



**Planning & Development**  
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### **Major Subdivision Amendment Application Memo**

Date: January 10, 2019

To: Planning Board

From: Planning Office

Re: Four Seasons Farm Subdivision - Map 77, Lot 17-3 and 17-3A

#### **Project Description:**

Attar Engineering Inc has submitted a Final Subdivision Application on behalf of the applicant/owner, Seal Harbor, LLC for a major subdivision amendment. The property is lot 3 of the 1988 approved subdivision called Taylor Property Development. The parcel is 12.54 acres in size is proposed to be divided into two parcels of land and to have a private road constructed: A 2.30 acre parcel (Lot 3A) is proposed for a single family dwelling (the existing farm house with barn); a 1.03 acre right-of-way is proposed off of Route 9A to serve as access and street frontage for the 9.21 acre parcel proposed (Lot 3); the 9.21 acre parcel to be developed as a Multifamily Development consisting of 4 single family dwelling units. The property is located off of 1285 Branch Road and is within the Rural District. Tax Map 77, Lot 17-3.

#### **§ 202-9. Final plan for major subdivision.**

##### A. Procedure.

- (1) The subdivider shall, within six months after the approval of the preliminary plan, file with the Board an application for approval of the final plan at least 10 days prior to a scheduled meeting of the Board. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board may refuse without prejudice to act on the final plan and require resubmission of the preliminary plan. The final plan shall approximate the layout shown on the preliminary plan, plus any recommendations made by the Board. **[Amended 7-11-1996]**  
**Planning Board received the Final Application on 12/17/18. The Preliminary Subdivision Approval was granted on 11/5/18**
- (2) If a public hearing is deemed necessary by the Board, an additional fee in the amount established by the Board of Selectmen following notice and a public hearing shall be required to cover the costs of advertising and postal notification. **[Amended 7-9-2002; 4-16-2004]** **To be held on 1/14/19**
- (3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan. **To be determined**
- (4) When the application is received by the Planning Board, it shall give the applicant a dated receipt acknowledging that it has received the application.

**Final Application received by the Planning Board on 12/17/19**

- (5) Within 30 days after receiving any application, the Board shall notify the applicant in writing either that the application is complete or, if it is incomplete, the specific additional material needed to complete the application. The Board shall determine whether to hold a public hearing on the final plan application. **Final Public Hearing to be held on 1/14/19**
- (6) Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where appropriate:
  - (a) Maine Department of Environmental Protection, under the Site Location of Development Act and the Natural Resources Protection Act. **Editor's Note: See 38 M.R.S.A § 481 et seq. and 38 M.R.S.A. § 480-A et seq., respectively. NRPA Tier 1 (wetland fill) and PBR (brook crossing) NOT PROVIDED. Brook Crossing permits required.**
  - (b) The Kennebunk, Kennebunkport and Wells Water District, if the district's water service is to be used. **Not Applicable**
  - (c) Maine Department of Human Services, if the subdivider proposes to provide a central water supply system. **Not Applicable as a central water supply is not proposed. Subdivision to be served by individual private wells.**
  - (d) The Wells Sanitary District, if the public sewage disposal system is to be used. **Not Applicable**
  - (e) Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized. **Not Applicable as no central or shared subsurface sewage disposal systems are proposed.**
  - (f) An Army Corps of Engineers dredge and fill permit. **ACOE Permit required with NRPA Tier 1.**
  - (g) NPDES permit for stormwater discharges. **Stormwater PBR (NOI) Permit will be required prior to construction. Total new impervious area TO BE CONFIRMED.**
- (7) A public hearing may be held by the Planning Board within 30 days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing, and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing. When a subdivision is located within 500 feet of a municipal boundary and a public hearing is to be held, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved at least 10 days prior to the hearing. **Final Public Hearing to be held on 1/14/19**
- (8) Upon receipt of an application for a subdivision containing 20 lots or dwelling units or more, the Planning Board shall notify the Road Commissioner, School Superintendent, Police Chief and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.
- (9) Before the Board grants approval of the final plan, the subdivider shall meet the performance guaranty requirements contained in § 202-13. **To be determined**
- (10) The Board, within 30 days from the public hearing or within 60 days of the official submittal date if no hearing is held, shall make findings of fact and conclusions relative to the standards contained in 30-A M.R.S.A. § 4404, Subsection 3 and in these regulations. If the Board finds that all standards of the statute and these regulations have been met, it shall approve the final plan. If the Board finds that any of the standards of the statute and these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any denial or

