TOWN OF WELLS, MAINE
PLANNING BOARD

Meeting Minutes
Monday, August 3, 2020 7:00 PM
Wells Town Hall
208 Sanford Road

CALL TO ORDER AND DETERMINATION OF QUORUM

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

MINUTES

July 20, 2020

Mr. Seiden proposed the following language to be added to Page 2 Lines 25/26 (Storer’s Pasture Subdivision) and Page 3 Line 54/Page 4 Line 1 ( Finch Landing Subdivision):
"In addition to the NFPA requirements, the installer shall provide to the owner/occupant instructions on inspection, testing and maintaining the system."

MOTION

Motion by Mr. Sullivan, seconded by Mr. Anderson, to accept the minutes as amended. Passed 5-0-2 with Mr. Millian and Mr. Toomey abstaining.

PUBLIC HEARINGS

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.

Isaiah Plante of Kimball Survey & Design presented the plan to subdivide Lot 2 into two parcels. There were no questions or comments from members of the public.

MOTION

Motion by Mr. Toomey, seconded by Mr. Sullivan, to close the public hearing. Passed unanimously

PB Min 08-03-20
II. FINCH LANDING SUBDIVISION – Patterson Companies, LLC owner/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.

Dana Libby of Corner Post Land Surveying presented the plan for a 13 unit subdivision off of Butternut Trail. There were no questions or comments from members of the public.

The Planning Office received several e-mails with concerns about water supply and quality, additional traffic in a small neighborhood where people walk and jog, and heavy truck traffic during construction.

MOTION
Motion by Mr. Toomey, seconded by Mr. Sullivan, to close the public hearing. Passed unanimously.

III. 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.

Rick Meek of Sebago Technics presented the plan for a 4 unit minor subdivision. There was a question about dead trees near the stone wall. They will be removed. Several abutters had concerns about stormwater runoff and getting water in their basements. Mr. Meek said that instead of overland ponds, the detention ponds will be dug which will allow the water to infiltrate. The flow will be directed toward Bailey Road and away from the trailer park. A decision hasn’t been made yet about full basements for the homes. Mr. Livingston said the maximum building height is 34 ft. Attorney Dave Johnson with Perkins Thompson representing the applicant discussed the boundary line encroachment and has proposed an agreement to the abutter.

MOTION
Motion by Mr. Toomey, seconded by Mr. Sullivan, to close the public hearing. Passed unanimously.

IV. An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to permit Accessory Dwelling Units in all Districts.

Mr. Livingston discussed the proposed zoning change. ADU’s would be permitted in all districts; they are currently prohibited in Res B, Res D and Beach Business. The main dwelling would have to be owner-occupied on a conforming lot of record. Two additional parking spaces would be required for the ADU. There were no questions or comments from members of the public.

MOTION
Motion by Mr. Toomey, seconded by Mr. Sullivan, to close the public hearing. Passed unanimously.
DEVELOPMENT REVIEW & WORKSHOPS

I. 1086 NORTH BERWICK ROAD SUBDIVISION – Barry Philip Toth & Ina-Beate Lyschik Toth, owners; Home Innovations c/o Jason Labonte, applicant; Sebago Technics, Inc. engineer. Subdivision Pre-Application for a 12 lot/dwelling unit Residential Cluster major subdivision located on 25.26 acres with a private roadway and Open Space. The property is within the Rural District and is located off of 1086 North Berwick Road. Tax Map 24, Lot 4.

Receive Subdivision Pre-Application and Schedule a Site Walk

Rick Meek of Sebago Technics represented the applicant.

MOTION
Motion by Mr. Toomey, seconded by Mr. DeBold, to receive the subdivision pre-application. Passed unanimously.

The applicant proposes a 12 lot subdivision off of 1086 North Berwick Road, near the intersection of Littlefield Road and Route 9 and at the Tee Shots driving range.

MOTION
Motion by Mr. Sullivan, seconded by Mr. DeBold, to schedule a site walk for Wednesday, August 12 at 5:00 PM. Passed unanimously.

II. LITTLEFIELD SOLAR – Town of Wells, owner; Littlefield Solar, LLC, applicant; Dale Knapp, Boyle Associates, agent. Site Plan Pre-Application for a Public Utility Facility on 19.7 acres of land consisting of installing solar panels on concrete pads and inverters. Access roads, equipment and tree clearing also proposed. The parcels are located off of 515, 529 and 573 Littlefield Road (form Abenaki Trail). The parcels are located within the Residential A, 75’ Shoreland Overlay and Rural Districts. Tax Map 34, Lots 6, 6-A, 6-A-1, 6-B, 7, 6-4, 6-5, 6-6, 6-7, 6-9 and 6-10 (EXE). Report Site Walk Results

Dale Knapp of Boyle Associates represented the applicant. This project was approved by the voters at the June 2019 Town Meeting. Mr. Livingston reported on the site walk which Mr. Sullivan, Mr. Hardy, Mr. DeBold and Mr. Anderson attended. The MTA is about to begin construction on the new emergency access to I-95 in the vicinity. Abutter comments included objections to clearing and its impact on wildlife habitat, having the solar panels visible, having a 6 ft. tall solid fence, soil disturbance and possible contamination from the old landfill. Mr. Livingston said the limits of the landfill will be determined and soil will not be disturbed in that area. DEP approval of the project is required.

