



Planning & Development
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Major Subdivision Application Memo

Date: October 28, 2022

To: Planning Board

From: Planning Office

Re: The Timbers Subdivision - Map 55, Lot 13-EXE to become 13-1 and 13-2

Project Description:

Patrick Johnson of JPS Professional Services, has submitted a Final Subdivision application on behalf of the property owner, RT Property Holdings, LLC. The subdivision is proposed on a 10.62 acre parcel of land. The subdivision to consist of 2 lots and a total of 10 dwelling units. Lot 1 to consist of one single family dwelling unit on a 42,028 SF parcel. Lot 2 to consist of three 3-unit multifamily dwelling units on a 420,448 SF parcel (Multifamily Development). The subdivision has frontage off Route 109 (Sanford Road). The dwellings are to be served by on-site septic systems and drilled wells. The subdivision is located within the Residential A District. Tax Map 55, lot 13-EXE (portion) and Lot 14-EXE. Lots to be merged and identified as Map 55, Lot 13-1 and 13-2.

§ 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 approval granted 8/15/22. Final subdivision application submitted within 6 months on 10/12/22.**
- (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] Final 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 Application to be considered for receipt on 10/31/22**
- (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. **Final Public Hearing to be determined**
- (6) Prior to submittal of the final plan application, the following applications shall be submitted to the appropriate entities, where appropriate: [Amended 11-2-2021]
 - (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. Not Applicable. Less than 4,300 SF of wetland impact proposed. s**
 - (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 as no central water supply is proposed. Private wells are proposed.**
 - (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 as shared subsurface sewage disposal systems are not proposed.**
 - (f) An Army Corps of Engineers dredge and fill permit. **Not Applicable?**
 - (g) NPDES permit for stormwater discharges. **MDEP Stormwater NOI/ PBR is required?**
 - (h) Maine Department of Transportation entrance or traffic movement permit. **MDOT Driveway/Entrance Permit approved 2/18/22. Permit #29518.**
- (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 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. **Not applicable, 10 dwelling units are proposed.**
- (9) Before the Board grants approval of the final plan, the subdivider shall:
[Amended 11-2-2021]

- (a) Meet the performance guaranty requirements contained in § 202-13. **To be determined.**
- (b) Obtain in writing approvals listed in Subsection A(6) if applicable. **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 located in the lower left corner of the plan. Four 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: [Amended 4-13-1999; 4-27-2007; 11-2-2021]

Recommendations and conclusions:

1. The Planning Board to consider receiving the Final Subdivision Application.
2. The Planning Board to review compliance with the Preliminary Subdivision Special Conditions of Approval:
 - a. Locus map to note the Foliage Way road name. **Some references to Greenweald Lane still exist and require correction, mostly addressed.**
 - b. Corrections to map and lot numbering needed. The existing Map and Lot number of the subject parcel is Lot 13. Lot 13 to become 13-1 and 13-2. The abutting Town of Wells land is Lot 14-EXE. Corrections to be addressed on the final subdivision plan. **Addressed, Map and Lot numbers corrected.**
 - c. Condominium documents to be provided upon submission of the final subdivision application. **Condominium not proposed at this time? Revise note 18 and 19 on G1.**
 - d. Proposed Deed for Lot 1 to be provided by the applicant for review with the final subdivision application submission and to address the following: Lot 1 to have rights to dedicated Open Space of subdivision? What responsibilities will be required for Lot 1 with regard to maintenance of the access road (sight distance easement, plowing, paving, stormwater, etc)? **Deed for Lot 1 provided and reviewed by Town Planner. (see memo dated 10/27/22)**
 - e. A 50' access easement is proposed for Lot 13-1 off Route 109. Easement language to be provided by the applicant and reviewed by the Town with the final subdivision plan submission. This easement

is not a private street. **Deed for Lot 1 provided and reviewed by Town Planner. (see memo dated 10/27/22)**

- f. A 25' wide buffer is required along all lot boundaries of the Multifamily Development (lot 2). Plan identifies a 25' wide no-cut buffer area. This buffer to consist of existing vegetation. What cutting restrictions will be in place for the remaining Open Space? The Planning Board to review this buffer and determine if suitable after the preliminary public hearing on 8/15/22. Final plan to specify.
 - i. **Note 18 states the Open Space to be preserved in its natural state. Recommend adding a note that allows the CEO/Planner to approve, in writing, the removal of dead, dying, or hazardous trees and to require the replacement of removed trees with evergreen or shade trees.**
 - ii. **Planning Board to review the 25' wide buffer around the perimeter of proposed Lot 2 after the Final Public Hearing:**
 - 1. **What will be required along Foliage Way adjacent to abutting Lot 1? During preliminary review, the existing wetland vegetation was discussed and may be considered adequate.**
 - 2. **Is the buffer to the east and south suitable based on existing vegetation to be maintained.**
 - 3. **Is the buffer along Sanford Road to the west suitable? Some of the areas to be cleared of trees and established/maintained as grass to achieve site distances to the south. The remainder of the area to be maintained based on existing vegetation.**
- g. A hydrogeologic assessment dated 7/26/22 was provided by Mark Cenci Geologic Inc. **Town Engineer to review the assessment as part of the final subdivision application review.**
- h. Special concern/endangered species including bats, rare turtles and new England cottontail have been identified in the area. A small mammal biologist was recommended to be contacted. Applicant to address with the Final Subdivision Plan submission. **Addressed, an updated IF&W letter was provided dated 10/3/22 finding no new England cottontail habitat present.**
- i. Multifamily Dwelling Units to be added to sheet S3 or to an additional sheet created that can be signed and recorded. **Addressed, S3 has a signature block now.**

- 3. Final completeness review comments are the following:
 - a. Plan notes and recommendations to be addressed (missing abutters, references to Greenweald Lane to be corrected, note changes/corrections, missing density table on sheet S3, Lot 1 lot line abutting Foliage Way not revised on sheets E1, U1, and EN1.)
 - b. Stormwater Management pre and post development plans provided and reviewed by Town Engineer. A report and

additional information from the design engineer is also required.
See Town Engineer memo dated 10-28-22.

- c. Cost Estimate provided and to be revised. Various items omitted.
 - d. Three 3-unit dwellings are proposed. Evidence that adequate groundwater quantity is required. The applicant has proposed installing the well on Lot 1 to provide flow quantity and quality information.
 - e. The applicant has also proposed to clear the sight distance area o confirm the required distance can be achieved.
4. The Planning Board could consider continuing the workshop for 60 days and assign the Planning Office as the completeness agent so that a final public hearing can be scheduled once deemed complete.