Meeting Minutes
Monday, July 20, 2020 7:00 PM
Wells Town Hall
208 Sanford Road

CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chairman Bob Sullivan called the meeting to order at 7:00 PM. Members present: Richard DeBold, Charles Anderson and Associate Members Rick Seiden and Dennis Hardy. Staff present: Town Planner/Engineer Mike Livingston and Meeting Recorder Cinndi Davidson.
Excused: Chairman Chuck Millian, Brian Toomey

MINUTES

July 6, 2020

MOTION
Motion by Mr. Anderson, seconded by Mr. Seiden, to accept the minutes as written. Passed 4-0-1 with Mr. DeBold abstaining.

PUBLIC HEARING

I. BONNIEVILLE FARMERS MARKET – Bonnieville, LLC, owner; applicant. Attar Engineering, Inc. agent. Site Plan Amendment Application seeking approval to add up to 6,021 SF of Business Retail use within the existing parking lot for the seasonal Farmers Market and outdoor sales for Bo-Mar Hall Antiques and Collectibles. No changes proposed to the existing buildings or existing uses (14,158 SF Retail and 500 SF Office). The property is located off of 1622 Post Road and is within the General Business District. Tax Map 135, Lot 4.

Applicant Bonnie Heptig presented her plan for a seasonal farmers market on Wednesday afternoons and an outdoor flea market on weekends. Public comment was solicited.

~Objections to the project included: traffic on Route One/vehicles exiting and trying to turn left, noise, trash, difficult access for emergency vehicles, the need for restrooms instead of noisy port-a-potties, tents are an eye sore, all items should be removed from the site once the flea market ends, yard sales should be limited. The speaker will send her photos to the Town Planner for the Board to review.

Ms. Heptig said the yard sale held today was authorized under the emergency declaration. The emergency ordinance is posted on the Town web site. An abutter gave one of the vendors permission to store some items on his property under tarps.

~One abutter said he doesn’t have a problem with the farmers market, but he objects to having the flea market and auction near his house and losing his privacy.
Ms. Heptig said they are holding the auction outside for safety because of COVID and they are moving it to the corner where it is approved. Moving the flea market to the south side would cause traffic problems because the entrance is on the north side.

An abutter spoke in favor of the farmers market and flea market. The north side makes more sense because of the traffic flow.

MOTION
Motion by Mr. Seiden, seconded by Mr. Anderson, to close the public hearing. Passed unanimously.

DEVELOPMENT REVIEW & WORKSHOPS

I. STORER’S PASTURE SUBDIVISION – Francis & Lois Hutch, Paula Emino Power of Attorney, owner; Kimball Survey & Design Inc. agent/ surveyor. Minor Subdivision Amendment Application seeking approval to subdivide Lot 2 into two parcels; one lot to be 2.5 acres and the other to be 3.4 acres. The parcel is located off of Meetinghouse Road and is within the Rural District. Tax Map 62, Lot 1-2. Report Site Walk Results

Isaiah Plante of Kimball Survey & Design represented the applicant. One additional lot will be created in a previously approved subdivision. No cut buffers are proposed on the north and south sides for abutters’ privacy. Mr. Livingston reported on the site walk which Mr. Hardy, Mr. Seiden, Mr. Sullivan, Mr. DeBold and Mr. Anderson attended. Some trees on lot 1 will be removed for the sight distance and those cleared areas will be maintained in the future. Underground utilities will be installed from the existing poles. There is a wetland within the proposed conservation easement. Lot 2 has 2 pocket wetlands that tend to dry in summer and no wetland impacts are proposed. Mr. Seiden commented on Note 18, fire protection, and suggested adding language that the owner is responsible for maintaining the system. In addition to the NFPA requirements, the installer shall provide to the owner/occupant instructions on inspection, testing and maintaining the system. The Code Office will require it to be inspected for NFPA standards prior to the Certificate of Occupancy, but nothing is said about maintenance. Mr. Plante will add a note to the plan to alert the buyer.

