



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for "Fairway View Village Subdivision"

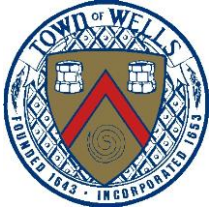
Page 1 of 27

Chapter 202

Subdivision of Land

PROJECT INFORMATION

General:	Project Name:	Fairway View Village Subdivision
	# Lots Exist:	1 lot/ 46 dwelling units
	# Lots Proposed:	None. Project to remain 1 lot with 46 dwelling units.
	Applicant:	York Building and Design Center, Inc. 764 US Route 1, Suite 11, York, ME 03909
	Landowner:	York Building and Design Center, Inc. 764 US Route 1, Suite 11, York, ME 03909
	Location:	Fieldside Lane off of Route 9, Wells, Maine
	Existing Use:	A Major Multifamily Development Subdivision consisting of 46 dwelling units (4 single family dwellings and 21 two-family dwelling units) on 123.2 acres of land with roadways and Open Space.
	Proposed Land Use:	A Major Multifamily Development Subdivision consisting of 46 dwelling units (4 single family dwellings and 21 two-family dwelling units) on 123.2 acres of land with roadways and Open Space.
	Tax Parcel ID:	Tax Map 32, Lot 13
	Zoning District:	Rural District
	Chpt 145, Art VII Performance Standards:	145-48 Multifamily Development
	Surveyor:	Nate Amsden of Amsden Field Survey, 799 Main St, Eliot, ME 03903
	Amended Plan Application Submission Date:	11/21/2023
	Plan Submission Date:	11/21/2023



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

Page 2 of 27

Project Description:	Attar Engineering has submitted a Final Subdivision Amendment Application for Fairway View Village Subdivision on behalf of York Building & Design, Inc. The Amendment application seeks approval to resolve golf course encroachments onto land of Fairway View Village Subdivision by Old Marsh Golf Club (Map 33, Lot 1). The resolution proposed is to convey 0.12 acres (5,465 SF) of land from Fairway View Village to Old Marsh so that existing golf course encroachments can remain in their existing locations (irrigation manifold, bunker, sprinkler, existing green), to relocate the Old Marsh golf course cart path, and to establish a 6' tall visual screen (fence) on Old Marsh property. The 25' wide Multifamily Development buffer on Fairway View Village land to be adjusted and replanted. The Fairway View Village Subdivision is approved for 46 dwelling units as part of a Multifamily Development major subdivision consisting of 4 single family units and 21 two-family units. All units in the development are to be age restricted (55- years or older) except 4 dwelling units. A one-story Clubhouse/ Community Center, a one-story Storage Building consisting of 30 units/ outdoor storage area, and a 30' x 40' one-story maintenance building is also approved as accessory uses to the Multifamily Development and are for the use of residents of this subdivision. The subdivision has 45.91 acres of Dedicated Open space. The parcel to become 123.08 acres in area with the conveyance of 0.12 acres to Old Marsh (Map 33, Lot 1). The parcel is located within the Rural District. The parcel is located off of Fieldside Lane. Fairway View Village Subdivision is located on Tax Map 32, Lot 13.
Approval Dates:	Preliminary Plan Approval: Not Applicable Final Plan Approval: 6/17/2024
Public Hearings:	Preliminary Public Hearing: Not Applicable Final Public Hearing: Waived by Planning Board on 6/3/24

PROJECT HISTORY

1. On 9/12/23 the applicant submitted a Final Subdivision Amendment Application to the Planning Office for the above described project.
2. On 9/15/23 the Planning Office mailed abutters notice of the subdivision amendment application and of the 9/25/23 Planning Board meeting.
3. On 9/20/23 the Planning Office prepared plan markups (option 1 and option 2) and a memo for the applicant and Planning Board.
4. On 9/25/23 the applicant requested postponement to the next available Planning Board meeting.
5. On 9/25/23 the Planning Board voted to reschedule the receipt of the application.
6. On 9/29/23 the Planning Office prepared a revised memo for the Planning Board and applicant.
7. On 10/2/23 the Planning Board received the subdivision amendment application and scheduled a site walk for 10/21/23 at 8am.
8. On 10/16/23 the Planning Board voted to reschedule the site walk for 11/4/23 at 8am.
9. On 10/30/23 the Planning Office prepared a revised subdivision amendment application memo.
10. On 11/4/23 the Planning Board conducted a site walk.
11. On 11/6/23 the Planning Office prepared a site walk results memo.
12. On 11/6/23 the applicant provided a revised subdivision plan to the Planning Office.
13. On 11/6/23 the Planning Board reported the site walk results and voted in favor of Option C to move the lot line and convey a portion of Fairway View property to Old Marsh.
14. On 11/6/23 the applicants attorney had questions and concerns on the condominium association accepting the preferred planning board options.



