



Planning & Development
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Major Subdivision Preliminary Application Memo

Date: March 7, 2019
To: Planning Board
From: Planning Office
Re: Fairway Village Subdivision - Map 32, Lot 13

Project Description:

Ken Wood PE of Attar Engineering has submitted a Preliminary Subdivision Application on behalf of the property owner, York Building and Design Center, Inc. The Preliminary Subdivision Application is for a 53 dwelling unit Multifamily Development major subdivision consisting of 52 elderly-housing units (55 years and older) and 1 Manager's Dwelling Unit to be constructed as single family units (5) or duplex units (24). Various internal roadways are proposed and Dedicated Open space. The parcel is 132.2 acres in area. The parcel is located within the Rural District. The parcel is located off of Fieldside Lane. Tax Map 32, Lot 13.

§ 202-8. Preliminary plan for major subdivision.

A. Procedure.

- (1) Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a preliminary plan at least 10 days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the sketch plan to the Board. The preliminary plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Board. **[Amended 7-11-1996] Site Walks held for the subdivision pre- applications on 6- 16- 18. Preliminary Subdivision Application submitted on 12- 4- 18 which is within 6 months of the site walk. Planning Board received the Preliminary Application on 12/17/18.**
- (2) All applications for preliminary plan approval for a major subdivision shall be accompanied by an application fee in the amount established by the Board of Selectmen following notice and a public hearing. In addition, the applicant shall pay a fee of \$25 per lot or dwelling unit, to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant and require that an additional \$10 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require that an additional \$10 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a final decision on the

subdivision application by the Board shall be returned to the applicant. **[Amended 5-16-1996; 7-9-2002; 4-16-2004] Application fee and escrow provided**

- (3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the preliminary plan. **Yes**
- (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. **Planning Board received the application on 12/17/18**
- (5) Within 20 days of the Board meeting at which the application is received, the Board shall notify by certified mail all owners of abutting property and the Town Clerk and Planning Board of any municipality that abuts or includes any portion of the proposed subdivision that an application for subdivision approval has been submitted. The notice shall include the location of the proposed subdivision and a general description of the proposed development. The notice shall be mailed no less than seven days prior to the Board commencing review of the plan. **[Amended 7-9-2002] Abutters mailed notice of the Preliminary Application submission on 12/5/18.**
- (6) If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the plan. **Not applicable**
- (7) Within 30 days of receipt of a preliminary plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete application. **To be determined**
- (8) Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider. Within 30 days of determining a complete application has been submitted, the Board shall hold a public hearing on the preliminary plan application and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant and the owners of abutting property. **To be determined**
- (9) The Board shall, within 30 days of a public hearing or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application and approve, approve with conditions or deny the preliminary plan. The Board shall specify in writing its findings of fact and reasons for any conditions or denial. **To be determined**
- (10) When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to: **To be determined**
 - (a) The specific changes which it will required in the final plan;
 - (b) The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety and general welfare; and
 - (c) The amount of all performance guaranties which it will require as prerequisite to the approval of the final plan.
- (11) Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received. **To be determined**

B. Submissions.

- (1) Location map. The preliminary plan shall be accompanied by a location map adequate to show the relationship of the proposed subdivision to the adjacent properties and to allow the Board to locate the subdivision within the municipality. The location map shall show:

- (a) Existing subdivisions adjacent to the proposed subdivision.
 - (b) Locations and names of existing and proposed streets.
 - (c) Boundaries and designations of zoning districts.
 - (d) An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.
- (2) Preliminary plan. The preliminary plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. The Board may allow plans for subdivisions containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. In addition, the applicant shall submit to the Office of Planning and Development 11 copies of the plan(s) reduced to a size of 11 inches by 17 inches and all accompanying information assembled into a booklet no less than 10 days prior to the meeting. The following information shall either be shown on the preliminary plan or accompany the application for preliminary approval: **To be determined**

Recommendations and conclusions:

