



Planning & Development
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Major Subdivision Final Application Memo

Date: August 3, 2023
To: Planning Board
From: Planning Office
Re: Chick Crossing Village Subdivision - Map 83, Lot 8

Project Description:

Corner Post Land Surveying has submitted a Final Subdivision Application on behalf of the property owner, Seacoast Land Acquisitions, LLC. The subdivision proposes 20 lots/single family dwelling units on 44.40 acres of land. A 108,349 SF out-sale parcel was divided off and is not considered part of the subdivision. The subdivision is to be a Residential Cluster development with 26.70 acres of Open Space. A private 50' wide roadway is proposed as frontage for 18 of the lots. The property is located within the Rural, Aquifer Protection and 250' Shoreland Overlay Districts. No development is proposed within the Aquifer Protection or Shoreland Overlay Districts. All lots to be served by individual on-site septic systems and drilled wells. Tax Map 83, Lot 8.

§ 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 6/20/2022; final subdivision application submitted within 6 months on 11/20/2022.**
- (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 received by the Planning Board on 12/19/2022.**
- (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 filing provided. Approval is pending.**
 - (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. **Required for wetland impacts. Pending Approval. Permit filed with Town.**
 - (g) NPDES permit for stormwater discharges. **MDEP Site Location Permit is required and submitted. Approval is pending.**
 - (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. **Applicable, 20 lots/dwellings proposed. Staff Review Committee to review final application**

- (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. Proposed monument types to be determined during final subdivision application review.
 - ✓ **Proposed monument types depicted on plan 3 suitably. To be determined by PB**
 - b. Draft HOA covenants and sample deed have been provided and to be reviewed by the Town Planner and Town Attorney during final subdivision application review. The HOA Declaration, Fire System Easement, Open Space Conservation Easement and Drainage Easement will be required with the submission of the final subdivision application.
 - ✓ **Sample Deed provided**
 - ✓ **HOA By-Laws provided**
 - ✓ **Articles of HOA Incorporation provided**
 - ✓ **HOA Declaration provided**
 - ✓ **Fire System Easement provided**
 - ✓ **Open Space Conservation Easement provided**

- ✓ **Drainage Easement language included in sample deed**
- ✓ **Review of documents by Town Engineer and Town Attorney will proceed when all documents are provided.**
- c. Proposed drainage easement identified on lots 14, 15, 19 and 20. Drainage easement for Lot 1 will be needed. Drainage easement area to be depicted on the plans. Sample drainage easement document to be provided with the Final Subdivision Application submission.
 - ✓ **Drainage easements now identified on lots 1, 2, 3, 4, 5, 9, 10, 13, 14, 15, 16, 17, and 18.**
 - ✓ **Sample drainage easement language to Town across Lot 1 not provided for review.**
- d. A conservation easement on the Open Space to KKWWD is proposed. See note 19 on sheet 3. Proposed draft document needed and to be provided with the final subdivision application submission.
 - ✓ **Draft Conservation Easement to KKWWD provided.**
- e. $8 + 16 = 24$ dwellings permitted within the development. 20 dwellings are proposed. Table on sheet 2 to be revised to correct density calculation as detailed above, on final plan submission. Corrections were provided on 6/2/22 markup.
 - ✓ **Table on sheet 2 not corrected.**
- f. Primary septic box for lot 1 is within a drainage area and must be relocated. Lot 1 reserve system needs a test pit. Lot 2 does not require a reserve. Lot 5 primary septic box doesn't have a test pit. Lot 9 reserve septic box doesn't have a test pit, move? Lot 12 reserve system to become primary system? Lot 13, 14 and 15 do not require a reserve system. Additional test pits and corrections to be provided with the final subdivision plan submission.
 - ✓ **Test pits for Lots 1 and 2 did not fall within the proposed septic boxes and could not be used as they were within the 50' wide no cut buffer area on the 6/2/22 markup. 5/24/23 revision addressed this comment by moving TP #1 -#4. New Test Pits prepared by Mark Hampton dated 7/6/23 provided on 7/17/23.**
 - ✓ **Lot 1 cannot have a septic area in the drainage area/path of the 18" culvert that runs across Chick Crossing Road. Not addressed on 5/24/23 or 6/14/23 revision. Reserve area not required – to be removed.**