Mr. Hardy noted the school house lot on the plan which was formerly School Division #15 called the Union School District. The Town used to have 16 school districts and this was the first one to be discontinued. Mr. DeBold was concerned about the driveway location so close to the curve in the road. Sight distance will be challenging. Mr. Livingston added a Note 23 that the area shall be cleared and maintained as a grass area to preserve the sight distance. The Board considered the length to width ratio. By deducting the conservation easement the lot meets the 3:1 ratio.

MOTION
Motion by Mr. DeBold, seconded by Mr. Anderson, to waive the portion of Section 202-12 regarding the 3:1 ratio contingent upon the conservation easement being granted to the Town. Passed unanimously.

MOTION
Motion by Mr. Anderson, seconded by Mr. DeBold, to appoint Mr. Livingston completeness agent and authorize him to schedule a public hearing. Passed unanimously.

II. REEVES HASTY SUBDIVISION – Beverly Hasty, Linwood P. Reeves, and Billy C. Reeves, owners/applicants. Great Hill Survey Co, surveyor. Subdivision Pre-Application to subdivide the existing 5.3 acre parcel. The existing dwelling to remain on a 3 acre +/- parcel and a 2.30 acre parcel is proposed off of Allen Road. The parcel is located off of 2611 Tatnic Road/ Allen Road and is within the Rural District. Tax Map 8, Lot 2. Report Site Walk Results
Applicant Beverly Hasty was present. Mr. Livingston reported on the site walk which Mr. Hardy, Mr. Seiden and Mr. Sullivan attended. The division line was observed and Lot 2 has been cleared of trees. Lot 1 has a septic, well and new test pit. The driveway for Lot 2 will be on Allen Road. The cemetery is well maintained and Mr. Seiden noted that the wetlands are beyond the stone wall. The surveyor will add the metes and bounds for Lot 1 and the test pit locations.

III. CONGDONS DONUTS – MCLAMB, LLC c/o Gary Leech, owner/applicant; Main-Land Development Consultants, agent. Site Plan Amendment Application seeking approval to merge lots 5 and 6 into one parcel, to expand parking, to construct an outdoor kitchen off of the existing Restaurant and to reconfigure picnic table areas, portable toilet area, dumpster and lighting. The property is located off of 1090 and 1100 Post Road and is within the General Business and Residential A Districts. Tax Map 123, Lots 5 and 6. **Receive Site Plan Amendment Application and schedule a Site Walk**

Applicant Gary Leech presented his plan to merge Lots 5 & 6, expand the parking area and redesign the stormwater system. An outdoor kitchen will be constructed off of the restaurant.

**MOTION**
Motion by Mr. DeBold, seconded by Mr. Anderson, to receive the site plan amendment application. Passed unanimously.

**MOTION**
Motion by Mr. Seiden, seconded by Mr. Hardy, to schedule a site walk for Wednesday, July 29 at 5 PM. Passed unanimously.

IV. FINCH LANDING SUBDIVISION – Michael & Valerie Breen, owners; Patterson Companies, LLC applicant; Corner Post Land Surveying, surveyor. Preliminary Subdivision Application for a 13 lot/dwelling unit subdivision on 40.49 acres of land located off of a 50’ wide ROW off of 279 Butternut Trail. The property is located within the Rural, Resource Protection and 250’ Shoreland Overlay District. Tax Map 37, Lot 39. **Receive Preliminary Subdivision Application and workshop completeness**

Dana Libby of Corner Post Land Surveying represented the applicant.

**MOTION**
Motion by Mr. Seiden, seconded by Mr. Hardy, to receive the preliminary subdivision application. Passed unanimously.

Completeness items were reviewed. The subdivision will have 13 lots.

**MOTION**
Motion by Mr. DeBold, seconded by Mr. Anderson, to allow Lot 39 to remain a standard non-clustered lot in the subdivision because of the existing house. Passed unanimously.

