20 lots. Lot 3's well is proposed on Lot 2. An easement for Lot 3's well onto Lot 2 is proposed.
[1] Dug wells shall be permitted only if it is demonstrated to be not economically feasible to develop other groundwater sources and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.	See note 16 on sheet 2.
[2] If a central water supply system is provided by the subdivider, the location and protection of the source and the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 A.C.M.R. 231).	Not applicable.
[3] Fire protection. [Amended 3-11-2002]	

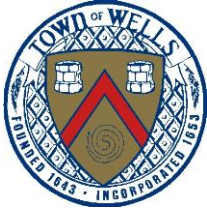


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<p>[a] The subdivider shall construct dry hydrants connected to ponds or water storage tanks, provide fire hydrants connected to a public water source or implement an alternative program approved by the Fire Chief to provide for adequate water for fire-fighting purposes within the subdivision. An easement shall be granted to the municipality providing access to the hydrants or other improvements where necessary. If a subdivision has fewer than 10 lots or dwelling units or any combination of lots and dwelling units, the Board, may waive the requirement for an adequate on-site water supply only upon submittal of evidence that:</p>	<p>The subdivision proposes to construct a 30,000 gallon underground fire cistern within the Open Space of the Subdivision, adjacent to proposed lot 18. See note 18 on sheet 3.</p> <p>Written approval from the Fire Chief provided via email dated 8/17/2023. Recommended cistern connection shall be a 6" female swivel connection as requested.</p>
<p>[i] There is a fire pond, fire hydrant connected to public water, or another water source within one mile of the subdivision that the subdivider has obtained the legal right to use for fire protection purposes; and</p>	<p>Not applicable.</p>
<p>[ii] The Fire Chief has determined that the proposed water source has sufficient capacity to serve the needs of the subdivision and any other subdivisions currently using or relying on the water source for fire protection.</p>	<p>Written approval from the Fire Chief provided via email dated 8/17/2023. Recommended cistern connection shall be a 6" female swivel connection as requested.</p> <p><u>Cistern Maintenance notes to be added to C-302.</u></p>
<p>[b] For purposes of this section, the 1-mile distance is measured from the pond, water source or fire hydrant to the driveway of the subdivision residence located farthest from the water supply along routes that fire trucks can safely travel year round.</p>	<p>The fire cistern is within 1 mile of all driveways within the proposed subdivision.</p>
<p>[4] The results of the water quality test submitted shall indicate that the groundwater meets the primary drinking water standards of the Maine Rules Relating to Drinking Water for those categories tested. If the Board has reason to believe, due to previous uses of the property or due to previous or existing uses of neighboring property, that the existing water quality may be threatened by contaminants not tested for in the primary inorganic water analysis, it may require the water to be tested for those contaminants.</p>	<p>This is a condition of approval to be provided prior to the issuance of a building permit.</p>
<p>(c) Prior to the issuance of a building permit for the construction of any principal structure in a subdivision, the applicant shall present evidence of suitable water supply to the Code Enforcement Officer. This evidence shall consist of:</p>	<p>This is a condition of approval.</p>
<p>[1] A letter from the Kennebunk, Kennebunkport and Wells Water District indicating availability of service; or</p>	<p>Not applicable.</p>
<p>[2] The results of a primary inorganic water analysis performed upon the well to serve the structure indicating the groundwater meets the primary drinking water standards of the Maine Rules Relating to Drinking Water for those categories tested.</p>	<p>This is a condition of approval.</p>



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(3) Sewage disposal.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.
(a) Public system.	Subdivision not served by the Wells Sanitary District.
[1] A sanitary sewer system shall be installed at the expense of the subdivider when there is a public sanitary sewer line located within 1,000 feet of the proposed subdivision at its nearest point. The Wells Sanitary District shall certify that providing service to the proposed subdivision is within the capacity of the district's collection and treatment system.	
[2] The district shall review and approve in writing the construction drawings for the sewage system.	
(b) Private systems.	Subdivision shall be served by individual subsurface wastewater disposal systems. See note 16 on sheet 3. Minor deviations in subsurface system placement shall be approved by the Town Code Officer (\pm 10 feet). Septic system areas and tanks shall be more than 800 feet from high water line of Branch Brook.
[1] The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve areas shall be shown on the plan and restricted so as not to be built upon.	Mark J. Hampton CSS #216/ LSE#263 prepared test pits lots dated 4/9/22. Revised Mark Hampton test pit logs dated 7/6/23 provided. Test pits renumbered on sheet 3. <u>Addition of an accessory dwelling unit will affect system size and capacity. The subdivision shall restrict Accessory Dwelling units from all lots. See recommended plan note 46.</u>
[2] In no instances shall a disposal area be permitted on soils or on a lot which requires a new system variance from the subsurface wastewater disposal rules.	