Town of Wells, Maine

Planning Board

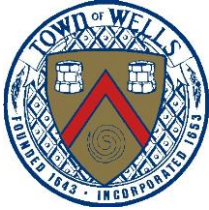
FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for "Fairway View Village Subdivision"

Page 3 of 27

PROJECT HISTORY

15. On 12/6/23 the applicant forward emails from the attorney desiring pursuit of the easement not a conveyance.
16. On 12/7/23 the Planning Office forwarded the Planning Board's 11/6/23 decision to the applicants representatives.
17. On 12/27/23 the Planing Office inquired into the status of the amendment application.
18. On 12/27/23 the applicants attorney emailed the Planning Office stating the conveyance would not work.
19. On 1/2/24 the Planning Office inquired about the status of a revised plan for the Planning Board to consider.
20. On 1/2/24 the applicant inquired about changing the cart path location instead of Option C.
21. On 1/8/24 the Planning Board granted a 30 day extension.
22. On 2/5/24 the Planning Board conducted a workshop and preferred option 2 to relocate the cart path from the 25' wide buffers on both properties. The Board granted a 60 day extension to prepare the plans to reflect this.
23. On 3/13/24 the Planning Office inquired about the status of plan revisions.
24. On 3/19/24 the Planning Office inquired about the status of the plan revisions.
25. On 3/19/24 the applicant submitted plan revisions to the Planning Office.
26. On 3/28/24 the Planning Office prepared Article VII, completeness and draft compliance review checklists. Plan markups were recommended.
27. On 4/1/24 the Planning Board conducted a workshop and voted to allow the proposed 5' wide easement and approved the proposed vegetated buffer. An updated boundary plan was waived. Concrete bounds were required to monument the lot line. The Planning Office was appointed the completeness agent and a public hearing was found to not be necessary. The workshop was continued for 30 days.
28. On 4/23/24 the applicant submitted a revised subdivision plan showing a 10' wide easement area and changes to buffering. Concrete bounds were not shown.
29. On 5/3/24 the Planning Office inquired about the plan revisions not meeting what was voted on by the Planning Board at the 4/1/24 meeting. The Planning Office informed the agent that the revisions proposed do not meet the visual screen requirements as was detailed in October and November reviews.
30. On 5/3/24 the agent provided a draft easement.
31. On 5/3/24 the Planning Office prepared a memo for the Planning Board and applicant regarding the revised plans and concerns identified.
32. On 5/6/24 the Planning Board conducted a workshop. The plan revisions were discussed and guidance given to applicant. Final options to be providd and voted on for approval or denial at the next meeting.
33. On 5/7/24 the applicant inquired about proposed deadlines to complete the required work.
34. On 5/15/24 the Planning Office provided the application with the occupancy permit condition of approval deadlines required as part of the last amendment.
35. On 5/16/24 the applicant's agent submitted revised plans to the Planning Office for review. These plans decpirt the conveyance of 0.12 acres from Fairway Village Subdivision to Old Marsh.
36. On 5/17/24 the Old Marsh Condominium provided an email indicating they were considering the land conveyance at an upcoming Condominium Board meeting.
37. On 5/17/24 the applicants agent also resubmitted the subdivision plan version showing the 5' wide easement area with buffers and screening as approved by the Planning Board on 4/1/24.
38. On 5/17/24 the Planning Office prepared a memo and recommended plan markups to be address by the applicant.
39. On 5/20/24 the Planning Board reviewed the revised plan options. The Planning Board was in favor of the conveyance plans and will consider a vote after the Old Marsh Condominium Association approves the conveyance on 6/1/24. The Planning Board condintued the workshop for 30 days.
40. On 5/31/24 the applicant submitted revised plans to the Planning Office addressing the 5/17/24 plan markups.
41. On 5/31/24 the Planning Office prepared an updated memo.
42. On 6/3/24 the Planning Board was informed of the Old Marsh Condominium Association vote to accept the land, the Planning Board voted to rescind the 4/1/24 votes on the easement and buffer, the revised property line was found suitable, a public hearing was found not to be required, and the application was found to be complete. The workshop was continued for 30 days.
43. On 6/12/24 the Planning Office prepared draft compliance/ Findings of Fact & Decisions, a memo and plan markups.
44. On ____ the applicant submitted a revised plan addressing plan markups.
45. On 6/17/24 the Planning Board _____



