



Planning & Development
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Major Subdivision Application Memo

Date: March 12, 2021

To: Planning Board

From: Planning Office

Re: Villages at Highpine Subdivision - Map 60, Lot 18 and 17-A

Project Description:

Lew Chamberlain PE of Attar Engineering has submitted a reconfigured Final Subdivision Application on behalf of the property owner, Highpine Properties, LLC and Howard J. Hall. The Final Subdivision Application now proposes 120 dwelling unit, Multifamily Development, major subdivision consisting of single family units on 556.02 acres of land. Internal roadways are proposed and 458 acres of Dedicated Open space to be conveyed to the Town of Wells for conservation. The parcel is located within the Rural, Residential Commercial and Residential A Districts. The parcel is located off of Sanford Road. Tax Map 60, Lot 18 and a portion of Lot 17-A which shall be conveyed to Lot 18.

§ 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] Preliminary approval granted 10/7/19. Planning Board received the Final Application on 3-9-20. On 12/7/20 the Planning Board found the revised Final Plan submission to approximate the layout shown on the preliminary plan.**
- (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] Final public hearing held on 7-6-20. Planning Board determined another final public hearing is not necessary on 12/7/20.**
- (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. **Final Application received on 3/9/20**

- (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. **Final public hearing held on 7-6-20**
- (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. Planning Board granted a waiver to allow submission of the DEP Permit prior to final approval.**
 - (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. **Planning Board granted a waiver to allow submission of the DHHS Permit prior to final approval.**
 - (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. **Planning Board granted a waiver to allow submission of the DHHS Permit prior to final approval.**
 - (f) An Army Corps of Engineers dredge and fill permit. **Planning Board granted a waiver to allow submission of the ACE Permit prior to final approval.**
 - (g) NPDES permit for stormwater discharges. **Not Applicable - Stormwater Permit included in Site Location Permit**
- (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. **Final public hearing held 7-6-20**
- (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. Sheet 1.1 Note 12 describes the Performance Guarantee requirements.
 - 3rd party inspections, \$3,500 per acre for site stabilization and soil disturbance, monumentation and as-built survey costs required.
 - Prior to a building permit being issued: gravel base, utilities and drainage system to be installed
 - Prior to occupancy permit: base pavement to be installed and cash escrow provided to cover the cost of all incomplete requirements
 - Cash escrow to be provided must include 10% contingency
 - Cash escrows to be determined at the pre-construction meeting for each phase.
 - Note 28 on sheet 1.2 does not exist?
2. Sheet 1.1, note 15 to require a LOMA to be granted prior to a building permit is issued for Units located in Zone A.
3. All sheets to number the units and phasing on sheet 1.3 to list.
4. Sheet 1.1 to add a note detailing plot plan requirements: " A plot plan prepared by a PLS or PE shall be provided for each unit upon submission of a building permit to the CEO depicting the house, , driveway, setbacks, building separation, buffers, wetlands and flood zones, if applicable.
5. It is recommended all units have a building envelope to allow deviation in unit footprints. Plan to note on sheet 1.3 allows footprints/locations to vary provided all buildings are separated by 20' etc. (footprints depicted are typical only and may vary)
6. Are dwellings permitted to have sheds, patios, firepits, etc? Is there a limit each dwelling is allowed? A note to allow these features is recommended.
7. Sheet 1.3 to add notation requiring a pre-construction meeting prior to the commencement of construction for each phase. Cash escrow Performance Guarantee requirements to be determined for each phase.
8. Phasing:
 - Phase 1: (units ____ to _____, roadways, fire truck vehicular turnaround, Wetpond 10/Fire pond, drainage infrastructure, septic systems, wells, common mailbox area)
 - As-built plans to be provided prior to the 20th occupancy permit is issued in this phase.

- Fire pond (wetpond 10), dry hydrant, testing, and approval by the Fire Chief, Fire Pond easement to the Town conveyed prior to any occupancy permit is issued.
- Street and stop signs are installed prior to the issuance of a building permit
- Buffers posted with signage and monumentation prior to construction in those area is required.
- Open Space Easement conveyed to the Town prior to conveyance of any unit.