Mr. Knapp said the nearest panel will be 60 ft. from the edge of pavement. They are building several models with various types of vegetation and fencing to show screening options. They have filed for a stormwater PBR and NRPA because of the vernal pools on site. Mr. Anderson asked about the height of the panels above grade. They will be 10-12 ft. and will conform with the landscape.

III. 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...
4. **Report Site Walk Results and draft compliance**

Applicant Bonnie Heptig reported that her facility was just voted the best antique shop in Wells and York County by the York County Coast Star readers. Mr. Toomey prepared a memo based on the site walk which Mr. DeBold, Mr. Seiden, Mr. Sullivan and Mr. Hardy also attended. The pedestrian area and inbound traffic were discussed. Ms. Heptig will discuss traffic safety with Attar Engineering. The island at the entrance has been blocked off to prevent U-turns. Mr. Livingston recommended large Do Not Enter signs at the exit. Elimination of some of the retail spaces was proposed, e.g. the first 2 spaces at the entrance or #15-18 near the abutting residential property. Screening for the abutter was discussed, either vegetation or a fence next to the neighbor’s fence. The ordinance requires a fence along the entire property line because of the “commercial to residential” uses. If the market was moved to the south side, the Board could waive a fence along that property line since Ms. Heptig controls both properties. Approval would be contingent upon installing a fence if she sold one of the lots.

Mr. Sullivan said it is premature for the Board to make a decision on parking and traffic flow until they see a detailed plan. Mr. Millian said the commercial tables are an eyesore and should be screened from Route One. They are allowed now because of COVID but the rules are changing in October. Other dealers have cleaned up their sites along the Route One corridor.

**MOTION**
Motion by Mr. Toomey, seconded by Mr. Sullivan, to continue the workshop for 60 days for the applicant to revise the plan. Passed unanimously.

**IV. 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. Report Site Walk Results, workshop completeness and determine a public hearing if appropriate**

Mr. Toomey prepared a memo about the site walk which Mr. DeBold, Mr. Seiden, Mr. Sullivan and Mr. Hardy also attended. Traffic patterns and the parking lot were discussed. DEP has concerns about the wet areas. Completeness items were reviewed. The site plan is being updated to merge the original restaurant site with the additional parking area that was added later.

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

Mr. Anderson asked if there will be a culvert in the land that is being added. Some stormwater treatment will be added to the existing lot and there will be a culvert at the access road.

**V. 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**
Isaiah Plante of Kimball Survey & Design represented the applicant. Completeness/compliance items were reviewed. Mr. Seiden proposed adding Note 18 re: fire protection from NFPA 13D: “The installer shall provide to the owner/occupant instructions on inspecting, testing and maintaining the system.” Mr. Plante read his version of the note: “Fire protection shall be provided by a sprinkler system according to NFPA 13D. Installation and testing to be done by a licensed installer. Homeowners are required to maintain sprinkler systems according to the manufacturer’s directions. The home builder shall provide all information and maintenance directions to the homeowner.” If the Board requires sprinklers, they must be installed to NFPA standards. Mr. Livingston said if the language is going to be that specific it should be on the plan. Mr. Toomey asked for an opinion from the Fire Chief.

**MOTION**

Motion by Mr. Sullivan, seconded by Mr. Toomey, to determine that shared driveways are not required. Passed unanimously.

**MOTION**

Motion by Mr. Sullivan, seconded by Mr. Toomey, to determine that the driveway for lots 1-2-B is permitted off of the Town road. Passed unanimously.

**MOTION**

Motion by Mr. Toomey, seconded by Mr. Sullivan, to allow the two exterior corners which are also ROW points to be bounds or drill holes. Passed unanimously.

**MOTION**

Motion by Mr. Toomey, seconded by Mr. Sullivan, to find the monumentation suitable. Passed unanimously.

The revised language of Note 18 is a compliance item for the Board to review and approve based on guidance from the Fire Chief.

**MOTION**

Motion by Mr. Toomey, seconded by Mr. Sullivan, to continue the workshop for 30 days. Passed unanimously.

**VI. FINCH LANDING SUBDIVISION**—Patterson Companies, LLC owner/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. *Workshop public comments and draft Preliminary Findings of Fact & Decisions for possible preliminary approval*

Applicant Mark Patterson and Dana Libby of Corner Post Land Surveying were present.

**MOTION**

Motion by Mr. Sullivan, seconded by Mr. Toomey, to approve the following residential cluster development standards:

PB Min 08-03-20
~Lot size reduction to be less than 100,000 sq. ft.

~Setback reductions from cluster lot lines to go from 25' to 15'.

~Setback reduction from Finch Landing roadway to go from 25’ to 20’ for cluster lots.

