



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

Date: October 25, 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 held on 10/31/22.**
- (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 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 held on 10/31/22**
- (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. Original Amendment Approved November 25, 2015. Changes proposed with prior amendment required another MDEP Permit amendment which was granted on 3/1/21. Additional Amendment filing provided to MDEP in June 2021 for Little Meadow Court has not yet been approved.**
  - (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 held 10/31/22**
- (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:

## Comments/Recommendations:

1. The Planning Board to workshop comments offered during the public hearing and continue the workshop for 30 days.
2. The following items have been partially addressed or remain pending and to be workshopped by the Board on 11/14 or 11/28:
  - a. LOT 6 DRAINAGE:
    - i. The amendment to address issues with the drainage pond on Lot 6 which causes puddling on Hobbs Farm Road and flooding on Lot 6 beyond the drainage easement limits. Lot 6 drainage basin improvements need to address deficiencies with the pond construction/ house elevation. The pond and house grading were not constructed in compliance with the approved design. We received the 9/13/22 memo and associated plan. The house footprint and FFE are needed as well as grading from the road to the pond.
    - ii. SRC agreed that ponding into the road occurs and must be corrected.
    - iii. Additional information needed, see markup of plan. Also needed is an email from MDEP concurring the proposed pond changes will be considered and a cost estimate of the pond reconstruction and swales.
  - b. PEDESTRIAN PATHS/SIDEWALK:
    - i. Pedestrian path detail(s) and plan sheets not provided with the golf course elimination application. Clarification is needed on which areas will be constructed with the prior approved pedestrian path (trail through open space), which areas are proposed to be constructed with a sidewalk (recommended for lots 12-15), and which areas are proposed to have Hobbs Farm Road widened (requires input for Public Works as well). Plan and detail in subdivision redesign plan set appears to only propose widened shoulder from Meeting House Road to Lot 54 and eliminates other roadside trails/walkway.
    - ii. SRC commented that the widened road shoulder of 3 feet will not provide safe pedestrian use and will conflict with existing poles and granite mailbox posts.
    - iii. The applicant has been meeting with the four owners of Lots 12-15 to propose a stone or paved walkway 8 to 10 feet from the roadway pavement.
    - iv. Public access is required for compliance with the density bonus granted to the development and to provide traffic and pedestrian safety.
    - v. Once the final public access paths/sidewalks are proposed by the applicant and determined by the Board, detailed design plans to be provided, cost estimates are to be provided, cash escrow provided, and phasing/guarantee notes on S2 to be revised to address when these public

access areas are to be completed by. (Prior to the issuance of any new building permits would be recommended for areas where house construction is underway or is complete)

- c. LOT 54 - CIDER PRESS LANE CURB CUT CHANGES:
    - i. The amendment to address and depict the constructed location of Cider Press Lane curb cuts onto Hobbs Farm Road (S2, S7, S11 to be revised).
    - 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.
  - d. LOT 57 DRIVEWAY NOT ON LESS TRAVELED WAY:
    - i. 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 has been revised if Board allows driveway for lot 57 to be off Hobbs Farm Road. Driveway to be depicted on S7 and sight distances labelled.
  - e. FINISH COURSE OF PAVEMENT:
    - i. The amendment to address when Little Meadow Court and Faxon Drive shall have finish course of pavement installed.
    - ii. It will be recommended that no further building permits being granted until finish course of pavement is installed for Little Meadow Court unless the applicant proposes a condition that establishes a firm deadline and provides performance guaranties/cash escrow funds.
    - iii. After October 1<sup>st</sup>, Public Works written approval is required for all road paving activities. The season for paving in 2022 is ending.
  - f. MDEP PERMIT FOR LITTLE MEADOW COURT:
    - i. June 2021 MDEP Permit application for drainage changes to Little Meadow Court is needed. Expected approval in July 2022 did not get done nor August. On 9/28/22 Attar inquired about the permit again.
    - ii. Construction costs for the two stormwater ponds proposed to be provided. Applicant to propose a condition that establishes a firm deadline and provides performance guaranties/cash escrow funds.
3. The above items need to be addressed. The Planning Board to consider the applicants responses to these items, consider granting another 60 day extension.