



Planning & Development
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Major Subdivision Preliminary Application Memo

Date: March 12, 2021
To: Planning Board
From: Planning Office
Re: Dells Downeast Subdivision - Map 17, Lot 16

Project Description:

Patrick Johnson of JPS Surveying and Engineering has submitted a Preliminary Subdivision Application on behalf of the property owner, Paul M. Bisceglia. The application proposes a 13 lot/ single-family dwelling unit major subdivision. The subdivision is designed as a Residential Cluster Development. The property is located off of 260 Hiltons Lane and is within the Rural District. The property is identified as Tax Map 17, Lot 16. A 50' wide private roadway off of Hiltons Lane is proposed. 62.7% Dedicated Open Space (25.72 acres) is proposed.

§ 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] A Site walk was held on 11-23-2019 for the property. Another site walk was waived by the Planning Board on 1/25/21.**
- (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 1/25/21**
- (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 1/15/21**
- (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 consider the following:
 - a. The Planning Board can consider the following completeness review comments:
 - i. A 13 lot/dwelling unit residential cluster subdivision is proposed with 25.72 acres (62.7%) of Open Space to be owned and managed by the HOA.
 - ii. Residential Cluster requirements of 145-49 to be determined after the public hearing regarding lot size, setbacks, frontage, lot coverage and buffering/screening.
 - iii. After the public hearing, additional information on sheet 6 recommended to address buffering and screening requirements:
 - a. The cluster development is required to provide a 50' setback/buffer to residential lot. Limits of clearing must be detailed. A No-Cut Buffer, with signs to be posted, are recommended for lots 1, 2, 3, 7, 8 and 9.
 - b. Lot 8 proposes a detention pond and grading right up to the property line of an abutter. Is a visual screen (fence or plantings) proposed?
 - c. Lot 7 proposes a driveway right up to the property line of an abutter. Is a visual screen (fence or plantings) proposed?
 - d. Lot 1 proposes a retaining wall within the buffer, Lot 2 and 3 propose a septic system and retaining wall within the buffer, Lot 7

proposes a driveway within the buffer, Lot 8 proposes a detention pond within the buffer and Lot 9 proposes a drainage swale within the buffer. The Planning Board must determine if these items are permitted within the 50' wide buffer.

- e. The roadway, fire cistern and open space detention pond to the north are within the buffer required along the northerly boundary of the proposed development. (6' tall screen or vegetation proposed?)
 - f. Screening for abutting lot 15 required along the proposed ROW. What is proposed or to remain for vegetation within the ROW?
 - g. The existing house on Map 17, Lot 4 to be depicted and possible headlight glare from new street considered.
- iv. Minor plan markups to be addressed by the applicant.
 - v. 24" trees are identified on Sheet 2. Does the Planning Board want to require any such trees be preserved? If so, the plan sheets to be revised to show the trees to be preserved.
 - vi. Proposed street name, Wildwood Road, was approved by Town Assessor.
 - vii. Proposed map and lot numbers to be reviewed by Town Assessor.
 - viii. Abutting structures, driveway, well and septic are identified (Map 17, Lot 15).
 - ix. IF&W letter to be provided. Planning Board may consider a waiver to allow the submission of this letter with the Final Plan Application. Habitat maps (attached) to do indicate a special concern in this area.
 - x. MDEP Permit by Rule required for proposed wetland disturbance.
- b. The Planning Board to consider finding the application complete and consider scheduling a preliminary public hearing for 4/5/21.