~Street frontage reductions for the cluster lots.

~Allowing lots smaller than 40,000 sq. ft. to have 40% lot coverage.

The motion passed unanimously.

Draft Findings of Fact are in tonight’s packets.

MOTION
Motion by Mr. Sullivan, seconded by Mr. Toomey, to grant preliminary approval and authorize the Chairman to sign the Preliminary Findings of Fact & Decisions. Passed unanimously.

VII. 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 public comments and draft compliance/Findings of Fact & Decisions

Rick Meek of Sebago Technics represented the applicant. Comments from the public hearing were reviewed. The applicant and abutter are working on a resolution to the encroachment which will be shown on the plan. Abutters have concerns about drainage. Soils are better in front where the development will be, and no runoff is proposed. The detention ponds and swale will protect the abutters’ properties. The triangular piece is part of the subdivision and will remain green space. Dead trees will be removed. The Board needs to consider screening on the south side where it is residential to residential, but this is a multi-family development. Mr. Toomey said more measuring is necessary to determine the distance to abutting property and the screening required. The Fire Chief’s input is needed for the location of the hydrant and the radius of the turn tee. Is locating the hydrant on the triangular piece considered “on site?”

MOTION
Motion by Mr. Sullivan, seconded by Mr. Toomey, to find the Town Planner’s review of the condominium documents acceptable and waive a review by the Town Attorney. Passed unanimously.

MOTION
Motion by Mr. Sullivan, seconded by Mr. Toomey, to find the monumentation suitable. Passed unanimously.

MOTION
Motion by Mr. Sullivan, seconded by Mr. Toomey, to find the proposed road standards acceptable. Passed unanimously.
Interconnections with other streets or subdivisions are not possible. The property is 90% in the GB District, with the back part touching the RA district.

**MOTION**

Motion by Mr. Sullivan, seconded by Mr. Toomey, to waive the requirement for interconnections. Passed unanimously.

Mr. Meek will check with the applicant about any sheds, outdoor storage, fire pits, etc. which should be shown on the plan.

**MOTION**

Motion by Mr. Toomey, seconded by Mr. Sullivan, to continue the workshop for 45 days. Passed unanimously.

**VIII. An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to permit Accessory Dwelling Units in all Districts. Workshop public comments and provided comments/ recommendations for the Board of Selectmen**

Mr. Livingston analyzed sample locations in the Res B, Res D and Beach Business Districts. More properties than expected meet the zoning requirements, but the limiting factor may be the need to add 2 parking spaces for the ADU and still meet lot coverage restrictions. The ADU must be accessory to an owner-occupied residence. The ADU can be rented. The Code Office would need a boundary survey to approve an ADU. If the ADU will be rented year-round the parking area must be gravel or paved. Paver blocks are vegetated and can be used only for seasonal parking. Anything not vegetated counts as lot coverage.

Items to consider:

- If the dwelling unit and ADU share a common wall, what would the fire rating be?
- If the ADU is over the garage, what would be the fire rating for the garage ceiling/ADU floor? 2 hours.
- The ADU should be protected from any fumes coming up from the garage.
- Would a connecting door be allowed between the residence and ADU?
- If the garage is detached, is an ADU prohibited? Yes, the garage must be attached to the main building.

**MOTION**

Motion by Mr. Sullivan, seconded by Mr. Toomey, to move the proposed ordinance forward to the Board of Selectmen. Passed unanimously.
OTHER BUSINESS

~Tomorrow the Selectmen will consider extending the season for the lodging industry to make up for this year’s loss. The Lodging Committee’s recommendation is not to change the ordinance because so few units would benefit by a longer season next spring. If the Selectmen don’t take the Committee’s recommendation, the Planning Board would need to hold a public hearing for the November ballot.

MOTION

Motion by Mr. Anderson to appoint Mr. Livingston completeness agent and authorize him to schedule a public hearing for August 17. The motion was not seconded.

MOTION

Motion by Mr. Toomey, seconded by Mr. DeBold, to notify the Selectmen that the Planning Board supports the Lodging Committee’s decision not to change the ordinance. If the Selectmen move it forward, Mr. Livingston would be the completeness agent and schedule a public hearing. Passed 5-0- 2 with Mr. Hardy and Mr. Seiden abstaining.

~Grand Trail Place Phase III. Daniel Chase has asked for an extension.

MOTION

Motion by Mr. Sullivan, seconded by Mr. Toomey, to grant a 60 day extension. Passed unanimously.

Mr. Seiden asked if the Board has questions about a project, should the applicant or the Board investigate the answers. Mr. Livingston said the burden of proof is on the applicant to prove that all the standards are met. The question must have a bearing on the Board’s approval.

ADJOURN

MOTION

Motion by Mr. Toomey, seconded by Mr. DeBold, to adjourn. Passed unanimously.

MINUTES APPROVED August 17, 2020

ACCEPTED BY:

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Brian Toomey, Secretary          Cinndi Davidson, Recorder