



Planning & Development
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Major Subdivision Application Memo

Date: May 5, 2022
To: Planning Board
From: Planning Office
Re: Burnt Mill Subdivision Amendment- Tax Map 62A, Lot 1

Project Description:

Craig Burgess of Sebago Technics has submitted a Subdivision Amendment Application on behalf of the property owner, Burnt Mill Holding Company, LLC. Final Subdivision Amendment Application to eliminate the 18-hole Golf Course and driving range (Low-Intensity Commercial Recreation use) and associated Clubhouse with 74 seat Restaurant, Event Barn, Kid Club, Fitness/Pool Center, restrooms, storm shelters, sheds and Maintenance buildings (Club use). No change proposed to the number of dwelling units on 362 acres of land with this amendment application, total units to remain at 174. The development is located off Hobbs Farm Road, Storer Lane, Parsonage Way and James Street. Tax Map 62A, Lots 1-1 to 1-25, 1-32, 1-34 to 1-61, 1-63 to 1-94 and Map 63, Lots 7-62 and 7-95 to 7-103

§ 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 amendment application on 4/11/22**

(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; no new lots or dwellings proposed.**

(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.**

- 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 or 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] Final Subdivision Amendment Application received on 4/11/22**
- (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] 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 Subdivision Amendment Application received on 4/11/22**
- (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. **Public Hearing to be determined**
- (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. Approved November 25, 2015. Changes proposed with prior amendment required MDEP Permit amendment approval. Approval granted was 3/1/21. Additional Amendment filing provided to MDEP in June 2021 for Little Meadow Court. 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. **Approved 8/4/15. Changes proposed do not affect this approval.**
 - (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. **Approved 8/4/15. Changes proposed do not affect this approval.**
 - (f) An Army Corps of Engineers dredge and fill permit. **Approved 8/11/15. Changes proposed do not affect this approval.**
 - (g) NPDES permit for stormwater discharges. **Changes proposed do not affect this approval.**
- (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. **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.
- (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. The Planning Board to report the results of the site walk pertaining to the elimination of the golf course.
2. The Planning Board to workshop initial review comments:
 - a. The amendment to address changes made during construction to the drainage pond on Lot 9. New topography and drainage design to be provided. Performance guarantee or approval for condition to be established to cover construction.
 - b. Status of June 2021 MDEP Permit application for drainage changes to Little Meadow Court is needed. What inquiries have been made by the applicant to MDEP regarding the submission? Performance guarantee or approval condition to be established.
 - c. The amendment to address the driveway of Lot 57 as it was required to be constructed off Storer Lane but has been built off Hobbs Farm Road. (Driveways are required to be located off the less traveled way). See plan note 25 on sheet S2 and Findings of Fact & Decisions. Note 25 to be revised if Board allows driveway for lot 57 to be off Hobbs Farm Road.
 - d. The amendment to address when Little Meadow Court and Faxon Drive shall have finish course of pavement installed.
 - e. The amendment to address when portions of the pedestrian path shall be established. (Path along the northeast side of Hobbs Farm Road in front of lots 12-16, 21, 22, and open space could be completed now; Path along east side of Hobbs Farm Road in front of lots 98-102 and open space could be completed now.)
 - f. The amendment to address the constructed location of Cider Press Lane curb cuts onto Hobbs Farm Road (S2, S7, S11 to be revised).
 - i. Entrances were required to be a minimum of 400 linear feet apart in 2015, as the lot creates 200 trips based on 10 trips per unit per day.
 - ii. The lot is a residential condominium and can calculate its trip generation based on 5.9 trips per day per unit. $5.9 \times 20 = 118$ trips. Therefore, the entrances can be closer than 400 linear feet.
 - iii. Sight distances for the constructed entrances to be noted on the plan.
 - g. Dedicated Open Space versus Non Dedicated Open Space areas and percentages to be adjusted. Non-dedicated open space areas such as club houses, golf course shelters and restrooms, pool, etc. are being eliminated. Non-dedicated Open Space area can become dedicated Open space, totaling 68.02% Open Space.
 - h. Plan purpose notes to be addressed to reflect the current amendment proposed: eliminate the 18-hole Golf Course and driving range (Low-Intensity Commercial Recreation use) and associated Clubhouse with 74 seat Restaurant, Event Barn, Kid Club, Fitness/Pool Center, restrooms, storm shelters, sheds and Maintenance buildings (Club use); revise the Cider Press Lane roadway entrances onto Hobbs Farm Road; alter drainage on Lot 9 and relocate the driveway for Lot 57.
 - i. Sheet C6.19, C6.20 and C6.21 to be revised or notes added to address the elimination of the golf course and associated infrastructure as it relates to Lot 54 and Lot 54's associated Dedicated Open Space (41.3 acres).

- j. Is the golf course easement to be eliminated from Lot 32 (sheet 1 of 1 from 12/6/2021 approval?) This sheet to be revised.
 - k. Applicant to provide written request to void all site plan approvals associated with the 18-hole Golf Course and driving range (Low-Intensity Commercial Recreation use) and associated Clubhouse with 74 seat Restaurant, Event Barn, Kid Club, Fitness/Pool Center, restrooms, storm shelters, sheds and Maintenance buildings (Club use) which involve sheets C6.0, C6.1, C6.2, C6.4, C6.5, C6.6, C6.7, C6.8, C6.9 and C6.18.
 - l. Cost estimate for construction associated with the drainage changes to lot 9, installation of a stormwater pond adjacent to lot 16, installation of stormwater pond at the end of Little Meadow Court, and updated installation of the finish course of pavement to be provided. Estimate total to include a 10% contingency.
 - m. Deadlines to be established for when the performance guarantees for items above shall be provided and when the work must be completed by, such as, prior to any additional building permits being issued.
 - n. December 2021 plan reference to be added to note 2 on sheet S1.
3. Planning Board to consider appointing the Planning Office as the completeness agent and determine if a public hearing is to be scheduled.
 4. Planning Board to continue the workshop or hold a public hearing once found complete.