**MOTION**
Motion by Mr. DeBold, seconded by Mr. Anderson, to waive the requirement of identifying trees greater than 24” in diameter because the open space will be a no-cut area. Passed unanimously.

**MOTION**
Motion by Mr. Anderson, seconded by Mr. DeBold, to appoint Mr. Livingston completeness agent and authorize him to schedule a public hearing. Passed unanimously.
Mr. Libby asked about the 50 ft. buffer and if it should be on all one lot or straddle the lot line. A 50 ft. buffer is required between a clustered lot and standard lot. Mr. Livingston will review the ordinance language for the buffer location. Mr. Seiden referred to Note 22 on Sheet 1 regarding fire protection. He would like the note expanded to warn the buyers about testing and maintaining the sprinkler systems. In addition to the NFPA requirements, the installer shall provide to the owner/occupant instructions on inspection, testing and maintaining the system. Mr. Livingston said that at the closing the buyer should get a copy of the certification report from the installer and information about maintaining the system.

V. BONNIEVILLE FARMLERS MARKET – Bonnieville, LLC, owner; applicant. Attar Engineering, Inc. agent. Site Plan Amendment Application seeking approval to add up to 6,021 SF of Business Retail use within the existing parking lot for the seasonal Farmers Market and outdoor sales for Bo-Mar Hall Antiques and Collectibles. No changes proposed to the existing buildings or existing uses (14,158 SF Retail and 500 SF Office). The property is located off of 1622 Post Road and is within the General Business District. Tax Map 135, Lot 4. Workshop public comments, completeness and draft compliance/ Findings of Fact & Decisions

Applicant Bonnie Heptig was present. Comments from the public hearing were reviewed. Concerns included: having the operation on the north side of the property, traffic flow and pedestrian activity, noise impacts, traffic on Route One, auctions being held at the wrong corner of the building. A recommendation from the site walk was to move several stalls away from the abutter’s fence over to the opposite side where there are extra parking spaces. One abutter spoke in support of the farmers market and flea market. The Planning Office has received a number of e-mails in support of the application.

The traffic flow was discussed and it seems safer to have the entrance at the north side. Board members recommended a physical sign “Do Not Enter. Exit Only” on the south side. Directional signs are allowed for safety and don’t require a sign permit. The farmers market operates Wednesdays from 1:30-5 PM during the season, closing on October 7. The flea market operates on weekends, usually Fridays, Saturdays and Sundays and also Monday holidays, from 8 AM-4 PM. The manager usually stands by the front corner and monitors traffic and parking. At the Staff Review Committee, Chief Putnam said there hasn’t been any problem with traffic backing up on Route One.

Screening and buffering for the abutters was discussed. The neighbor to the north has a fence and large trees on his property. The requirement is on the applicant to provide the buffer on her side and not expect the abutter to maintain his. Abutter Mr. Coggeshall told Ms. Heptig that he doesn’t want a fence, and Mr. Hardy said that a stockade fence in that area would be garish along Route One. Alternative screening would be preferable. The code requires a visual screen, either a 6 ft. tall solid fence or thick vegetation between the residential use and the outdoor business activity. On the south side, since Ms. Heptig owns two adjacent properties, the plan could have a conditional note that no fence is required between them unless she sells the house. Under the emergency ordinance, the rows of tables and parking spaces on the north side are allowed.

Ms. Heptig addressed comments from the public hearing. She has added felt padding to the port-a-potty door and it is kept locked when the markets are not operating. The “off-site storage” is allowed by Mr. Coggeshall for one of the older vendors. Ms. Heptig pays sales tax to the State and the business is registered with the Secretary of State. She is trying to generate business for her vendors. Pedestrian safety was discussed. Mr. DeBold noted that vendor spaces 1-4 are close to the entrance and perhaps should be eliminated. Mr. Hardy suggested that the traffic rotation shouldn’t be changed since people are used to it. A drastic change could cause the accidents we want to prevent. To buffer the abutting residential lots, the minimum amount of fencing the Board could require would be in the area of #5-15 to screen the house on Lot 5 and in the rear corner for Lot 5-1.