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<p>(4) Stormwater management. [Amended 4-27-2007]</p>	<p>Proposed drainage depicted on C and D sheets.</p> <p>Proposed drainage easement identified on lots 14, 15, 19 and 20. Drainage easement for Lot 1 provided.</p> <p>Existing utility poles along Chick Crossing Road are identified on sheets 2, 3, and 4. Proposed underground utilities are shown on sheet C101. Lot 1 and 2 utilities are permitted to cross the 50' wide no-cut buffer in the same opening of the driveway.</p> <p>A stormwater management report by Atlantic Resource Consultants dated March 2022 has been updated (July 2023) and provided. Report is stamped and signed by a PE.</p> <p>Road and lot drainage is to be directed to bio-retention ponds.</p> <p>A MDEP Site Location Permit was approved on 11-15-23 (#L-30152-L3-A-N).</p> <p>Stormwater management plan provided by Atlantic Resource Consultants has been updated (July 19, 2023) to address previous memo comments. <u>Town Engineer reviewed revised analysis, see memo dated 2/21/24.</u></p> <p>Wetland delineation shown on sheet 3 and 4. Wetland delineation done by Mark Hampton Associates. Total wetland impact proposed is 3,566 SF and requires a MDEP NRPA Tier 1 Permit and ACOE Permit. Both permits granted. See ACOE letter dated 2/9/23.</p> <p>Determinations on the vernal pools provided, see report by Mark Hampton dated May 17, 2022.</p> <p>Unnamed streams are identified on sheets 3 and 4.</p> <p>Branch Brook is identified on sheets 2 and 3.</p> <p>A letter from IF&W provided dated 3/3/22.</p> <p>Bat and Wood Turtle Species are identified in the vicinity of the project area/ on the project area.</p> <p>IF&W recommends 400' setback from Branch Brook to maintain possible turtle habitat. See email from Derek Yorks</p>
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§ 202-12. General Standards	Findings & Decisions
	of Maine IF&W date 3-23-22 regarding the turtle habitat buffer.
(a) Where a subdivision is traversed by a stream, river or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a registered professional engineer.	On-site easements depicted. Off-site easement across Map 83, or 8A depicted.
(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.	Drainage easement to Town across Lot 1 and the Open Space warranted.
(c) The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. The engineer shall certify that peak runoff from the subdivision onto other properties shall not be increased either in volume or duration from the peak runoff characteristics existing prior to development.	Provided – Revised Stormwater Management Plan.
(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.	Provided – Revised Stormwater Management Plan.
(e) For subdivisions that require MDEP review under 38 M.R.S.A. § 481 et seq. (Site Location of Development), a stormwater management plan shall be submitted which complies with the Site Location of Development permit and the requirements of MDEP Chapter 500 Stormwater Regulations.	A MDEP Site Location Permit was approved on 11-15-23 (#L-30152-L3-A-N).
(f) For subdivisions that do not require a Site Location of Development permit, but that require a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which complies with the requirements of MDEP Chapter 500 Stormwater Regulations.	Not applicable.
(g) For subdivisions outside of the watershed of a great pond that neither require a Site Location of Development permit, nor a MDEP permit pursuant to 38 M.R.S.A. § 420-D, a stormwater management plan shall be submitted which incorporates the low-impact development techniques set forth in Volume I, Chapter 3 of the Maine Stormwater Best Management Practices Manual, 2006 (LID Techniques) on each individual lot approved by the Planning Board when such LID Techniques are adopted by MDEP. At such time that the MDEP adopts the LID Techniques, the Planning Board shall adopt them for use in approving subdivisions for the Town of Wells.	Not applicable.



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	(h) For subdivisions located within the watershed of a great pond containing: 1. five or more lots or dwelling units created within any five-year period; or 2. any combination of 800 linear feet of new or upgraded driveways and/or streets, a stormwater management plan shall be submitted that meets the phosphorus allocation across the entire subdivision in accordance with the methodology described in the MDEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006.	Not applicable.
	(i) The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a “Downstream Analysis” under conditions of the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm, as described below:	100 year analysis provided.
	[1] Downstream Analysis Methodology: The criteria used for the downstream analysis is referred to as the “10% rule.” Under the 10% rule, a hydrologic and hydraulic analysis for the ten-year, twenty-four-hour storm, the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a ten-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.	
G.	Streets.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.
	(1) All streets in a subdivision shall meet Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code.	The proposed street must comply with the requirements of Chapter 201. Lydia’s Circle is a proposed private road that will not be considered for acceptance by the Town of Wells. See plan note 23 on sheet 3. Lydia’s Circle is 1.99 acres in area.