conditions shall be stated in the records of the Board. **To be determined**

- B. Submissions. The final plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 75 acres may be drawn at a scale of not more than 200 feet to the inch. Plans shall be no larger than 24 inches by 36 inches in size and shall have a margin of two inches outside of the border line on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. One reproducible, stable-based transparent original and three copies of the plan shall be submitted. In addition, the applicant shall submit 11 copies of the final plan, reduced to a size of 11 inches by 17 inches, and all accompanying information to the Office of Planning and Development no less than 10 days prior to the meeting. The application for approval of the final plan shall include the following information:

### **Recommendations and conclusions:**

1. The Planning Board should consider the following:
  - a. Consider comments offered from the public hearing.
  - b. Planning Board to consider the following compliance items:
    - i. The replacement septic system for Lot 3A has the following to consider:
      - 1) The existing system is to be replaced due to the road construction;
      - 2) The proposed relocation is in front of the existing farm house where two large trees exist;
      - 3) A designated reserve area is needed
    - ii. Will Lot 3A have use of the new road?
    - iii. Several note changes and additions have been recommended.
    - iv. Driveway turnarounds for units 1 and 4 may need to be larger to accommodate emergency vehicles due to driveway lengths being over 250'
    - v. The plans include an amendment to allow the driveway to Lot 5 to remain as constructed
    - vi. The Planning Board to consider granting a waiver for the easterly lot corner of Lot 17-3 to be the existing pine tree.
    - vii. The Planning Board to consider if the southerly corner of Lot 17-2 should be installed to mark the beginning of the buffer plantings.
    - viii. The Planning Board to consider finding the existing and proposed monumentation as suitable.
    - ix. Recommendations from the Fire Chief are pending. A Staff Review Committee meeting to be held on 1/23/2019.
    - x. Stormwater comments by the Town Engineer to be addressed, see memo dated 1-9-19
    - xi. NRPA Tier 1 Permit and PBR not provided

- xii. Design comments by the Town Engineer to be addressed, see memo dated 1-9-19
- xiii. Planning Board to determine the road standards that will be required. The plan proposes a 26 foot wide gravel road.
  - 1) A 20 foot wide paved roadway with a 26 foot wide gravel base is recommended
  - 2) The cul-de-sac is recommended to have a minimum of a 50 foot paved radius with a 1-2 foot gravel shoulder. The Fire Chief and Road Commissioner comments are required for the alternative turn-around proposed.
  - 3) The Planning board to also consider the common driveway to Units 2, 3, and 4 being proposed as a 24 foot gravel width and the common driveway to Units 3 and 4 being proposed at a 12 foot gravel width.
- xiv. The Condominium documents are being reviewed by the Town Attorney
- xv. The Planning Board and applicant to consider the following Performance Guarantees to be included in Note 22 on sheet 1:

*“A. Cash escrow in the amount of \$3,500 per acre of disturbed area shall be provided to the Town as a site stabilization performance guarantee at the pre-construction meeting.*

*B. Cash escrow to be provided to cover the following:*

- i. Construction monitoring costs of the Town appointed third party construction monitoring company.*
- ii. As-built plan costs*

*C. Prior to the issuance of the final certificate of occupancy or conveyance of the last unit, the finish course of pavement shall be installed and record as-built plan of the subdivision depicting the roadway, drainage, lot Monumentation and utility related construction work shall be provided to the Town.*

*D. Cash escrow or an Irrevocable Letter of Credit covering the total site preparation and all construction costs of all required improvements, plus 10% contingency, shall be provided to the Town at the pre-construction meeting.*

*E. No lot or unit shall be sold, leased or conveyed until Four Seasons Farm Rd is constructed to base course of pavement per 202-11B(7).”*

- c. The applicant's compliance with previous approvals shall be evaluated prior to final approval by the Planning Board see §202-9C(1). The applicant has been working with the Planning Department on correcting defaults on two previous projects. Progress has been slow and these items must be resolved prior to final approval. A memo will be prepared addressing the applicant's previous three projects.
- d. The Planning Board to consider granting a 60 day continuance.