



Planning & Development
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Major Subdivision Application Memo

Date: November 18, 2022

To: Planning Board

From: Planning Office

Re: Westhaven Preserve Subdivision - Map 60, Lot 10

Project Description:

Corner Post Land Surveying has submitted a Final Subdivision Application on behalf of the property owner, Eastwood Estates, LLC. The subdivision proposes a 15 lot/dwelling unit residential cluster subdivision on 17.25 acres (752,088 SF) of land. An outsale lot (10-A) has been conveyed and is not part of the subdivision. The proposed cluster lots to have street frontage off a private street ROW to be named Westhaven Lane. Lots to be served by on-site septic systems and wells. The subdivision is located within the Residential A District. Tax Map 60, lot 10.

§ 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 5/23/22; final subdivision application submitted within 6 months on 8/30/22.**
- (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 held 11/14/22**
- (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 9/12/22**

- (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 held 11/14/22**
- (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 20 acres.**
 - (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. **Wetland fill proposed, copy of permit application provided.**
 - (g) NPDES permit for stormwater discharges. **Permit by Rule/ NOI permit required, copy of application provided.**
 - (h) Maine Department of Transportation entrance or traffic movement permit. **MDOT entrance permit approved 12/29/2021 Permit # 30490. Route 109 improvement plan submitted to MDOT for review.**
- (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 on 11/14/22**
- (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. **Not applicable, 15 lots 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 review compliance with the previously incomplete Preliminary Subdivision Special Conditions of Approval:
 - a. Proposed stormwater forested buffers require easements on lots 2-9. To be reviewed by Town Engineer during final subdivision application review. **Done, comments to be addressed**
 - b. An easement to the Town over the Open space and Lot 10 and 11 is being considered to eliminate the trail encroachment. Sample deed for lot 10 and 11 and easement language to be reviewed during the final subdivision application review. **Sample deed for lot 10 and 11 provided. Easement to the Town. Sample provided by the Town Planner.**
 - c. Proposed deceleration and acceleration lanes to be depicted on the final subdivision plan submission. **Deceleration and acceleration updated plans provided. See plan label and shading on sheet C2.1**
 - d. A hydrogeologic assessment was prepared by Mark Cenci dated 4/21/22. To be reviewed with the final subdivision application review. **See Town Engineer General Review Memo dated 11-10-22**
2. Final completeness review comments are the following:
 - a. Stormwater Management plan and erosion and sedimentation control plans provided and reviewed by Town Engineer. See Stormwater Review memo dated 11-10-22.

- b. Cost Estimate provided and reviewed. See General Review Memo. **Some items to be addressed.**
 - c. **Fire Chief statement/email is needed** regarding the proposed fire protection. Note 18 on sheet 3 has been revised. Sprinkler systems are understood to be the form of fire protection proposed.
 - d. Wetland fill proposed, copy of permit application provided. **Possible disturbance in abutter encroachment area to be addressed.**
 - e. Permit by Rule/ NOI permit required, copy of application provided.
3. The Planning Office offers the following review and compliance comments:
- a. How does the developer propose to address the encroachments by the lots to the west of the subdivision. The encroachments are within the designated open space area. Wetland impacts are involved. Will the land be conveyed to the abutters, an easement or license granted? Plan to address.
 - b. Plan to depict the 6' tall solid fence and berm on Lot 1?
 - c. HOA document review completed by Town Engineer and Town Attorney. Minor recommendations to be addressed.
 - d. Lot 2 could use TP#28 and eliminate a reserve septic area
 - e. Lot 9 could use TP#14 and eliminate a reserve septic area
 - f. Lot 10 could use TP #10 and eliminate a reserve septic area.
 - g. Wetland protection signage to be added in addition to buffer signage, additional note to Sheet 3
 - h. Route 109 improvement plans have been updated. Review by MDOT is pending. Possible conflict with existing gas line and storm drain relocation and/or underdrain pipe, to be clarified on the details and cross-sections.
 - i. Additional plan notes recommended. To be addressed by the applicant.
 - j. Utilities serving the outsale lot are identified.
 - k. No phasing proposed. Board to review performance guarantee notes 28 - 33.
4. The Planning Board to consider continuing the workshop to the next meeting (12/5/22)