1. The Planning Board to discuss the following completeness review comments. Many items remain unaddressed from the 2/8/19 Planning Office review:
 - a. A complete Boundary Survey as required by the Planning Board on 12/17/18 has not been provided. Sheet 17 is considered the Boundary Survey but is still missing monumentation, provides metes and bounds that are illegible, does not identify encroachments (Old Marsh Cart); depicts incorrect line work, does not note the Parcel Area, Fieldside Lane area or Parcel Net Area.
 - b. Sheet 1 plan scale waiver may be considered as the Sheet 17 is the boundary plan, not sheet 1. Sheet 17 plan scale waiver is **not** recommended.
 - c. Documentation regarding ownership of Fieldside Lane and the Dusseault strip of land has been provided by ATTAR and to be reviewed.
 - d. Existing conditions and proposed improvements planned to Fieldside Lane are incomplete. Various items not identified on sheet 9 (missing monuments, missing metes and bounds, underground utilities are required, wetland impacts not identified, existing wetland limits not identified correctly, existing abutting homes, driveways and culverts not identified, street/stop sign not depicted, driveways/homes across Route 9 intersection not depicted, trees to remain not labelled, etc)
 - e. Proposed road will require reconstruction of utilities. Buffering not address on plans.
 - f. Net Area calculation of the property has not been provided. Fieldside Lane must be deducted. This impacts the Density and Open Space calculations.
 - g. Planning Board required Fieldside Lane to be built with a 30' wide roadway and 24' wide paved surface. The internal roadways serving each neighborhood to be 22' paved with 1-2' gravel shoulders. Plans must label road widths/shoulder widths.

- h. The fire cistern access to be paved and must have signage/stripping prohibited parking.
- i. Dedicated Open Space areas are not depicted in a way that one can see how the 45.91 acres area can be identified. What areas are Open Space? A line type is recommended to depict where the Open Space areas are.
- j. Wetland delineation is not complete. On 2/11/19 the Planning Board granted a waiver and did not require wetland delineation in areas where no development is proposed. Wetland limits along existing Fieldside Lane are not depicted.
- k. 52,000 SF of wetland fill, not including the cul-de-sac and Fieldside Lane widening have been calculated by the Town Planner. This conflicts with the 42,000 SF noted in the MDEP Permit applications and materials submitted by the applicant.
- l. Drainage Analysis must include off-site flow from Merriland Ridge to the wetland crossing
- m. A large culvert is needed at the low spot in elevation. One is now proposed but sizing and analysis require review
- n. Road name requests forms have been provided to the Town Assessor/ E911 Coordinator for review and approval
- o. Buffering/screening requirements of 145-48 to be determined after a Public Hearing
- p. A letter from Ken Gardner was provided on 3/8/19 (attached). It is understood based on his review the property does not fall within the Resource Protection District or 250' Shoreland Overlay District.
- q. Wells are depicted, except for the Manager's Dwelling Unit at the Maintenance building.
- r. Septic fields and septic tanks depicted, except for the Manager's Dwelling Unit at the Maintenance building.
- s. Notes are recommended regarding the Clubhouse/ Community Center use and the Storage buildings use.
- t. Plan markups not addressed since the 2/8/19 review:
 - i. Sheet 1: Note changes not done, wetland impact total not corrected, encroachment by Old Marsh not correctly identified, line work errors remain, building labels to be addressed
 - ii. Sheet 2: Abutting homes along Fieldside Lane not depicted, underground utilities are required, encroachments by Old Marsh do not appear to be correctly shown, Manager's Dwelling Unit not labelled
 - iii. Sheet 3 through 8: buildings are not numbers, test pit limiting factors not noted, Wetland fill areas are not shaded or totals given, road widths and turning radii corrections not addressed, etc
 - iv. Sheet 9 – see comments above
 - v. Sheet 10 through 12: road widths, low spot culvert/bridge not shown, underground utilities are required from the existing pole on Fieldside Lane, guardrails proposed?, units not numbered.
 - vi. Sheet 17: see comments above

2. The Planning Board should consider granting an extension for an additional 60 days for the applicant to address all of completeness items and plan markups provided on 2/8/19 and 3/7/19 and make the Planning Office the completeness agent.