



Planning & Development
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Major Subdivision Amendment Application Memo

Date: April 14, 2023

To: Planning Board

From: Planning Office

Re: Fairway View Village Subdivision Amendment #1 - Map 32, Lot 13

Project Description:

Walter Woods, of Gray Stone Buildings of Maine, has submitted a Final Subdivision Amendment Application for the property owned by York Building and Design, Inc. The amendment seeks approval to relocate units 19, 20, 21 and 22; to relocate and enlarge unit 25; to square off footprints for units 23, 24, and 26 -31; to relocate common septic system #5 and redistribution of use by units 26 -32 and units 37-40; relocation of under drained soil filter #6 and forebay; and construction layout/certification requirements. The Subdivision is approved for 46 dwelling units as part of a Multifamily Development major subdivision consisting of 4 single family units and 21 two-family units. All units in the development are to be age restricted (55-years or older) except 4 dwelling units. A one-story Clubhouse/ Community Center, a one-story Storage Building consisting of 30 units/ outdoor storage area, and a 30' x 40' one-story maintenance building is also proposed as accessory uses to the Multifamily Development and are for the use of residents of this subdivision. The subdivision has 45.91 acres of Dedicated Open space. The parcel is 123.2 acres in area. The parcel is located within the Rural District. The parcel is located off of Fieldside Lane. Tax Map 32, Lot 13.

§ 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 to receive Amendment Application on 4/3/23**

(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.**

(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. Public Hearing to be determined.**

- 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] **A copy of the approved 2020 subdivision plan was provided.**
- 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 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] **Site Walk determined not to be required.**
- (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] **To be determined**
- (3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan. **To be determined**
- (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. **To be determined**
- (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. **To be determined**

- (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. MDEP Site Location Permit #L-28129-87-A-N Approval provided 9/25/202. Changes to animal/stream crossing not yet 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. **Not Applicable as not changes to water supply (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 no changes to subsurface sewage disposal systems are proposed.**
 - (f) An Army Corps of Engineers dredge and fill permit. **NRPA Permit NAE-2019-00431 provided. Changes to animal/stream crossing not yet approved?**
 - (g) NPDES permit for stormwater discharges.
- (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. **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.
- (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:

Recommendations and Comments:

1. The Planning Board to consider finding the subdivision amendment complete.
2. The amendment application includes the following changes:
 - a. relocate units 19, 20, 21 and 22 approximately 12 feet
 - b. to relocate and enlarge unit 25
 - c. to square off footprints for units 23, 24, and 26 thru 31
 - d. addition of bulkheads to footprints
 - e. relocate common septic system #5 and redistribution of use by units 26 thru 32 and units 37 thru 40
 - f. relocation of under drained soil filter #6 and forebay
 - g. extension of Haley's Court by 12 feet.
3. Current Subdivision Violation/Approval Items:
 - a. 30 foot separation between units 7/8 and 5/6
 - i. Consent Agreement approved and executed.
 - ii. See proposed Note 12 intended to eliminate additional violations from occurring.
 - b. Units 19/20 and 21/22 constructed outside of approved footprint – this amendment would resolve if approved
 - c. Generators have been installed. Plan note 48 prohibits accessory structures. The amendment to consider changing the note or require locations to be depicted on the plan. See proposed Note F.48. Which would allow CEO and Planning Office to approve generators.
 - d. The change at the animal crossing from a box culvert to a round culvert does not create any issues but we need documentation from ACOE and MDEP that it has been approved. What is the status of this?
 - e. Phase 1 construction has been completed. Per Findings of Fact special condition of approval #4, as-built plans of Phase 1 showing roadway, drainage, buildings, wells, buffering, screening, and utility related construction works is required upon completion. See proposed note 11 which sets a deadline for the as-built plan completion.
4. If found complete, the Planning Board to consider if a public hearing is required.
5. The Planning Board to consider proposed notes and provide comments. Input from the applicant also to be considered.
6. If a public hearing is not scheduled, the Planning Board to consider continuing the workshop for 60 days.