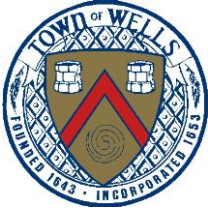
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 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>	
<p>A. 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 REMAIN MET.</p>
<p>B. Retention of open spaces and natural or historic features. [Amended 6-11-2013]</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
<p>(1) 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 is approved for 46 dwelling units and is required to provide a minimum of 35% Open Space.</p> <p>Based on the conveyance of 5,465 SF (0.12 acres) of land to Old Marsh (Map 33, Lot 1) the parcel area for Fairway View Village is now 123.08 acres in net area.</p> <p>This subdivision proposes with approximately 37.3% open space or 45.91 acres (2,000,000 SF) of the 123.08 acre parcel. See revised note on sheet 20.</p>
<p>(2) 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 32 on sheet 1 of 2020 subdivision approval. Passive recreation use (walking trails) is proposed. Open Space shall be owned and maintained by the Association.</p>
<p>(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 § 145-49, residential cluster development standards.)</p>	<p>No such reservation proposed.</p>
<p>(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.</p>	<p>On 4/8/19 the Planning Board granted a waiver of depicting trees 24” in diameter at breast height due to the buffer, wetlands and Open Space areas being no-cut areas, with the exception for dead, dying or diseased trees and for septic system installation.</p>



Town of Wells, Maine

Planning Board

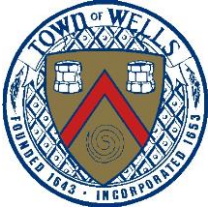
FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for "Fairway View Village Subdivision"

Page 5 of 27

§ 202-12. General Standards		Findings & Decisions
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 REMAIN MET.

DRAFT



Town of Wells, Maine

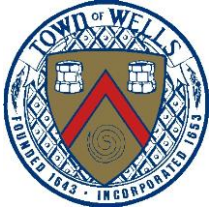
Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

Page 6 of 27

<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 approved 46 dwelling units. The 4 single family units and 21 two-family units create a total of 46 dwelling units on one 123.08 acre parcel. The subdivision is a Multifamily Development per §145-48.</p> <p><u>In 2022 145-48 of the Town Code was amended which requires a 15% deduction for all Multifamily Developments. Fairway View Village was grandfathered as non-conforming with 123.2 acres. Based on the conveyance of 5,465 SF the parcel net area becomes 123.08 acres, therefore the density requirements for the development must comply with 145-48H.</u></p> <p><u>15% of 5,361,451 -804,217.65 = 4,557,233.35 or 45.5 dwelling units. This results in 45 dwelling units being allowed. A 5% density bonus per 145-49D to be considered by the Planning Board on 6/17/24. A 5% bonus (268,072.5 SF) would result in 4,825,305.9 SF of density or 48.25 dwelling units. 48 dwelling units would be permitted. 46 are approved.</u></p> <p>See note 4 and 5 on sheet 1 of 2020 subdivision approval for Rural District and Multifamily Development dimensional requirements. See plan note 12 on sheet 6A of 5-01-2023 amendent approval regarding building separation and landscaped buffer and screening requirements. The current amendment proposes to amend not 12b to allow 30 days to inspect footings. See note 7A, note 4.I.</p> <p>The parcel has been identified to be located within the Rural District. The Resource Protection with 250' Shoreland Overlay is found to not be present at the rear portion of the lot based on Town Zoning Map. The wetlands “appear forested in nature. See letters provided by Ken Gardiner, last dated 3/8/19.</p> <p>The 21 duplex/ two-family dwelling units, 42 units total, are age restricted as Senior Housing Units. These units are required to be owned and occupied by senior citizens who are 55 years of age or older. These units are prohibited from being leased, sublet, sold or occupied by persons less than 55 years of age. This subdivision is not considered Elderly Housing per 145-10 and 145-59.</p> <p>The conveyance of unit 21, a duplex unit, occurred without the required age-restriction. See plan note 10 on sheet 7A addressing resolution to this violation. Unit 21 shall become age restricted by 11/14/2024. No building permits for units 41 or 42 shall be permitted until 11/14/2024.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



Town of Wells, Maine

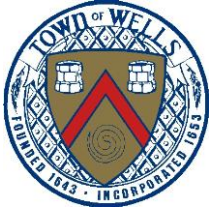
Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

Page 7 of 27

§ 202-12. General Standards	Findings & Decisions
(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.	All driveways shall be designed to comply with Chapter 201 and must provide an on-site turnaround so vehicles are not backing out on to roadways. Parking along any road is prohibited, see plan note 28 of original approval.
(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.	The subdivision parcel has 461.69' of street frontage off of Fieldside Lane. The parcel does not have multiple street frontages.
(4) Wherever possible, side lot lines shall be perpendicular to the street.	
(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.	Plan note 43 of 2020 subdivision approval states that any future resubdivision shall require review and approval by the Planning Board. See the six Standard Conditions of Approval notes on sheet 2 of 2020 subdivision approval.
(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.	Extensions of WSD sewer and KKWWD water utilities in this area are not planned for the foreseeable future. Lots shall be served by common/shared septic systems and common/shared drilled wells.
(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 lot exists or is 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.	The 123.08 acre parcel is an existing lot.
(9) Lots shall be numbered in accordance with Chapter 201, Article I, Street Naming and Numbering, of the Wells Municipal Code.	Street names were approved by the Town Assessor/ E911 Coordinator on 1-13-2020. Striper Way, Izzys Lane, Haleys Court, Jennifer Lane, Sophies Way, Joseph Way and Striper Way.



