



Planning & Development
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Subdivision Amendment Application Memo

Date: May 15, 2019

To: Planning Board

From: Shannon Belanger

Re: Riverwalk Subdivision Amendment #3 - Map 22, Lot 2 and 2B

Project Description:

Josh Moody of Bourne Field Properties, LLC has submitted a Final Subdivision Amendment Application to eliminate note 29 on sheet S1.2 of the Riverwalk Subdivision to allow Lot 5-31 to remove a hazardous oak tree that in 2016 was required to be retained. The approved major subdivision application consists of 35 single family dwelling units on 35 lots designed to meet the residential cluster performance standards of 145-49 and Chapter 202. The subdivision is on Tax Map 70, Lot 5 and is off of Branch Road/ Route 9A. The subdivision totals 94.5 acres; of which 55.86 acres is dedicated as Open Space. All lots are to be served by private on-site septic systems and individual drilled wells. Utilities shall be underground. The roadways are approved to be 24 feet wide pavement on a 30 foot wide gravel base within the required 50 foot wide right of way. A system of trails within the open space areas are also approved. The development shall include a Homeowner's Association for maintenance and operation of the Open Space and roadways, etc.

§ 202-10. Revisions to approved plans.

A. Procedure. An application for a revision to a previously approved plan shall, at least five business days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. **Planning Board to receive Amendment Application on 5/20/19**

(1) If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed, unless the revised plan meets the definition of a minor subdivision. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed. **Final plan approval procedures to be followed.**

(2) The applicant shall pay a fee established by the Board of Selectmen following notice and a public hearing, to include the applicable per-dwelling-unit fee according to the procedures for a minor subdivision or preliminary plan for a major subdivision. In addition, the applicant shall pay a fee to be determined by the Board, to be deposited in a special account designated for that

application, to be used by the 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 \$50 beyond the balance after invoices received are paid be deposited by the applicant. The Board shall continue to notify the applicant and require that an additional \$50 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 decision on the revision by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee of \$200 shall be required to cover the costs of advertising and postal notification. [Amended 7-23-2002; 4-16-2004] **Fee and escrow provided. Public Hearing to be determined.**

- B.** Submissions. The applicant shall submit a copy of the approved plan, as well as 11 copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds. The applicant shall provide evidence that all owners of abutting property were notified of the application if new lots or dwelling units are proposed to be created. [Amended 7-23-2002]
- C.** Scope of review. The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

§ 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 to be determined. Waiver recommended.**
- (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. Waiver recommended.**
- (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 as not changes to water supply (private wells) are proposed.**
 - (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 changes to subsurface sewage disposal systems are proposed.**
 - (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 consider receiving the subdivision amendment application.
2. The Planning Board to determine if a site walk is necessary. One is not recommended. No comments from abutters received.
3. The Planning Board to consider finding the application complete provided the following has been completed:
 - a. Plan revisions addressed with recommended notes, Flood Zone, abutter, Merriland River setback, curve data, etc
4. The Planning Board to determine if a public hearing is to be held. One is not recommended. No comments from abutters received. Abutter lots within the subdivision are still owned by the applicant.
5. If the public hearing is waived, the Board to workshop compliance.
6. If compliant, the Board to consider approving and signing the subdivision plan and Findings of Fact & Decisions.