



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

Date: April 18, 2019

To: Planning Board

From: Planning Office

Re: 33 Hiltons Lane Subdivision – Tax Map 17, Lot 11-C-1

#### **Project Description:**

Atlantic Survey Co, LLC prepared a subdivision plan on behalf of the applicant, RF1 Properties, for land owned by Deborah M. Denuzzio off of 33 Hiltons Lane. A Major Subdivision application to create two single family residential lots on the 2.76 acre parcel of land is proposed. A prior conveyance within the last 5 years occurred on the subject parcel (17-11C). The 2.76 acre parcel is now identified as Map 17, Lot 11-C-1. The parcel is located within the Residential A District and is to be served by on-site septic systems and well(s). The lot has a 60' wide right-of-way that may become a private street in the future to abutting Lot 11, Map 25. Construction of the first 40 feet of street is required in order to create street frontage.

#### **§ 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] Site Walk held on April 13, 2019. Application to be considered for receipt on 4/22/19.**
- (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. **To be determined**

- (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.* **Not Applicable**
    - (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**
    - (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**
    - (f) An Army Corps of Engineers dredge and fill permit. **Not Applicable**
    - (g) NPDES permit for stormwater discharges. **Not Applicable**
  - (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:

### **Recommendations and conclusions:**

1. The Planning Board to report the results of the Site Walk held for the pre-application.
2. The Planning Board to consider the following waiver request to 202-8:  
*The applicant requests that a waiver be granted from 202-8(Preliminary Plan requirements) in order to be reviewed as a final plan application, except that the application fee and required escrow per 202-8A(2) shall be provided.*  
Background: The applicant must construct 40 feet of road in order to create "street frontage" for Lot 11-C-2. Per the Town's definitions, the application is required to be reviewed as a Major Subdivision which requires a Preliminary application and then a Final application. The road to be constructed is not significant.
3. If Preliminary Plan requirements are waived the Planning Board to consider receiving the Final Subdivision Application.
4. The Planning Board to consider the following Final Completeness review comments:
  - a. Minor Plan changes recommended (70 foot septic setback to be shown.)
  - b. Cost Estimate to be provided for road work, fence, signage, monuments, utilities, and as-built plan
  - c. Waiver to be considered for stormwater management plan
5. Board to consider if a public hearing is to be held or waived. The Board to discuss the following: Abutter input was given at the site walk and the applicant has addressed. Other abutters have provided letters stating a public hearing is not needed.
6. If the public hearing is waived, the Board to consider the following draft compliance review comments:
  - a. A waiver of identifying trees greater than 24" in diameter at breast height on the plan to be considered.
  - b. Consider granting a waiver to allow overhead utilities from the existing utility pole on Hiltons Lane for Lot 11-C-2
  - c. Consider granting a waiver to allow overhead utilities and two new poles for Lot 11-C-1
  - d. Consider a waiver to allow two iron rods or pipes versus two bounds
  - e. Consider finding the monumentation proposed to be suitable.

- f. Consider finding the dry hydrant located on Route 9B approximately 4, 400 linear feet away to be suitable for fire protection for the subdivision.
  - g. Consider the 60' wide easement reserved for the abutting land to satisfy the RA zone provisions to interconnect with other subdivisions or adjacent properties.
  - h. Consider granting a waiver of requiring a hydrogeologic assessment.
  - i. Corrections to the Sample Deed to be provided
7. If the above compliance items are determined, the Board should review the draft Findings of Fact for possible approval.