



**Planning & Development**  
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### **Major Subdivision Amendment Application Memo**

Date: April 22, 2022

To: Planning Board

From: Shannon Belanger

Re: Grand Trail Place III - Tax Map 56, Lot 6A-1 to 6A-36 to become Lots 6A-1 to 6A-47.

#### **Project Description:**

The Daniel Chase Family Real Estate Trust, owner; Walter Pelkey of BH2M, agent; Andrew Morrell, PE, engineer have submitted a Final Subdivision Application to create an additional 12 residential cluster lots/dwelling units off of Baker Road, to alter the Open Space, to reduce the size of the standard non-clustered lot (formerly Lot 6A-36) and convey and merge 828,785 SF of land to abutting parcel Map 55, Lot 28. The major subdivision to consist of a total of 47 lots/dwelling units all of which are designed to meet the Residential Cluster Development standards. All lots are to be served by on-site septic systems and drilled wells. On-site Fire Pond with dry hydrant exists for fire protection. The subdivision is located within the Residential A and Rural Districts. Tax Map 56, Lot 6A-1 to 6A-36 to become Lots 6A-1 to 6A-47.

#### **§ 202-10. Revisions to approved plans.**

A. Procedure. An application for a revision to a previously approved plan shall, at least five business days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. **Planning Board received the Final Subdivision Amendment Application on 7/12/21**

(1) If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed, unless the revised plan meets the definition of a minor subdivision. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed. **Final plan approval procedures to be followed.**

(2) The applicant shall pay a fee established by the Board of Selectmen following notice and a public hearing, to include the applicable per-dwelling-unit fee according to the procedures for a minor subdivision or preliminary plan for a major subdivision. In addition, the applicant shall pay a fee to be determined by the Board, to be deposited in a special account designated for that application, to be used by the 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 \$50 beyond the balance after invoices received are paid be deposited by the applicant. The Board shall continue to notify the applicant and require that an additional \$50 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 decision on the revision by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee of \$200 shall be required to cover the costs of advertising and postal notification. [Amended 7-23-2002; 4-16-2004] **Fee and escrow provided. Final Public Hearing held 11/15/21 and 4/11/22**

- B.** Submissions. The applicant shall submit a copy of the approved plan, as well as 11 copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds. The applicant shall provide evidence that all owners of abutting property were notified of the application if new lots or dwelling units are proposed to be created. [Amended 7-23-2002]
- C.** Scope of review. The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

**§ 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 Plan approval granted on 1/25/21. Final Subdivision Application submitted on 6/21/21.**
- (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 11/15/21 and 4/11/22**
- (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 July 12, 2021**
- (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 11/15/21 and 4/11/22**
- (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. **MDEP Stormwater Management NRPA Permit #L27578-NJ-C-A granted 9/3/2021.**

- (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**
  - (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**
  - (f) An Army Corps of Engineers dredge and fill permit. **? Brook Crossing permit**
  - (g) NPDES permit for stormwater discharges. **Not Applicable**
- (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 11/15/21 and 4/11/22**
- (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. Planning Board to review residential cluster lot requirements for the new 12 lots proposed:
  - a. Rural zone buffer is 50' wide
  - b. Planning Board to consider finding the 50' wide setback/ no cut buffer in the Open Space to be sufficient.
  - c. Plan to make corrections to lot coverage requirements in the Rural zone (note 20 on sheet 1)
2. The Planning Board to review compliance with the Preliminary Conditions of Approval:
  - a. Amended Declaration was provided and is pending review by Town Engineer.
  - b. Stormwater analysis was provided and to be reviewed by Town Engineer. MDEP approval granted.
3. The Planning Board to review final completeness review comments:
  - a. Construction cost estimate provided and to be reviewed by Town Engineer. Updates needed: Fire pond, Arch culvert, guard rails
  - b. Community Impact Summary provided and to be reviewed by Town Engineer
  - c. Erosion and sedimentation control plan to be reviewed by Town Engineer.
  - d. An electrical line was installed for the fire pond well crossing Lot 6A-26 to the transformer located in Baker Road. Was an easement for this electrical line conveyed? This may require Sheet 2 of Grand Trail Place II to be revised as well.
4. The Planning Board to review draft compliance review comments:
  - a. Reconsider the 24" tree waiver for trees in the Open Space
    - i. Changes to Open Space area proposed, but note 18 still requires forestry or timber harvesting to be managed by a licensed forester.
    - ii. Buffers to be No Cut areas. Planning Board to consider the No Cut restriction to include the 250' Habitat Setback in the Open Space.
  - b. Consider finding the proposed Open Space suitable (removal of 828,785 SF of land is proposed – to be conveyed to abutter).
  - c. Consider finding shared driveways for the 12 additional lots proposed on Baker Road is not required.
  - d. Consider Performance Guarantees and notes.
  - e. Recommended plan notes and labels to be addressed.
5. The Planning Board to continue the workshop for 30 days.