



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 M. L. Belanger, Assistant Planner</i>	sbelanger@wellstown.org

Major Subdivision Preliminary Application Memo

Date: February 23, 2022

To: Planning Board

From: Planning Office

Re: Wesley by the Sea – Phase 4 Subdivision - Map 79, Lots 2-10

Project Description:

BH2M has submitted a Preliminary Subdivision Application on behalf of the applicant/owner, Preacher's Aid Society of New England for a major subdivision residential cluster development. 6 lots/ dwelling units are proposed what is currently identified as lot 2-10 consisting of approximately 9.172 acres of land off of Dorfield Lane. The approved subdivision consists of 10 lots/ 11 dwelling units (with two dwellings on Lot 1). A total of 16 dwellings units are proposed on 15 lots. Lot 2-10 is identified to remain as "remaining land." Further clarification on the remaining land to be addressed. The subdivision to continue to be served by public sewer and public water. The subdivision is located within the Rural and 75' Shoreland Overlay Districts. To become Tax Map 79, Lot 2-1 to 2-16. 37.9% Open Space to remain.

§ 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] Site Walk held for the Subdivision Pre-Application on 10/23/21. Preliminary Subdivision Application submitted on 1/13/22.**
- (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 Preliminary application on 2/14/22**
- (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 on 1/26/22**
- (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. **Found complete on 2/14/22**
- (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. **Preliminary public hearing to be held on 2/28/22**
- (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 comments offered during the public hearing.
 - b. The Planning Board to consider the following completeness review comments:
 - i. Is future development of Lot 10 (4.476 acres of "remaining land") anticipated? If so, a note on the plan must indicate the remaining land proposed cannot be developed unless approved by the Planning Board for additional dwelling units or common facilities.
 - ii. **Planning Board to consider** Residential Cluster lot reductions for lot size, street frontage, setbacks within the development and lot coverage increases for lots smaller than 40,000 SF
 - iii. Draft Amended Declaration of Covenants and Restrictions have been provided and to be reviewed during final subdivision application review.
 - iv. Found and to be set monument types are identified on the plan. To be reviewed and determinations made by the Planning Board during final subdivision application review.
 - v. Drainage easements on Lots 11 – 16 proposed and to be reviewed during final application review.

- vi. Trees greater than 24" in diameter are identified. 24" trees to be retained on the lots or within the Open Space are labelled "To Remain" or crossed out as they are to be removed. Planning Board to review proposed trees to be eliminated on lots 14,15 and 16.
 - vii. Stormwater Management Report prepared by Christopher Ryan MacDonald, PE #11985 of BH2M dated January 2022 was provided. To be reviewed by Town Engineer during final application review. Preliminary plan appears satisfactory.
 - viii. MDEP Site Location Permit Amendment filing provided by BH2M. Permit approval is pending.
 - ix. Fire Chief to review and approval the proposed fire hydrant location to be provided during final application review.
- c. Planning Board to consider approving the preliminary subdivision plan and signing the Findings of Fact & Decisions.