



Planning & Development
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Major Subdivision Amendment Application Memo

Date: February 22, 2019

To: Planning Board

From: Planning Office

Re: Harborside Village Subdivision - Map 134, Lot 70 and Map 138, Lots 19C, 19D, and 19G

Project Description:

Jones and Beach Engineers, Inc. has submitted a revised Preliminary Subdivision Application on behalf of the applicant, The Landings, LLC for parcels of land located off of Stephen Eaton Road, Papa Smurfs Way and Bourassa Lane identified as Tax Map 134, Lot 70 owned by Robert & Marijane Blake; Tax Map 138, Lot 19C owned by Robert & Marijane Blake; Tax Map 138, Lot 19D owned by Brandy Bourassa; and Tax Map 138, Lot 19G owned by Our Two Dads, LLC c/o Brandy Bourassa. The subdivision proposes to develop the 4 parcels into one 19.45 acres parcel of land into a Multifamily Development Major Subdivision. The Multifamily Development to consist of 42 dwelling units (16 single family dwellings and 13 duplex buildings with 26 dwelling units) (Current area calculations provided would only allow **41 dwelling units**). The subdivision to be served by public sewer and public water. The subdivision is located within the Residential A and General Business Districts.

§ 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 to consider receiving the Final Application on 2/25/19. The Preliminary Subdivision Approval was granted on 08/6/18**
- (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 determined**
- (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 to be considered if it will be received by the Planning Board on 2/25/19**
- (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. **To be determined**
- (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 MDEP Stormwater permits or copy of submission - NOT PROVIDED.**
 - (b) The Kennebunk, Kennebunkport and Wells Water District, if the district's water service is to be used. **Updated letter and system design approval - NOT PROVIDED**
 - (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. **Updated letter and system design approval - NOT PROVIDED**
 - (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. - NOT PROVIDED**
 - (g) NPDES permit for stormwater discharges. **MDEP Stormwater permit or copy of submission - NOT PROVIDED..**
- (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. **To be determined**
- (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: **Required copies NOT PROVIDED**

Recommendations and conclusions:

1. **Prior to receiving the application**, The Planning Board should consider the following:

§ 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]

- a. Additional information and Revised plans addressing the conditions of the Preliminary approved plans have not been provided. See summary below of the bolded items in the Preliminary Findings of Fact that were required with the Final Application submission:
 - i. RA Zone extension
 - ii. Total versus Net area confirmation, ROW area?
 - iii. New Tax map and Lot numbering on the plan
 - iv. Condominium Documents to be provided
 - v. Easements to the Water and Sanitary District to be specified
 - vi. Revised letters from the Water and Sanitary Districts
 - vii. Stormwater comments from the Town Engineer Memo dated 3-2-18 to be addressed
 - viii. Final sewer and water designs approved by the Districts
 - ix. Future possible road connection area to be reserved/shown on plans
 - x. Upgrades to Bourassa Lane to be designed and gate depicted

- xi. Alternative turn-around if still proposed to be approved by the Fire Chief and Road Commissioner
- xii. Boundary lines and LCE lines to be different line types
- xiii. Any vernal pool setback required to be depicted on the plans
- xiv. Number of units to be revised from 42 to 41
- xv. Gorrill Palmer comments to be addressed, crosswalk/Rte. 1
- xvi. Compliance with 202-13 to be addressed.

b. The required number of application and plan copies were not provided.

The required submissions and recommendations (Conditions of Preliminary approval) have not been provided or addressed. Per 202-9 the Planning Board could refuse to act on the Final Plan application and require the applicant to resubmit as a preliminary plan application.

Per 202-9 the term “may” is used which could also mean that the Board could allow longer than the 6 months for the subdivider to submit the final application materials.

The applicant has requested a 180 day extension.

2. If the Planning Board choose to receive the application, the applicant has 30 days to provide information needed to deem the application complete or the Board can grant an extension.