



Planning & Development
208 Sanford Road, Wells, Maine 04090
Phone: (207) 646-5187, Fax: (207) 646-7046
Website: www.wellstown.org

<i>Michael G. Livingston, Town Engineer/Planner</i>	mlivingston@wellstown.org
<i>Shannon L.M. Belanger, Assistant Planner</i>	sbelanger@wellstown.org

Major Subdivision Amendment Application Memo

Date: March 12, 2021

To: Planning Board

From: Planning Office

Re: Hobbs Pond Woods Subdivision Amendment - Map 62, Lot 11-A-1 to 11A-9

Project Description:

BH2M has submitted a Final Subdivision Amendment Application on behalf of Erin Corporation Services, LTD and Cutting Edge Carpentry, LLC, owners of Lot 1 and 2 within Hobbs Pond Woods Subdivision. The amendment application seeks a reduction in the 200' no-cut buffer to a 20' no-cut buffer along the boundary of abutting lot 11A. The subdivision is located off of Meetinghouse Road and is within the Rural and 75' Shoreland Overlay District. No changes are proposed to the number of approved lots/dwellings, which is to remain at 9 lots/dwelling units. The subdivision is a Residential Cluster major subdivision on 26.8 acres of land. A private 50' wide ROW called Brigham Lane and approximately 63% Open Space are also approved.

§ 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**] **Amendment application received on 3/1/21**
- (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**] **Waived by Planning Board on 3/1/21**
- (3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the final 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. **Received on 3/1/21**
- (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. **Completeness to be considered on 3/15/21. Public Hearing waived by Planning Board on 3/1/21.**
- (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 a central water supply system is not 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 a centralized or shared subsurface sewage system is not proposed.**
 - (f) An Army Corps of Engineers dredge and fill permit. **Not Applicable**
 - (g) NPDES permit for stormwater discharges. **A MDEP Stormwater PBR/ NOI was 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. **Public Hearing waived by Planning Board on 3/1/21.**
- (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 comments:

1. The Planning Board to consider the following:
 - a. The Board to review the following completeness review comments:
 - i. The plan identifies that all monumentation has been installed, except for four bounds.
 - ii. Has the HOA been established and the Open Space and Street conveyed to the HOA? Applicant to verify.
 - iii. Planning Board to review plan note 40 and consider if sufficient to address the monumentation and HOA conveyances.
 - iv. Trees greater than 24" in diameter are identified on the plan. 24" trees within the Open Space to be maintained. Trees on Lots 1, 4, 7 and 9 to be maintained. Plan note 23 has been revised and label added.
 - v. Planning Board to vote on the proposed buffer for Lot 11A (non-clustered residential abutting lot). A 20' no-cut buffer is proposed on Lots 1 and 2. The 200' no disturb buffer within the Open Space for Lot 11A remains.
 - vi. Planning Board to consider finding the application complete.
 - vii. Planning Board to consider finding the application compliant.
 - viii. Planning Board to consider approving and signing the Findings of Fact & Decisions and plan.