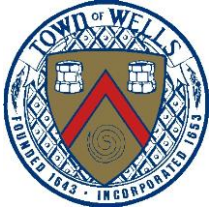
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards		Findings & Decisions
(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.	<p>Adjoining lots are not proposed. A 123.08 acre parcel with 46 dwelling units is approved. Internal private roadways with driveways serving the 46 dwellings are approved.</p> <p>The Multifamily Development road standards are determined by the Planning Board per Chapter 201.</p> <p>On 2/11/19 the Planning Board voted to require the Fieldside Lane roadway width to be 30' wide base gravel with 24' wide pavement.</p> <p>On 3/11/19 the Planning Board voted to require the internal roads of the development to be to be 22' wide pavement with 1-2' gravel shoulders.</p> <p>Various units have shared driveways: Units 1-2 off of Jennifer Lane; Units 3-6 Off of Jennifer Lane; Units 7-10 off of Joseph Way; Units 11-16 off of Izzys Lane; Units 17-19 off of Fieldside Lane; Units 19-21 off of Haleys Court; Units 23-32 off of Sophies Way; Units 32-39 and 46 off of Striper Way;; and Units 43-45 off of Fieldside Lane. Planning Board found the shared driveways suitable on 7-6-20.</p> <p>Striper Way proposed to be 20' wide paved with a 24' wide gravel base. See note 4.D.</p> <p>On 1/8/24 the Planning Board found that units 41 and 42 no longer have shared driveways off Fieldside Lane.</p>
(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.	No driveways are proposed off of existing arterial or collector streets.
E.	Utilities.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
(1)	Utilities shall be installed underground except as otherwise approved by the Board.	<p>Overhead utilities were permitted by the Planning Board on 4/8/19 from Route 9 along the first 150' of Fieldside Lane. On 7/6/20 the Planning Board amended this vote as underground utilities are now proposed from the Route 9 pole to the pole adjacent to abutting Lot 12-C's driveway, approximately the first 150 feet of Fieldside Lane.</p> <p>Existing overhead utilities to be removed and underground utilities to be installed from the existing pole along Route 9 along the northerly shoulder of Fieldside Lane to the existing pole adjacent to Lot 12-B's driveway. The removal of overhead utilities in this area will allow proposed screening and buffering for abutting properties. See sheet 9.</p>



Town of Wells, Maine

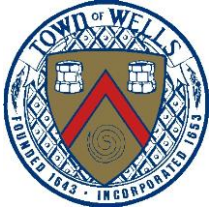
Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

Page 9 of 27

§ 202-12. General Standards	Findings & Decisions
(2) Underground utilities shall be installed prior to the installation of the final gravel base of the road.	Plan note 44 of 2020 subdivision approval states that underground utilities shall be installed prior to the installation of final gravel base of the road.
(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.	<p>See sheets 3 to 9 of 2020 subdivision approval for grading and utilities. This amendment involves revisions to sheets 7 and 8 of the original subdivision approval.</p> <p>Exterior lights are proposed at the entrance of each residential unit. See plan note 17 on sheet 1 of 2020 subdivision approval. All other exterior lights to be installed at the developer or Association’s discretion.</p> <p>Exterior lights are proposed for the storage unit area. See sheet 5 of 2020 subdivision approval.</p> <p>Note 17 of 2020 subdivision approval states exterior lighting shall be shielded or have an intensity that minimizes spillage of light onto abutting lots or travel ways.</p>
F. Required improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.	Sheet 7A and 8A are stamped by a PLS prior to final approval.
(1) Monuments.	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>Sheet 1, 2, 6A, and 9 of prior approvals identifies existing and proposed Monumentation. See plan note 11 on amended subdivision plan sheet 7A.</p> <p>Concrete bounds are required. See 3 new bounds on sheet 21. Bounds to be installed by Old Marsh no later than 8-31-2024. Concrete bounds were required by the Planning Board on 4/1/2024.</p>
(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.	
(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.	



