



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 Amendment Application Memo

Date: September 23, 2022

To: Planning Board

From: Planning Office

Re: Moody Country Estates Subdivision - Map 108, Lot 33-15, 33-28, and 33-27

Project Description:

Ryan McCarthy of Tidewater Engineering & Surveying, Inc has submitted a Preliminary Subdivision Amendment Application on behalf of the owners, Lindsey Development, LLC and Sterling Ogunquit, LLC. The amendment seeks to further subdivide lot 33-15 into 2 lots (to become Lot 33-15 and 33-15-1). The amendment also seeks to alter the lots lines of lots 33-15, 33-28 and 33-27 as well as release an access and sewer easement between lot 33-28 for the benefit of lot 33-15. Lots 33-15 and 33-28 are identified as lots 15 and 26 on the Moody Country Estates Subdivision plans approved in 1990 and 1994. The subdivision consists of a total of 17 lots (33-1 to 33-15, 33-16-EXE and 33-28). An 18th lot is proposed. Lots 33-EXE and 33-27 were designated as "remaining land" on the 1994 approved plan. The subdivision is located within the General Business and Residential A District with 250' Shoreland Overlay. The subdivision is served by public sewer and public water. The amended subdivision lots are located within the General Business District off of 277 Post Road, Salt Marsh Circle and Mariner Lane. Tax Map 108, Lots 33-15, 33-27 and 33-28.

§ 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] Planning Board to conduct a site walk on 9/22/22.**
- (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 application on 9/12/22**
- (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 8/31/22**
- (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. **Application received on 9/12/22**
- (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. **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:

A. The Planning Board to consider the following:

1. Report the site walk results.
2. Review the Preliminary Completeness Review Comments:
 - a. Dimensional Requirements of the General Business District require some corrections.
 - b. Purpose of this plan to include further detail.
 - c. Location map to depict Shoreland Overlay and Resource Protection zoning districts.
 - d. Setback requirements for the proposed subdivision lots to be depicted on the plan.
 - e. Plan to note that the lots shall be served by public sewer and water. Capacity letters from the WSD and KKWWD are needed. Is there an existing sewer stub(s) for Lot 15?
 - f. A tree greater than 24" in diameter is identified, no others observed on site walk. Plan to note the tree is to remain.
 - g. Overhead or underground utility connections to be depicted.
 - h. Lot 15-1 driveway location may be on Salt Marsh Circle or Mariner Lane, both the have same travel/trip volume.
 - i. Lot 15 driveway location was granted a waiver in 1994 to be allowed on Route 1. The waiver is valid unless the Planning Board votes to rescind the waiver. The waiver could remain, but a note it recommended to be added to recognize that entrances for a commercial use are determined by a site plan

approval based on traffic generation, use and site configuration. Entrances may be restricted to Salt Marsh Circle by a site plan approval.

- j. The subdivision is served by existing fire hydrants along Route 1 and Salt Marsh Circle.
 - k. Dumpster area to be relocated to resolve encroachment and setback issues.
 - l. Paved road widths of Rte. 1, Mariner Lane and Salt Marsh Circle to also be noted on the plan.
 - m. The subdivision of lot 15 into 2 lots creates a total of 18 lots in the Moody Country Estates subdivision. Remaining land was not labelled as "open space" so it appears the 1988, 1990 and 1994 subdivision approvals required no open space for the 17 + lot subdivision. The subdivision appears to be grandfathered in that no dedicated Open Space was provided. The Planning Board to review Open Space requirements and consider finding the proposed 18th lot does not trigger the requirement for Open Space.
 - i. The Moody Country Estates Subdivision does not have a Homeowner's association, the roadways serving the subdivision are owned by the Town, etc.
 - ii. The proposed lot division is internal to Lot 15 and the subdivision
 - iii. Sample deed for lot 15 and 15-1 to be provided.
 - n. Planning Board to review proposed monumentation, existing and proposed meet requirements except for one point on Route 1 that was and is required to be a bound.
 - o. Existing drainage across Lot 33-27 to be depicted.
 - p. Existing catch basin and culvert outlet serving Lot 15 to be depicted
 - q. A reduction in street setback could apply, see 145-35.O.
 - r. A letter from IF&W to be provided or waiver considered by the Planning board based on the submission of the Beginning with Habitat maps and Lot 15 being internal to the original subdivision.
- 3. The Planning Board to consider appointing the Planning Office as the completeness agent or deeming complete if plan revisions are provided.
 - 4. The Planning Board to determine if a public hearing is to be held once the application is deemed complete.
 - 5. If a public hearing is waived, the Planning Board could consider the draft Findings of Fact and vote to grant Preliminary approval.