



Planning & Development
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Major Subdivision Application Memo

Date: February 8, 2022

To: Planning Board

From: Planning Office

Re: River Landing Subdivision - Map 13, Lot 21-A-1

Project Description:

Tidewater Engineering & Surveying, Inc. has submitted a Final Subdivision Application on behalf of the property owner, Michael J. Lewis. The application proposes a 12 lot/dwelling unit Residential Cluster Development subdivision on 28.2 acres of land. 56% Open space is proposed as well as a private roadway with cul-de-sac. The lots shall be served by on-site individual septic systems and drilled wells. The property is located off of 350 Tatnic Road and is within the Rural and 75' Shoreland Overlay Districts. Tax Map 13, Lot 21-A-1.

§ 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 11/15/21; final subdivision application submitted within 6 months on 2/1/22.**
- (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 to be determined**
- (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 to be considered for receipt on 2/14/22**
- (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 to be determined**

- (6) Prior to submittal of the final plan application, the following applications shall be submitted to the appropriate entities, where appropriate: [Amended 11-2-2021]
 - (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. MDEP Tier 1 Permit for 14,447 SF of wetland impact is required. Pending 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. **Not Applicable as no central water supply is proposed. 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 shared subsurface sewage disposal systems are not proposed.**
 - (f) An Army Corps of Engineers dredge and fill permit. **Required for wetland impacts and vernal pool impacts. Pending Approval. Permit to be filed with Town.**
 - (g) NPDES permit for stormwater discharges. **MDEP Stormwater NOI/ PBR is proposed. To be filed with the Town. Road construction appears to include approximately 47,000 SF of development area which would require a Stormwater Permit. Has MDEP recognized a grass shoulder with gravel base as "undeveloped."**
 - (h) Maine Department of Transportation entrance or traffic movement 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 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. **Not applicable, 12 lots are proposed.**
- (9) Before the Board grants approval of the final plan, the subdivider shall: [Amended 11-2-2021]

- (a) Meet the performance guaranty requirements contained in § 202-13. **To be determined.**
- (b) Obtain in writing approvals listed in Subsection A(6) if applicable. **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 located in the lower left corner of the plan. Four 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: [Amended 4-13-1999; 4-27-2007; 11-2-2021]

Recommendations and conclusions:

1. The Planning Board to consider receiving the Final Subdivision Application.
2. The Planning Board to review compliance with the Preliminary Subdivision Special Conditions of Approval:
 - a. Proposed monument types to be reviewed and determinations made by the Planning Board during final plan review. **Planning Board to determine monumentation after final public hearing.**
 - b. Some monuments require bounds, not pins. See plan markup. To be addressed on final plan submission. **All required bounds shown on final plan.**
 - c. Draft HOA documents and sample deed to be provided and to be reviewed by the Town Planner and Town Attorney during the final application review. **HOA Declaration provided. Sample Deed provided. To be reviewed.**
 - d. Fire Cistern Easement is depicted on C3 and C4. Draft Fire Cistern Easement language and details to be provided for review with final subdivision plan submission. **Cistern Easement provided and details to be reviewed.**
 - e. Trees greater than 24" in diameter are identified on C3 within the cluster lot boundaries. 24" trees to be retained within cluster lots are not identified on C3 and must be on the final

- plan submission. **Final plan depicts trees to be retained (bolded trees – TYP).**
- f. Current design only addresses stormwater from half of the road. Additional information is needed with the Final subdivision application submission. **Stormwater Report by Ryan McCarthy, PE dated 1-31-22 provided. Sheets C4-C14 provided. To be reviewed.**
 - g. The cul-de-sac pavement width is noted as 25' with a paved turning radius of 65'. **Cul-de-sac is noted and depicted as paved 25' wide with 65' radius.**
 - h. A letter from IF&W has been requested and shall be provided with the final application submission. **IF&W letter dated 12-23-21 provided. Vernal pools of significance were identified as a concern. Fisheries habitat, bats, blanding's turtles, and eastern ribbon snake are endangered/ threatened/ special concern species.**
 - i. To achieve the proposed sight distance for proposed Lot 12, as shown on sheet C7, clearing onto abutting Lot 21A is necessary. An easement on Lot 21 is required to maintain the necessary sight distance for Lot 12. An easement to be proposed with permission of the owner of Lot 21 or an alternative to achieve the site distance requirements to be addressed on the final plan submission. **An Easement Deed from Dana Bissonette to Michael Lewis has been signed and provided. To be reviewed.**
3. Final completeness review comments are the following:
 - a. Stormwater Management plan provided and to be reviewed by Town Engineer.
 - b. Cost Estimate provided and to be reviewed by Town Engineer.
 - c. Vote to allow setback reductions for cluster lots: 20' setback from Dagmar Drive and 15' lot line setback.
 - d. Vote to allow street frontage reduction for cluster lots: to 50'
 - e. Vote to allow lots smaller than 40,000 SF to have 40% lot coverage.
 - f. Review screening requirements for abutting residential non-cluster lots (Lots 7, 8, 12 and Open Space abutting Lot 21A to be reviewed). Shared boundary to remain with existing vegetation? No-cut buffer to have signage installed? Fencing or plantings needed to improve screening for house on abutting Lot 21A? To be determined after the final public hearing.
 - g. All MDEP and ACOE applications to be provided to the Planning Office.
 4. The Planning Board could consider continuing the workshop and schedule a final public hearing when deemed complete by the Planning Office.