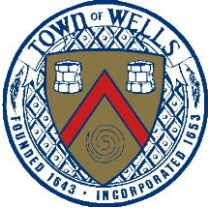
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards	Findings & Decisions
<p>(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.</p>	
<p>(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.</p>	<p>Most monumentation is existing and suitable.</p> <p>Bounds and iron rods or pipes proposed per Sheet 18 are suitable.</p> <p>On 7/6/20 the Planning Board determined the Monumentation shown to be acceptable.</p> <p>Concrete bounds are required. See 3 new bounds on sheet 21. Bounds to be installed by Old Marsh no later than 8-31-2024. Concrete bounds were required by the Planning Board on 4/1/2024.</p>
<p>(2) Water supply.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
<p>(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.</p>	<p>Subdivision not served by the KKW Water District.</p>
<p>[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.</p>	
<p>[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.</p>	
<p>(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.</p>	<p>The subdivision shall be served by private drilled wells. See plan note 13 of 2020 subdivision approval. Wells shall be shared. Wells shall be survey located prior to installation. See also note 38 requiring wells to be installed outside the 100' wells exclusion radii.</p> <p>See note 4H on amended subdivision plan which states the number of wells has been redced based on unit relocation.</p> <p>Well to septic setback information was provided and found to be acceptable.</p>



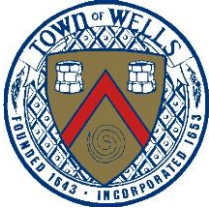
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards	Findings & Decisions
[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.	Note 13 on sheet 1 of 2020 subdivision approval states dug wells are prohibited.
[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).	A central water supply system is not proposed.
[3] Fire protection. [Amended 3-11-2002]	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
[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>The subdivision is required to construct on-site fire cisterns totaling 30,000 gallons. See sheet 4 of 2020 subdivision approval. On-site fire protection is required.</p> <p>See note 14 on sheet 1 of 2020 subdivision approval. Fire protection system shall be installed prior to the issuance of a Certificate of Occupancy. The Fire Department shall inspect, test and approve the system. After Fire Department approval and Easement shall be granted to the Town as approved by the Board of Selectmen and recorded. The developer or Condo Association shall maintain the system.</p> <p>See also note 42 on sheet 1 of 2020 subdivision approval.</p> <p>Fire Hydrant is labelled on sheet 4 of 2020 subdivision approval.</p> <p>The cisterns and fire hydrant have been installed, tested, and approved by the Fire Department.</p> <p>Knox boxes are required for the Clubhouse/Community Building, Maintenance Building and Storage building. See note on 45 on sheet 1 of 2020 subdivision approval.</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	Not applicable.



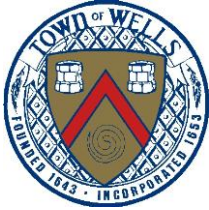
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards	Findings & Decisions
<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>Fire Chief found the proposed fire cisterns, hydrant and maintenance plan recommended notes to be suitable for fire protection of this subdivision. See email dated 10/2/20.</p> <p>Fire Cistern Maintenance Plan notes and details are provided on sheet 15 of 2020 subdivision approval.</p> <p>Fire Cistern has been tested and approved. An easement has been conveyed to the Town.</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 proposed fire cistern system is within 1 mile of all proposed dwelling units within this 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>
<p>(3) Sewage disposal.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
<p>(a) Public system.</p>	<p>Subdivision not served by the Wells Sanitary District.</p>
<p>[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.</p>	
<p>[2] The district shall review and approve in writing the construction drawings for the sewage system.</p>	



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards	Findings & Decisions
<p>(b) Private systems.</p>	<p>Subdivision shall be served by private, subsurface wastewater disposal systems. Test Pits are identified on the plans.</p> <p>Plan note 10 of 2020 subdivision approval states test pits were accomplished by Ken Gardner, CWS, CSE.</p> <p>See plan note 15 on sheet 1 of 2020 subdivision approval.</p> <p>See note 4A, 4C and 4I on amended subdivision plan addressing updates with regard to septic systems. See revised septic system table.</p> <p>Several revisions to septic designs have occurred to adjust for more suitable soil conditions. See note 4G on sheet 6A. Septic designs provided by Ken Gardner, CWS, CSE.</p>
<p>[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.</p>	<p>Test pits provided by Ken Gardner, CWS, CSE. Limiting factors are noted on the plans.</p>
<p>[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.</p>	



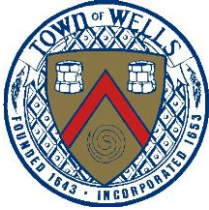
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards	Findings & Decisions
<p>(4) Stormwater management. [Amended 4-27-2007]</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>A stormwater management plan prepared by Attar Engineering, Inc dated 10/31/19 and revised on 12/16/19 was provided. See MGL review memo dated 4-3-20 and revised 9-10-20. Revisions done. Town Engineer comments have been addressed.</p> <p>Proposed Route 9 drainage connection received MDOT approved (See email dated 9-25-20).</p> <p>MDEP Site Location Permit Approved L-28129-87-A-N. Army Corp Permit #NAE-2019-00431 approved. Wetland and other site changes have occurred which are not in compliance with the current permit approvals. Resolution of the MDEP and ACOE permits and associated revisions to the approved subdivision plan shall be addressed prior to the issuance of the 40th occupancy permit in the development. See plan note 8 on sheet 7A of amended subdivision plan.</p> <p>The relocation of UDSF #6 has no impact to the stormwater design.</p> <p>Building footprint changes do not significantly impact lot coverage or stormwater design. See note 6 on sheet 7A of amended subdivision plan.</p>
<p>(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.</p>	
<p>(b) Drainage easements for existing watercourses or proposed drainageways shall be provided and indicated on the plan.</p>	
<p>(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.</p>	
<p>(d) A stormwater management plan, meeting the standards of Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code, shall be submitted.</p>	