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<p>(2) Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Said two street connections' center lines shall be no closer than 400 linear feet apart. Traffic generation rates shall be based on the Traffic Generation Manual, 1988 Edition, Institute of Transportation Engineers. Some typical traffic generation rates are:</p>	<p>Lydia's Circle is not expected to generate a daily traffic of 200 trips per day or more. Traffic generation on Lydia's Circle is calculated to be 180 trips per day.</p> <p>Lots 1 and 2 shall have driveways onto Chicks Crossing Road, a town road, and shall generate 20 trips per day.</p> <p>The outsale lot does not have a driveway or rights to use Lydia Circle for vehicular purposes.</p> <p><u>Addition of accessory dwelling units would exceed the 200 ADT limit on a deadend. Accessory Dwelling units are not permitted within the subdivision. See recommended plan note 46.</u></p>
<p>(a) Single-family house: 10.0 trips per day per unit.</p>	<p>20 x 10.0 = 200.00 trips per day for the subdivision.</p>
<p>(b) Residential condominium: 5.9 trips per day per unit.</p>	
<p>(c) Motel: 10.2 trips per day per room.</p>	
<p>(d) Industrial: 7.0 trips per day per 1,000 square feet of floor space.</p>	
<p>(3) In any subdivisions located in the Residential A Zoning District or east of U.S. Route 1 provisions shall be made for the interconnection of proposed streets with other subdivisions or adjacent properties if it is determined to be practical and desirable by the Planning Board.</p>	<p>The subdivision is not located within the RA zoning district or east of US Route 1. Interconnection with other subdivisions not required.</p>
<p>H. Land features.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p>
<p>(1) Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas and building excavations. Topsoil shall not be removed from the site until completion of construction and inspection by the Town to assure four inches of topsoil has been spread over all areas to be grassed.</p>	<p>This is a condition of approval.</p>
<p>(2) Except for normal thinning, landscaping and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take the following measures to correct and prevent soil erosion in the proposed subdivision: [Amended 4-27-2007]</p>	<p>This is a condition of approval.</p>
<p>(a) The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.</p>	
<p>(b) The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.</p>	
<p>(c) Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.</p>	



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(d) Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.	
(3) To prevent soil erosion of shoreline areas the cutting or removal of vegetation shall only be permitted as regulated in § 145-33 of Chapter 145, Land Use, of the Wells Municipal Code.	This is a condition of approval.
(4) Dedication and maintenance of common open space and services.	Chicks Crossing Village Owner Association documents were provided and reviewed by the Town Attorney for compliance with these standards. <u>Town Engineer and Town Attorney reviewed the Homeowners Association documents, see memo dated 8-18-23. See updated memo dated 2/22/24, items to be addressed.</u> <u>Accessory Dwelling units are not permitted within the subdivision. See recommended plan note 46.</u>
(a) All common land shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners' association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition or by the municipality.	See note 25 on sheet 3.
(b) Further subdivision of the common land or its use for other than noncommercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.	See note 25 on sheet 3.
(c) The common open space shall be shown on the final plan with appropriate notation on the plan to indicate that:	See note 25 on sheet 3.
[1] It shall not be used for future building lots; and	
[2] A part or all of the common open space may be dedicated for acceptance by the municipality.	
(d) If any or all of the common open space and services are to be reserved for use by the residents, the bylaws of the proposed homeowners' association shall specify maintenance responsibilities and shall be submitted to the Board prior to final plan approval.	See note 25 on sheet 3. <u>HOA document to address maintenance responsibilities.</u>
(e) Covenants for mandatory membership in the homeowners' association setting forth the owners' rights, interests and privileges in the association and the common property shall be reviewed by the Board and included in the deed for each lot or dwelling.	<u>HOA document to address maintenance responsibilities</u>
(f) The homeowners' association shall have the responsibility of maintaining the common property.	<u>HOA document address maintenance responsibilities.</u>
(g) The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.	<u>HOA document address maintenance responsibilities.</u>

