



Planning & Development
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Major Subdivision Application Memo

Date: March 29, 2023
To: Planning Board
From: Planning Office
Re: Perkins Pasture Subdivision - Map 37, Lot 2-D

Project Description:

Jacques Gagnon of Oak Point Associates has submitted a Final Subdivision application on behalf of the property owner, Goldmark LLC/ Mark O'Brien. The subdivision proposes a 17 lot/dwelling unit residential cluster development (major subdivision) on 47.7 acres of land. One lot is proposed off Quarry Road and 16 lots are proposed off a private street to be built off Minuteman Drive. Lots to be served by on-site septic systems and wells. The subdivision is located within the Rural District. Tax Map 37, lot 2D

§ 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 8/1/22; final subdivision application submitted within 6 months on 1/10/23**
- (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 received on 1/23/23**
- (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. MDEP Site Location permit not required if 3 lots are restricted to family members. See MDEP email dated 2/24/23.**
 - (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. No wetland fill proposed.**
 - (g) NPDES permit for stormwater discharges. **MDEP Stormwater Permit has been submitted.**
 - (h) Maine Department of Transportation entrance or traffic movement permit. **Not Applicable**
- (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, 17 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 Preliminary Subdivision Special Conditions of Approval:
 - a. **Sheet 3 will require a stamp by a PLS prior to final approval.** Done, plan is stamped by Lane H. Gray, PLS #2140 of Owen Haskell, Inc dated 9-10-2021.
 - b. **Draft HOA documents and sample deed to be provided and to be reviewed by the Town Planner and Town Attorney as part of the final plan submission.** [Draft HOA Bylaws and Declarations provided.](#) [Sample deed provided.](#)
 - c. **Town Engineer to review drainage as part of the final subdivision plan review. Drainage easements may be needed on proposed lots.** [Drainage to be reviewed.](#) [Drainage easements over lots 5 and 6 depicted.](#)
 - d. **Grading/development plan for lot 17 to be provided and reviewed as part of the final plan submission.** Grading for lot 17 shown on sheet 8.
 - e. **50' wide setback/ no-cut buffer is depicted and to be reviewed by the Planning Board after the preliminary public hearing.** Planning Board approved the 50' wide no-cut buffers and 40 feet of solid 6' tall fence at the entrance on 8/1/2022.
 - f. Sheet 3 and 4 depicts test pits and **sheet 4 notes all limiting factors. Some minor labelling corrections to be addressed on sheet 3 and 4 as part of the final subdivision plan submission.** [Sheet 4 again depicts septic boxes and wells/well exclusion zones.](#) [Sheet 4 notes all limiting factors in a test pit summary table.](#) Sheet 5 depicts septic boxes, wells and test pit numbering.

- g. **Test pit logs for reserve systems on Lots 2, 3 and 17 to be provided with the final subdivision plan submission.** Test pit logs for reserves on 2, 3, and 17 provided.
- h. Sheets 5, 6, 7, and 8 identify proposed utilities and grading. **Town Engineer to review grading plan for proposed drainage as part of final subdivision application review. Using Level Lip Spreaders and Wooded Buffers may be an alternative to a wet pond.** To be reviewed. Detention basins, level lip spreaders and wooded buffers are proposed.
- i. **Proposed street name to be reviewed by Town Assessor/E911 Coordinator.** Approved street name form provided.
- j. All lots proposed shall exceed the minimum of 20,000 SF per 145-49, **pending Planning Board determinations.** Determinations made on 8/1/2022. Project is grandfathered to the pre 6-14-22 residential cluster standards.
- k. Hydrogeologic Assessment prepared by SME dated 6/7/22. **To be reviewed with the final subdivision plan.** Review is pending.
- l. **The project appears to require a MDEP Site Location Permit (>30 acres, > 15 lots), application to be submitted prior to Final Application or written statement of how exempt from MDEP permit.** See State Statute Title 38 §482. See email dated 2/24/23 from Keegan Feero, MDEP.

3. Final completeness review comments are the following:
 - a. MDEP Stormwater Permit Application provided and to be reviewed by Town Engineer.
 - b. Cost Estimate provided.
 - c. Sample deed provided.
 - d. Road Name approval form provided. Road name approved as Laney Lane.
 - e. Septic and well notation recommended for sheet 4 addressed.
 - f. Missing test pit logs provided.
 - g. A summary Area Table is provided, some clarification needed.
 - h. Note 17 will need clarification. Current ownership is Goldmark, LLC (not a person). Transfer to Mark O'Brien and family member type (spouse, child, parent, grandparent, or sibling of the developer) to be specified.
 - i. Nitrate plume for Lot 17 to be added to sheet CU101.
 - j. Note 19 may need to be expanded to allow the establishment of public parking within the 50 foot wide ROW without triggering a subdivision amendment.
 - k. The Driveway for Lot 17 is shown to be off Quarry Road, not off the existing curb cut. The plan to restrict the driveway location. Sight distances for this driveway to be noted.
4. The Planning Board could consider finding the application complete and schedule a final public hearing for 4/17 or 5/1.