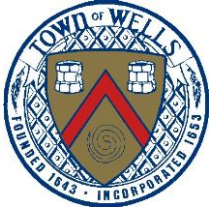
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards	Findings & Decisions
<p>(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.</p>	<p>MDEP Site Location Permit Approved L-28129-87-A-N. Army Corp Permit #NAE-2019-00431 approved. Wetland and other site changes have occurred which are not in compliance with the current permit approvals. Resolution of the MDEP and ACOE permits and associated revisions to the approved subdivision plan shall be addressed prior to the issuance of the 40th occupancy permit in the development. See plan note 8 on sheet 7A of amended subdivision plan.</p> <p>See plan note 22 on sheet 1 of 2020 subdivision approval.</p> <p>The box culvert on Sheet 10 of 2020 subdivision approval, Station 4+50 was not installed. Approval from MDEP is required prior to the 40th occupancy being issued or prior to the finish course of pavement being installed, see note 15 on sheet 6A.</p>
<p>(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.</p>	
<p>(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.</p>	
<p>(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.</p>	
<p>(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:</p>	

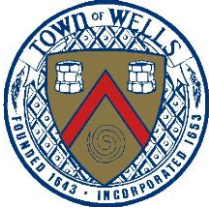


Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards		Findings & Decisions
	<p>[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.</p>	
G.	Streets.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
	(1) All streets in a subdivision shall meet Chapter 201, Streets and Sidewalks, Articles II and III, Wells Municipal Code.	<p>The proposed streets must comply with the requirements of Chapter 201.</p> <p>All streets in the subdivision shall remain private roads maintained to Town standards by the developer or Association and shall not be accepted or maintained by the Town of Wells. See plan note 28 on sheet 1 of 2020 subdivision approval.</p>



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards	Findings & Decisions
<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>The subdivision is not expected to generate a daily traffic of 200 trips per day or more. Traffic generation is calculated to be 199 trips per day.</p> <p>Senior Adult Housing- attached units (42 units) requires 3.70 trips per day based on the 10th Edition ITE Manual. $42 \times 3.70 = 155.4$ trips.</p> <p>Condominium/ townhouse units (4 units) requires 5.86 trips per day. $4 \times 5.86 = 23.44$ trips.</p> <p>Standard single family dwellings off of Fieldside Lane require 10.0 trips per day. $2 \times 10.0 = 20.0$ tips.</p> <p>$155.4 + 23.44 + 20.0 = 198.84$ or 199 trips per day.</p> <p>On 1/13/20 the Planning Board voted to grant a waiver and use the 10th edition of the ITE Manual requiring the calculation of 3.70 ADT per Senior Adult Housing – attached unit in the development;</p> <p>See plan notes 1, 7 and 49 on sheet 1 of 2020 subdivision approval.</p> <p>The 21 duplex/ two-family dwelling units, 42 units total, are age restricted as Senior Housing Units. These units are required to be owned and occupied by senior citizens who are 55 years of age or older. These units are prohibited from being leased, sublet, sold or occupied by persons less than 55 years of age. This subdivision is not considered Elderly Housing per 145-10 and 145-59. See note 49 on sheet 1 of original subdivision approval.</p> <p>The conveyance of unit 21, a duplex unit, occurred without the required age-restriction. See plan note 10 on sheet 7A addressing resolution to this violation. Unit 21 shall become age restricted by 11/14/2024. No building permits for units 41 or 42 shall be permitted until 11/14/2024.</p>
(a) Single-family house: 10.0 trips per day per unit.	$2 \times 10.0 = 20.00$ trips per day
(b) Residential condominium: 5.9 trips per day per unit.	$4 \times 5.86 = 23.44$ trips per day
(c) Motel: 10.2 trips per day per room.	
(d) Industrial: 7.0 trips per day per 1,000 square feet of floor space.	