MOTION

PB Min 07-20-2020
Motion by Mr. Seiden, seconded by Mr. DeBold, to hold another site walk for Wednesday, July 29 at 5:45 PM. Passed unanimously.

MOTION
Motion by Mr. Hardy, seconded by Mr. Anderson, to continue the workshop for 30 days. Passed unanimously.

VI. FAIRWAY VIEW VILLAGE SUBDIVISION (FKA Fieldside Lane Subdivision) – York Building and Design Center, Inc. owner; Attar Engineering, agent. Final Subdivision to subdivide 123 acres into a 46 dwelling unit Multifamily Development Major Subdivision. The dwellings are proposed to be age-restricted (55 years or older). The parcel is located off of Fieldside Lane off of North Berwick Road. The parcel is located within the Rural District. Tax Map 32, Lot 13. Workshop Final Compliance/ Final Findings of Fact & Decisions

Postponed

VII. BURNT MILL SUBDIVISION AMENDMENT – Burnt Mill Holding Company, LLC and Chinburg Development, LLC, owners. Attar Engineering, applicant and agent. Final Subdivision Amendment Application seeking approval to amend the drainage system for lots 1-16 to 1-21; to change lots 1-1 to 1-10 and 1-12 to 1-21 from Duplex (DP) lots to Single Family (SF) lots; and to change lots 1-23 to 1-25 and 1-78 to 1-90 from Single Family (SF) lots to Duplex (DP) lots. The Subdivision to remain as previously approved with 174 dwelling units. The Subdivision is located off of Hobbs Farm Road and is within the Rural and 75° Shoreland Overlay Districts. Tax Map 62-A, Lots 1-1 to 1-10, Lots 1-12 to 1-21; Lots 1-23 to 1-25 and Lots 1-78 to 1-90. Workshop draft compliance/ Findings of Fact & Decisions

Postponed

VIII. TOPSAIL WAY SUBDIVISION – Joseph Moody, owner; Luxe Enterprises, LLC, c/o Zach Pappas, applicant; Sebago Technics, agent. Minor Subdivision Application for 4 single family dwelling units on one 2.04 acre parcel to be developed as a Multifamily Development. The property is located within the General Business and Residential A Districts. Tax Map 43, Lot 10. Workshop completeness and determine a Public Hearing

Rick Meek of Sebago Technics was present and applicant Zach Pappas was on speaker phone. The completeness review continued. The Board will decide on buffering after the public hearing. Mr. Seiden asked about flooding on the Hickman property. There will be 2 detention/infiltration areas and post development runoff will decrease. The fire hydrant is proposed on the triangle lot. Mr. Livingston recommends moving it to the west side of Bayley Road for better access to the homes. The Fire Chief’s input is needed. The homes will not have sprinklers.

MOTION
Motion by Mr. DeBold, seconded by Mr. Anderson, to appoint Mr. Livingston completeness agent and schedule a public hearing for August 3. Passed unanimously.

OTHER BUSINESS
~Ordinance Change Proposal: Accessory Dwelling Units.
These units are not currently allowed in Res B, Res D and the Beach Business districts. The change would allow them in all districts. The unit would have to be added to a conforming, owner-occupied dwelling and parking for the ADU would be required.

MOTION
Motion by Mr. DeBold, seconded by Mr. Anderson, to schedule a public hearing for August 3 to review the proposed changes to 145-55. Passed unanimously.

ADJOURN

MOTION
Motion by Mr. DeBold, seconded by Mr. Seiden, to adjourn. Passed unanimously.

MINUTES APPROVED August 3, 2020

ACCEPTED BY:

Brian Looney, Secretary
Cinndi Davidson, Recorder