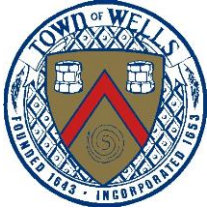


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(h) The developer or subdivider shall maintain control of the common property and be responsible for its maintenance until development sufficient to support the association has taken place.	<u>HOA document address maintenance responsibilities.</u>
(5) Construction in flood hazard areas. When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall conform with Chapter 115, Floodplain Management, of the Wells Municipal Code.	See note 11 on sheet 3 and Flood Zone A is noted and identified on sheet 3. Flood Zone A identified on FRIM panel number 2301580010D.
(6) Impact on groundwater.	
(a) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:	A hydrogeologic assessment was prepared by Mark Cenci dated 4/20/22. Reviewed by Town Engineer, study addresses groundwater impacts and water supply demand.
[1] A map showing the basic soils types.	
[2] The depth of the water table at representative points throughout the subdivision.	
[3] Drainage conditions throughout the subdivision.	
[4] Data on the existing groundwater quality, either from test wells in the subdivision or from existing wells on neighboring properties.	
[5] An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a pond, projections of the development's impact on groundwater phosphate concentrations shall also be provided.	
[6] A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.	
(b) Projections of groundwater quality shall be made at any wells within the subdivision and at the subdivision boundaries or at a distance of 500 feet from potential contamination sources, whichever is a shorter distance.	
(c) Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).	
(d) No subdivision shall increase any contaminant concentration in the groundwater to more than 1/2 of the primary drinking water standards. No subdivision shall increase any contaminant concentration in the groundwater to more than the secondary drinking water standards.	



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	(e) If groundwater contains contaminants in excess of the primary standards and the subdivision is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.	
	(f) If groundwater contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.	
	(g) Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the final plan and as restrictions in the deeds to the affected lots.	
§ 202-13. Performance Guaranties. [Amended 4-12-1999]		Findings & Decisions
A.	Types of guaranties.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.
(1)	With submittal of the application for final plan approval, the applicant shall provide any one or a combination of the following performance guaranties for an amount adequate to cover the total site preparation and construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs:	See sheet S3, notes 27 to 33, and 47. See note 47: Prior to the issuance of any building permit/ prior to start of construction the following to be completed: A. A pre-construction meeting is held with the Town. B. Plot plans prepared by a licensed land surveyor or professional engineer shall be provided in compliance with note 8. C. The plot plan shall be a portion of subdivision sheet 3 produced to scale. Structure locations require a PLS to layout the footprint. D. Wetland signage installed. (See note 44). E. Street sign and stop sign installed.
	(a) Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner for the establishment of an escrow account.	Cash escrow is required. See sheet S3, notes 27 to 33, and 47.
	(b) A performance bond payable to the municipality issued by a surety company approved by the municipal officers or Town Manager.	Cash escrow is required. See sheet S3, notes 27 to 33, and 47.

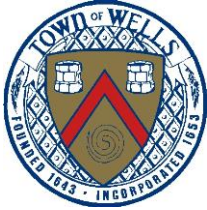


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	(c) An irrevocable letter of credit (See Appendix B for a sample. Note: Appendix B, originally attached to the Subdivision Regulations, has not been reproduced in the Code. Consult the original Town records in the office of the Clerk.) from a financial institution establishing funding for the construction of the subdivision from which the municipality may draw if construction is inadequate, approved by the municipal officers or Town Manager.	Cash escrow is required. See sheet S3, notes 27 to 33, and 47.
	(d) An offer of conditional approval prohibiting the sale of any units or lots until all required improvements serving those units or lots have been constructed to the satisfaction of the Town and in compliance with all ordinances, plans and specifications.	See note 33 and sheet 3. Except for Lots 1 and 2, the sale of lots or units is prohibited until base course of pavement is installed, provided Lots 1 and 2 are constructed with sprinkler systems. This means the pre-construction meeting is held and determinations are mutually made by the developer and Town regarding performance guarantees required prior to the start of construction.
(2)	The conditions and amount of the performance guaranty shall be determined by the Board with the advice of the Town Planner, Road Commissioner, municipal officers and/or Town Attorney. If an offer of conditional approval is made by the applicant, pursuant to Subsection A(1)(d), the applicant shall be required, in addition, to present a cash escrow, performance bond or irrevocable letter of credit, as described in Subsections A(1)(a) through (c) above, to cover the cost of restoring the site to a stable condition, should the applicant create erosion or sedimentation problems for an unreasonable duration during site preparation or during the construction of roads and/or utilities or other required improvements.	Cash escrow is required. See sheet S3, notes 27 to 33, and 47.
B.	Contents of guaranty. The performance guaranty shall contain a construction schedule, cost estimates for each major phase of construction, taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guaranty to the developer and a date after which the applicant will be in default, and the municipality shall have access to the funds to finish construction. The Board may require the services of a third party inspector, to be paid for at the expense of the applicant upon recommendation of the Town Manager.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET. A construction cost estimate was submitted. <u>A revised estimate was provided but omitted many items. See 2/20/24 Town Engineer memo requesting a cost estimate.</u> Performance Guarantee Agreement to be reviewed and signed at the pre-construction meeting.