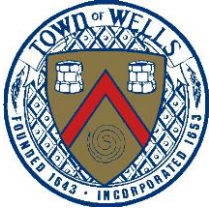
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards		Findings & Decisions
	(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.	The subdivision is not located within the RA zone or east of US Route 1.
H.	Land features.	THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.
	(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.	This is a condition of approval.
	(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]	This is a condition of approval.
	(a) The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.	
	(b) The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.	
	(c) Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.	
	(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.	Condominium Association documents were reviewed by the Town Engineer/ Planner and Town Attorney for compliance with these standards. See Town Attorney memo dated 6/11/2020. See Town Engineer memo dated 3/30/2020. See revised MGL memo dated 8/17/20. All review comments were addressed. The Condominium Declaration was amended and recorded after the 2020 approval without Planning Board approval. Corrected Condominium Declarations were requested and provided with the current amendment application. See plan note 12 on sheet 7A. The revised Declaration shall be recorded at the YCRD prior to the issuance of any additional occupancy permits in the development. Units 25, 41, 42, and 43 are the only non-age restricted units in the subdivision.



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards	Findings & Decisions
(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.	<p>Plan note 32 of 2020 subdivision approval to states the Open Space to be owned and maintained by the Association.</p> <p>On 6/3/24 the Planning Board approved the revised buffer along Old Marsh property (Map 33, Lot 1).</p> <p>Buffer on Fairway View Village property shall be maintained by the Fairway View Village Association.</p>
(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 plan note 1 of 2020 subdivision approval. Future resubdivision shall require review and approval by the Planning Board.
(c) The common open space shall be shown on the final plan with appropriate notation on the plan to indicate that:	
[1] It shall not be used for future building lots; and	See plan note 1 of 2020 subdivision approval. Future resubdivision shall require review and approval by the Planning Board.
[2] A part or all of the common open space may be dedicated for acceptance by the municipality.	Not proposed.
(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.	
(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.	
(f) The homeowners' association shall have the responsibility of maintaining the common property.	
(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.	
(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.	
(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.	No flood zone is present for the parcel per FEMA Map 2301580017D. See note 30 and Plan Reference 4 on sheet 1 of 2020 subdivision approval.
(6) Impact on groundwater.	



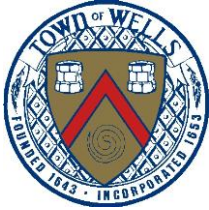
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards	Findings & Decisions
<p>(a) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:</p>	<p>A Groundwater Impact study prepared by Sebago Technics dated 12/4/2018 was provided to the Planning Office. On 4/4/18 review comments were prepared by the Town Engineer.</p> <p>An updated Groundwater Impact Report was provided to the Planning Office on 1/10/2020. Report prepared by Dave Chapman of Sebago Technics. Reviewed by Town Engineer and found to be acceptable.</p> <p>The septic system revisions have no significant impact to hydrogeologic study.</p>
[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.	<p>The Study states a potential water demand of 3,219,300 gallons per year and a bedrock aquifer rate of 10,036,226 gallons per year.</p>
[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.	
(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.	

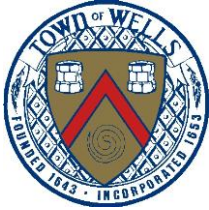


Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards		Findings & Decisions
	(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 REMAIN 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 plan note 27 of 2020 subdivision approval and notes 4F and 11 through 16 on sheet 6A regarding Phasing and Performance Guarantee requirements. See notes 4A to 4G (which includes revisions to previously approved notes 20, 27D, 39 and 48 and notes 8 and 12) on sheet 7A of 1/8/24 amendment application. Note 27A revised on current amendment application. See sheet 20 note 4 for Golf Cart Path removal and relocation. Golf course encroachment to be removed and revegetated prior to the issuance of the 40 th occupancy permit in the subdivision or prior to 8/31/2024 or whichever occurs first.
	(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.	
	(b) A performance bond payable to the municipality issued by a surety company approved by the municipal officers or Town Manager.	
	(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.	
	(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.	



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards	Findings & Decisions
<p>(2)</p> <p>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.</p>	<p>See plan note 27 of 2020 subdivision approval and notes 4F and 11 through 16 on sheet 6A regarding Phasing and Performance Guarantee requirements.</p> <p>See notes 4A to 4G (which includes revisions to previously approved notes 20, 27D, 39 and 48 and notes 8 and 12) on sheet 7A of 1/8/24 amendment application. Note 27A revised on current amendment application.</p> <p>See sheet 20 note 4 for Golf Cart Path removal and relocation. Golf course encroachment to be removed and revegetated prior to the issuance of the 40th occupancy permit in the subdivision or prior to 8/31/2024 or whichever occurs first.</p>
<p>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.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See plan note 27 of 2020 subdivision approval and notes 4F and 11 through 16 on sheet 6A regarding Phasing and Performance Guarantee requirements.</p> <p>See notes 4A to 4G (which includes revisions to previously approved notes 20, 27D, 39 and 48 and notes 8 and 12) on sheet 7A of 1/8/24 amendment application. Note 27A revised on current amendment application.</p> <p>See sheet 20 note 4 for Golf Cart Path removal and relocation. Golf course encroachment to be removed and revegetated prior to the issuance of the 40th occupancy permit in the subdivision or prior to 8/31/2024 or whichever occurs first.</p>
<p>C. 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 REMAIN MET.</p>