- ✓ **Lot 5 needed another test pit for primary system. On 6/14/23 revised plan the Septic box for the reserve was relocated out of the proposed drainage easement. TP #10 was moved to driveway. On 7/17/23 new test pits prepared by Mark Hampton on 7/6/23 were provided and revised subdivision plans were provided renumbering Test Pits.**
- ✓ **Lots with test pit limiting factor of 24" or more do not require reserve systems. Addressed on 6/14/23 revision.**
- ✓ **Primary and reserve septic boxes required test pits. Lots 1, 2, 5, 9, 11, 14, and 15 needed to adjust boxes or get additional test pits. The 6/14/23 shows test pits were moved into boxes. On 7/17/23 new test pits prepared by Mark Hampton on 7/6/23 were provided and revised subdivision plans were provided renumbering Test Pits.**
- g. Proposed wells on Lots 11 and 12 are not feasible due to steep existing slopes. To be addressed on the final subdivision plan submission.
 - ✓ **Lots 11 and 12 propose wells in locations that are more feasible for installation on 6/14/23 revision. To be reviewed.**
- h. Proposed drainage depicted on C and D sheets. Lot layout on C and D sheets does not coincide with layout shown on sheets 2, 3, and 4 and shall be addressed on the final plan submission.
 - ✓ **Open space area to the northwest/ lot lines for lots 1, 8, 9, 10 and 11 were incorrectly shown on Atlantic Resource Consultants plans. Addressed with 5/24/23 plan revision.**
- i. Proposed culvert 1 to be analyzed for a 100 year storm event due to existing area subject to flooding and proximity to Lot 8A.
 - ✓ **100 year analysis provided. To be reviewed by Town Engineer.**
- j. A stormwater management report by Atlantic Resource Consultants dated March 2022 has been provided. Report must be stamped and signed by a PE.
 - ✓ **Revised Stormwater Management Report stamped by a PE and updated July 2023.**
- k. Stormwater Management changes to be addressed and impacts from Lot 1 to abutter to be addressed.
 - ✓ **Revised design directs stormwater from Lot 1 to a treatment pond. To be reviewed by Town Engineer.**

- l. The applicant proposes changes to the preliminary design from catch basins to swales and adding a treatment pond. Revisions to be included with the Final Application submission.
 - ✓ **Revised drainage design provided. To be reviewed by Town Engineer.**
- m. Road drainage is to be directed to a bio-retention pond. Roof and driveway drainage is to be directed to rip rap treatments strips (LIDs).
 - ✓ **Revised drainage design provided. To be reviewed by Town Engineer.**
- n. A MDEP Stormwater/ Site Location Permit is required.
 - ✓ **SLODA permit filing provided. DEP approval is pending.**
- o. Nitrate plumes of reserve septic areas also to be considered for well location determinations. Well locations may be required survey layout. To be addressed on final subdivision plan.
 - ✓ **Note 16 on sheet 2 not revised to state well locations are to be survey located. Various lots have restricted locations for wells. Addressed, on 6/14/23 revision well survey locations are defined in note 16.**
- p. Total wetland impact proposed is 3,566 SF and requires a MDEP NRPA Tier 1 Permit and ACOE Permit. To be addressed during final subdivision application review.
 - ✓ **Copy of the application for ACOE Permit provided.**
 - ✓ **Copy of the application for the NRPA Tier 1 Permit not required.**
- 3. Final completeness to be reviewed once preliminary conditions of approval are satisfied. Initial review comments are the following:
 - a. Stormwater Management plan provided and reviewed by Town Engineer, see memo dated 7-7-2023. Updated analysis dated July 2023 provided and to be reviewed by Town Engineer.
 - b. Cost Estimate provided and to be reviewed by Town Engineer.
 - c. Cistern design to be reviewed.
 - d. Municipal impact analysis provided and to be reviewed.
- 4. The Planning Board should consider finding the application complete.
- 5. The Planning Board should consider scheduling the final public hearing.