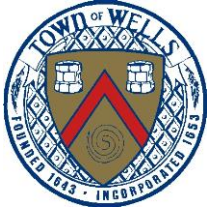


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C.	<p>Escrow account. If the applicant chooses to establish an escrow account, a cash contribution to the account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements. The Town Attorney and Town Treasurer shall review and have final authorization on the establishment of escrow accounts.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Cash escrow is required. See sheet S3, notes 27, 28, 29.</p>
D.	<p>Performance bond. If the applicant chooses to submit a performance bond, the performance bond shall detail any special conditions, the method for release of the bond or portions of the bond to the applicant and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Cash escrow is required. See sheet S3, notes 27 to 33, and 47.</p>
E.	<p>Letter of credit. If the applicant chooses to submit an irrevocable letter of credit from a bank or other lending institution, at a minimum the letter shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan. The Town Manager or Town Treasurer shall certify the bank or institution as acceptable to the Town. The Town Attorney shall review and, if found acceptable, approve the wording of all letters of credit.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Cash escrow is required. See sheet S3, notes 27 to 33, and 47.</p>
F.	<p>Standard condition of approval. As a standard condition of approval for all applications for which a performance guaranty is required pursuant to Subsection K, the Board shall require the applicant to enter into a binding agreement with the municipality regarding the development of the required improvements and the sale of lots or units in the subdivision until such time as one or more of the allowable performance guaranties have been accepted by the municipality.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.</p> <p>Cash escrow is required. See sheet S3, notes 27 to 33, and 47.</p>
(1)	<p>Cash escrow is required. See note 30 and 31 on sheet 3.</p>	<p>To be determined at the pre-construction meeting.</p>
(a)	<p>It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or</p>	



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	(b) A performance guaranty, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.	
	(2) Notice of the agreement and any conditions shall be on the final plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guaranties contained in Subsection <u>H</u> .	Performance Guarantee Agreement to be reviewed and signed at the pre-construction meeting.
G.	Phasing of development. The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guaranty. When development is phased, road construction shall commence from an existing public way. The subdivision shall be divided in such a manner that each phase, when aggregated with the previous phase(s), shall meet the standards of these regulations. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET. Phasing of the subdivision is not proposed.
H.	Release of guaranty. Prior to the release of any part of the performance guaranty, the Board shall determine to its satisfaction, in part upon the report of the Town Manager and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.
I.	Default. If upon inspection the third party inspector, Municipal Engineer or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the Code Enforcement Officer, the municipal officers, the Board and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET.
J.	Private streets. Where the subdivision streets are to remain private streets, the following words shall appear on the recorded plan: "All streets in this subdivision shall remain private roads to be maintained to Town standards by the developer or the lot owners and shall not be accepted or maintained by the Town."	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET. See note 23 on sheet 3. Lydia's Circle shall not be considered by the Town of Wells for acceptance as a Town Road/ Street.
K.	Improvements guaranteed. Performance guaranties shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the public or private streets, stormwater management facilities, public or private sewage collection or disposal facilities and water systems that are shared by multiple dwelling units and erosion and sedimentation control measures, as well as any other improvements required by the Board.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL BE MET. Established of the type, form and conditions of the Performance Guarantee is required at the pre-construction meeting.