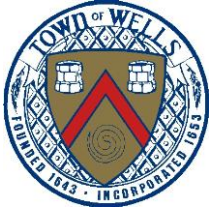
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards		Findings & Decisions
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 REMAIN MET.</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 REMAIN MET.</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 REMAIN MET.</p> <p>See plan note 27 of 2020 subdivision approval and notes 4F and 11 through 16 on sheet 6A regarding Phasing and Performance Guarantee requirements.</p> <p>See notes 4A to 4G (which includes revisions to previously approved notes 20, 27D, 39 and 48 and notes 8 and 12) on sheet 7A of 1/8/24 amendment application. Note 27A revised on current amendment application.</p> <p>See sheet 20 note 4 for Golf Cart Path removal and relocation. Golf course encroachment to be removed and revegetated prior to the issuance of the 40th occupancy permit in the subdivision or prior to 8/31/2024 or whichever occurs first.</p>
(1)	<p>The agreement shall prohibit the sale or occupancy of any lot or unit in the subdivision for which the improvements to be covered by the guaranty are required for access to or intended use of the lot until either:</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See plan note 27 of 2020 subdivision approval and notes 4F and 11 through 16 on sheet 6A regarding Phasing and Performance Guarantee requirements.</p> <p>See notes 4A to 4G (which includes revisions to previously approved notes 20, 27D, 39 and 48 and notes 8 and 12) on sheet 7A of 1/8/24 amendment application. Note 27A revised on current amendment application.</p> <p>See sheet 20 note 4 for Golf Cart Path removal and relocation. Golf course encroachment to be removed and revegetated prior to the issuance of the 40th occupancy permit in the subdivision or prior to 8/31/2024 or whichever occurs first.</p>

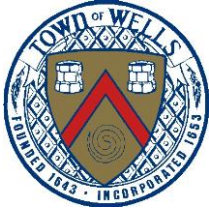


Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards	Findings & Decisions
<p>(a) 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>	
<p>(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.</p>	
<p>(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 H.</p>	
<p>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.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See plan note 27 of 2020 subdivision approval and notes 4F and 11 through 16 on sheet 6A regarding Phasing and Performance Guarantee requirements.</p> <p>See notes 4A to 4G (which includes revisions to previously approved notes 20, 27D, 39 and 48 and notes 8 and 12) on sheet 7A of 1/8/24 amendment application. Note 27A revised on current amendment application.</p> <p>See sheet 20 note 4 for Golf Cart Path removal and relocation. Golf course encroachment to be removed and revegetated prior to the issuance of the 40th occupancy permit in the subdivision or prior to 8/31/2024 or whichever occurs first.</p>
<p>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.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
<p>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.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>



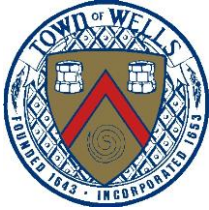
Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for “Fairway View Village Subdivision”

§ 202-12. General Standards		Findings & Decisions
J.	<p>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."</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p> <p>See note 28 on sheet 1 of 2020 subdivision approval. All streets in the subdivision shall remain private roads maintained to Town standards by the developer or Association and shall not be accepted or maintained by the Town of Wells.</p>
K.	<p>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.</p>	<p>THE PLANNING BOARD FINDS THAT THIS STANDARD SHALL REMAIN MET.</p>
§ 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 remain 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;	



Town of Wells, Maine

Planning Board

FINDINGS OF FACTS & DECISIONS

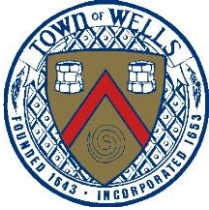
Final Subdivision Amendment Application for “Fairway View Village Subdivision”

Page 26 of 27

	(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 this standard shall remain met.
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	Not applicable.
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))



Town of Wells, Maine Planning Board

FINDINGS OF FACTS & DECISIONS

Final Subdivision Amendment Application for "Fairway View Village Subdivision"

Page 27 of 27

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 for any phase, 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. **Done**
2. Prior to any construction on the site, the applicant shall post a performance guarantee as described in plan note 27 on sheet 1. Cash escrow shall also be established to cover costs for inspection services of the work associated with the roadway improvements and drainage and erosion control measures. **Provided**
3. 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. **Third Party inspections are ongoing.**
4. Upon completion of construction of each phase, the applicant shall provide to the Town record as-built drawings of the roadway, drainage, buildings, wells, buffering, screening and utility related construction work.
 - a. See note 9 on sheet 7A, requiring Phase 1 as-built plan to be completed;

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

Wells Planning Board

By: _____
Charles Millian, Chairman