Phase 2: (units _____ to _____, roadways, _____)

- As-built plan to be provided prior to the 15th occupancy permit issued in this phase
- Street and stop signs are installed prior to the issuance of a building permit
- Buffers posted with signage and monumentation prior to construction in those area is required.

Phase 3: (units _____ to _____, roadways, Wetpond 30/ Fire Pond, _____)

- As- built plan to be provided prior to the 70th occupancy permit issued in this phase)
- Fire Pond (Wetpond 30), dry hydrant, testing, and approval by the Fire Chief, Fire Pond easement to the Town conveyed prior to any occupancy permit is issued.
- Street and stop signs are installed prior to the issuance of a building permit
- Buffers posted with signage and monumentation prior to construction in those area is required.

9. Sheet 1.1 to note: Prior to the issuance of a final occupancy permit the finish course of pavement shall be installed and a final as-built plan of all phases to be provided to the Town of Wells.
10. Sheet 1.1 to note that the Open Space Easement may be dedicated/conveyed to the Town of Wells in fee interest without requiring an amendment to the Subdivision Plan.
11. Sheet 1.1 to note that the Developer or HOA shall be responsible for
 - A. Road maineance and repair, plowing, pavement, etc.
 - B. Stormwater system maintenance and repair, ponds, swales, culverts, mowing, access inspections, MDEP reporting, buffers, etc.
 - C. Fire Pond and dry hydrant maintenance and repair, hydrant plowing, pond volume, pond intake, signage, protection, etc.
12. Sheet 1.1 to note: Open Space management: trails, forestry activity, etc. to be responsibility of the Town.

13. The Planning Office awaits plan revisions and updated documents or more information on the following:
 - a. What is the status of the MDEP permitting?
 - b. Conservation of the Open Space to the Town of Wells and a sample document provided and under review.
 - c. Road names to be labelled on the plan. Road names require review and approval by the E911 Coordinator.
 - d. Driveways appear to propose backing out onto the roadway. On streets, driveway turnarounds are required to prevent backing out onto roadways. For a Condominium (Multifamily Development), the Planning Board can determine what is required.
 - e. What speed limit is proposed? Recommended plan note to address this on sheet 1.1.
 - f. Wetpond/ Fire Pond to have a water supply/well? Fire protection note needed on sheet 1.1. (Fire Ponds and Hydrants shall be constructed with a minimum of 30,000 useable gallons (ISO requirement) of water (the top 2 feet of the pond, and bottom 3 feet of the pond are not counted as useable gallons). Fire ponds shall have drilled wells installed to supply the ponds and associated power service and control panels to maintain sufficient pond levels).
 - g. Water system design to be specified/ described
 - h. Revised Condominium documents to be submitted to Town Attorney and Town Planner review.
 - i. Revised construction cost estimates to be provided
 - j. Revised Stormwater Management Plan submitted and to be reviewed by Town Engineer.
 - k. Written approval from the Fire Chief regarding the proposed fire protection has not yet been provided. A dry hydrant has been added to the second wetpond. Design is being review by the Town Engineer.
 - l. Project phasing has been proposed and to be reviewed.
 - m. A mail building/common mailbox area has been added.
 - n. What is the status of the DHHS approval of the septic systems?
 - o. 25' wide no-disturb buffer around the perimeter of the subdivision is required. See note 3 on sheet 1.1. Plans to indicate this 25 foot wide buffer to be no-cut/ no- disturb buffer. Dead and dying trees may be removed with Town Planner approval. Replanting of removed trees to be required.
 - p. 100' wide buffer along Route 109 is noted (see note 22 on sheet 1.1. This buffer allows dead and dying trees to be removed. Additional notation regarding Town Planner approval being necessary and replanting of removed trees recommended.

6. The Planning Board to continue the workshop for 60 days.