



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 Preliminary Application Memo

Date: April 2, 2021
To: Planning Board
From: Planning Office
Re: Parker Ridge Subdivision - Map 37, Lot 6

Project Description:

Deb Briggs and Leon Blood, PLS of Lower Village Survey Co, LLC have submitted a Preliminary Subdivision application on behalf of the property owner, Parker Development, LLC/Troy Parker. The Preliminary Subdivision Application proposes to amend the Parker Ridge Subdivision by creating 13 lots/ dwelling units for a total of 16 lots, dwelling units. The 13 new lots are proposed as a Residential Cluster Development. A 50' wide ROW/ private street is proposed off of Quarry Road. All lots to be served by on-site septic systems and on-site drilled wells. The subdivision is located off of Quarry Road and Perry Oliver Road and is within the Rural District. The 13 new lots are proposed on Map 37, Lot 6 (Lot 4 of prior subdivision approval). Lots 6-1, 6-2 and 6-3 were previously approved for single family dwelling units and to remain unchanged.

§ 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] The most recent site walk of the property was held by the Planning Board on 7/6/20. The Preliminary Subdivision Application was submitted to the Planning Office on 1/4/21. The Planning Board received the Preliminary Application on 1/25/21 and determined another site walk was not necessary.**
- (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. Workshop the initial completeness review comments (see review checklists and plan markups for complete comments of review):
 - i. Density Calculation table provided but should calculate the residential cluster development density based on the area of Lot 6. It should not include the non-clustered lot areas of lots 6-1, 6-2 and 6-3. Based on 30.14 acres and the 15% roadway deduction, 11 lots/dwellings are permitted on Lot 6. 13 are proposed. Density bonus approvals required to result in 13 dwellings/lots.
 - ii. Open Space: Plan to include notation on Open Space requirements and percentage proposed. Has the street area been included in the Open Space? Open space to satisfy this requirement must be undeveloped, see 145-10, Open Space definition. Was area of 6-4 deducted from the dedicated Open Space area?
 - iii. Density bonuses are requested and to be considered after the public hearing or further information is provided by the applicant:
 - 1) **10% Bonus for dedicating 50% Open Space requested per (145-49D(1)):** The subdivision is close to proposing 50% Open space (plans currently depict 49.47%). Has the street area been included in the Open

Space? Open space to satisfy this requirement must be undeveloped, see 145-10, Open Space definition. Was the additional area proposed for Lot 6-4 deducted from the 18.33 acres of open space proposed? Currently the Planning Board cannot consider granting this density bonus as 50% Open Space is not proposed.

- 2) **5% Bonus for protecting valuable wildlife and environmental areas per Map 9, Wetlands, of the Comprehensive Plan per 145-49D(4)(a)[4]:** The subdivision has an existing Forested Wetland (identified on Map 9) that will be protected within the proposed Open space area of the Subdivision.
- 3) **5% Bonus for allowing public access to the Open Space per 145-49D(5):** The existing subdivision has a private pedestrian easement from Perry Oliver Road for lots 6-1, 6-2 and 6-3. A new public access easement across the subdivision's proposed Open Space and street to Quarry Road and Perry Oliver Road would be required if the 5% bonus were to be granted by the Planning Board. Currently the plans and submitted materials make no indication that a public access easement is proposed. Are trails proposed? How will the public get around the fire pond? C1.0 depicts steep slopes around the pond which would prevent safe access.
- 4) **5% Bonus for Open Space linking large areas of dedicated open space to adjoining dedicated Open Space per 145-49D(7):** The proposed open space abuts the Granite Ridge Subdivision Open Space. Granite Ridge Open Space has approved and deeded public access to the Town of Wells.

iv. The Planning Board to consider making Residential Cluster determinations after the public hearing:

- 1) Minimum lot size per 145-49 may be reduced from 100,000 SF to 20,000 SF
- 2) Lots smaller than 40,000 SF in area are permitted 40% lot coverage
- 3) Setbacks from Parker Ridge Drive may be reduced from 25' to 20'
- 4) Cluster lot line setbacks may be reduced from 25' to 15'
- 5) Setback/ buffer from lot lines abutting non-clustered lots required to be 50'
- 6) Planning Board must make determinations on what the 50' setback/buffer is required to consist of.
- 7) Planning Board must vote to permit the following to be located within the 50' setback/buffer: Lot 6-4 has an existing septic system, Parker Ridge Drive ROW, fire pond, and pedestrian paths to open space.

- v. Lot 6-4 cannot include area on south side of the street. A separate nonconforming lot cannot be created. See definitions in 145-10 for Lot Line and Net Area.
 - vi. Lot 6-4 exceeds the 3:1 lot length to width ratio requirements. Lot can be shortened to meet the requirement.
 - vii. HOA documents, Bylaws, an updated fire pond easement with maintenance requirements, public access easement, sample deed, proposed conveyance to Great Works Regional Land Trust, etc. to be provided by applicant for review by Town Planner and Town Attorney for review with the final subdivision application.
 - viii. Plan markups and recommended notes to be added to the plan (Location Map zoning, monumentation, separate sheet depicting contours, etc)
 - ix. Fire Pond and grading discrepancies to be resolved on sheet 1 and sheets c1.0 and C2.0.
 - x. Fire Chief to review and comment on the Fire Pond, hydrant, access road and proposed easement prior to final approval.
 - xi. 20 test pits prepared by Mark Hampton, 263/216 dated 12/12/20 were provided. All limiting factors were >48". 24 test pits are identified on sheet 1. 4 test pit logs missing and to be provided. Test pit numbers and corresponding limiting factors to be identified on the proposed lots identified on Sheet 1. All test pits are not identified by number or state "TP2."
 - xii. Well locations may be required to be survey located prior to drilling. (Lots 12 and 13). Recommended plan note to address this to be provided.
 - xiii. Utilities, road design, stormwater management and design, and Hydrogeologic Assessment to be reviewed by Town Engineer during final subdivision application review.
 - xiv. IF&W letter not yet provided. Has a letter been requested from IF&W? Is a waiver requested to allow with the final subdivision application submission?
- b. Planning Board to continue the workshop or appoint the Town Planner as the completeness agent so a preliminary public hearing can be scheduled.