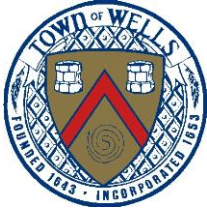


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§ 202-2. Purpose, criteria for approval.		Findings & Decisions
<p>The purposes of these regulations are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Wells, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Wells, Maine, the Planning Board shall consider the following criteria and, before granting approval, shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the guidelines of 30-A M.R.S.A. § 4404.</p>		
A.	The subdivision:	The Planning Board finds that these standards shall be met.
	(1) Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the floodplains; the nature of soils and subsoils and their ability to adequately support waste disposal; and the slope of the land and its effect on effluents;	
	(2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;	
	(3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;	
	(4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;	
	(5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;	
	(6) Will provide for adequate solid and sewage waste disposal;	
	(7) Will not cause an unreasonable burden on the ability of the Town to dispose of solid waste and sewage if municipal services are to be utilized;	
	(8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;	
	(9) Is in conformance with this chapter, the Comprehensive Plan for the Town and Chapter 145, Land Use, of the Wells Municipal Code, as amended;	
	(10) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water; and	
	(11) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;	
B.	The subdivider has adequate financial and technical capacity to meet the above-stated standards;	The Planning Board finds that these standards shall be met.



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C.	If any part of a subdivision is located in a flood-prone area, as indicated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Maps, the subdivider shall determine the one-hundred-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition requiring that principal structures will be constructed with their lowest floor, including the basement, at least one foot above the one-hundred-year flood elevation; and	See note 11 on sheet 3 and Flood Zone A is noted and identified on sheet 3. Flood Zone A identified on FRIM panel number 2301580010D. Flood Zone A identified on sheet 2. No development is proposed in Flood Zone A. The Planning Board finds that these standards shall be met.
D.	The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision.	Not applicable.

STANDARD CONDITIONS OF APPROVAL

1. Any subdivision not recorded in the Registry of Deeds within 90 days of the date upon which the plan is approved and signed by the Board shall become null and void, unless an extension is granted by the Board in writing before the expiration of the ninety-day period. (§202-9C(2))
2. Prior to the issuance of a building permit for a principal structure in the subdivision, the applicant shall present evidence of suitable water supply to the Code Enforcement Officer. The evidence shall consist of the results of a primary inorganic water analysis performed upon the well to serve the structure, indicating the groundwater meets the primary drinking water standards of the Maine Rules Relating to Drinking Water for those categories tested. (§202-12F(2)(b)[4])
3. Prior to the issuance of a building permit in any approved subdivision, the subdivider shall provide the Code Enforcement Officer with a letter from a registered land surveyor stating that all monumentation shown on the plan for the lot receiving the building permit and for the approved subdivision perimeter boundaries or phase therein as approved by the Planning Board has been installed. (§202-11A(5))
4. No changes, erasures, modifications or revisions shall be made in any final plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications, except in accordance with § 202-10A(3). (§202-9C(4))
5. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement or other area shown on such plan. (§202-9C(5))
6. Failure to commence substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. (§202-9C(6))

SPECIAL CONDITIONS OF APPROVAL

1. Prior to any construction activity at the site, the applicant/developer and selected contractor shall participate in a pre-construction conference with Town and other regulatory officials to review the project's construction considerations.
2. Prior to any construction on the site, the applicant shall post a cash escrow funds as a suitable financial guarantee. The work included within this financial guaranty may include the roadway and infrastructure improvements including but not limited to utilities, drainage, lot Monumentation and As-Built Plans of the subdivision. A cash escrow fund shall also be established to cover costs for inspection services of the work associated with the roadway improvements and drainage and erosion control measures beyond the limits of the road right of way. A cash escrow financial guarantee shall also be provided for construction coordination and inspection fees of the Planning Department as specified in the Planning & Development Fee Scheduled effective 1/1/2024.



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

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3. The form and amount of financial guarantees must be per the approved plans and acceptable to the Town Engineer. A written Performance Guarantee Agreement shall be established between the Developer and the Town of Wells.
4. The Town of Wells, Maine may employ the services of an engineering firm to assist in the inspection of roads and other infrastructure. The cost of such additional services will be born by the developer.
5. Prior to the issuance of the 17th Certificate of Occupancy, the applicant shall provide to the Town record as-built drawings of the roadway, drainage, lot Monumentation and utility related construction work.
6. If the Developer is found to be in default of completing any of the requirements as approved on the Subdivision Plan or in compliance with Town Ordinances, the Town shall notify the Developer in writing. The Developer shall be given 30 days to complete the required improvements. Failure to do so, shall surrender the escrow funds to the Town and give the Town full access to the escrow account funds to finish the construction. Any and all expenses incurred by the Town to complete the project shall be paid from the escrow account the Developer surrendered to the Town. The Town shall release whatever remaining escrow exists after the subdivision is completed in compliance with its approvals and after a default fine of \$1,000 is retained by the Town.

Dated at Wells, Maine this _____ day of _____, 2024

Wells Planning Board

By: _____
Charles Millian, Chairman