



**Planning & Development**  
**208 Sanford Road, Wells, Maine 04090**  
Phone: (207) 646-5187, Fax: (207) 646-7046  
Website: [www.wellstown.org](http://www.wellstown.org)

<i>Michael G. Livingston, Town Engineer/Planner</i>	<a href="mailto:mlivingston@wellstown.org">mlivingston@wellstown.org</a>
<i>Shannon L.M. Belanger, Assistant Planner</i>	<a href="mailto:sbelanger@wellstown.org">sbelanger@wellstown.org</a>

### **Major Subdivision Amendment Application Memo**

Date: April 1, 2026

To: Planning Board

From: Planning Office

Re: Fairway View Village Subdivision Amendment #5- Map 32, Lot 13

#### **Project Description:**

Attar Engineering has submitted a Final Subdivision Amendment Application for Fairway View Village Subdivision on behalf of York Building & Design, Inc. The Amendment application seeks approval to: allow the issuance of 4 additional occupancy permits for a total of 44 occupancies to be issued prior to resolving the MDEP Permit and ACOE Permit violations; to revise guardrail locations in the development; to eliminate residential parking stripping requirements; to revise plan notes 61-63 to acknowledge completed items and allow a new deadline for completion from May 15, 2025 to August 15<sup>th</sup> 2025 for stormwater; to allow reclamation of former storage area for temporary construction stockpile area to occur prior to 46<sup>th</sup> occupancy or no later than September 15<sup>th</sup>, 2026; and to extend deadline for installation of finish course of pavement for remaining 280 linear feet of Fieldside Lane. Fairway View Village 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 is approved as accessory uses to the Multifamily Development and is for the use of residents of this subdivision. The subdivision has 45.91 acres of Dedicated Open space. The parcel has 122.52 net acres in area. The parcel is located within the Rural District. The parcel is located off of Fieldside Lane. Fairway View Village Subdivision is located on Tax Map 32, Lot 13.

#### **§ 202-10. Revisions to approved plans. [Amended 7-23-2002; 4-16-2004; 11-5-2024]**

- A. Procedure. An applicant for a revision to a previously approved plan shall, at least 14 days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda.

**Planning Board to consider receiving the amendment application on 4/6/26.**

(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, preliminary, or final 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 abutter notices and 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, the applicant shall provide the Planning Office with cash escrow funds to pay for the costs of advertising and postal notification.] **Fee and escrow provided. Public Hearing to be determined.**

(3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board in person to discuss the revisions to an approved plan. **Yes**

(4) If a subdivider is in default of a previously approved subdivision or site plan in the Town of Wells, the Planning Board may refuse to review an application. The Planning Board shall conduct a review of any such defaults, determine the default(s) and may suspend the application's review until the defaults are resolved.

**B.** Submissions. The applicant shall submit 12 copies of the last approved plan, as well as 12 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. 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. A digital version (PDF) of the submittal materials and the plan(s) shall also be provided. **Plan copies provided, to be reviewed.**

**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. The application for approval of the amended plan shall address the submission requirements for minor, preliminary or final subdivision plans.

**§ 202-9. Final plan for major subdivision. [Amended 7-11-1996; 4-13-1999; 7-9-2002; 4-16-2004; 4-27-2007; 11-2-2021; 11-5-2024; 6-10-2025]**

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. **Planning Board to consider receiving the amendment application on 4/6/26**

(2) Prior to submittal of the final plan application, the following applications shall be submitted to the appropriate entities, where appropriate:

(a) Maine Department of Environmental Protection, under the Site Location of Development Act and the Natural Resources Protection Act. **III 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, no changes to water supply 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, no changes to septic systems proposed**

(f) An Army Corps of Engineers dredge and fill permit. **PENDING**

(g) NPDES permit for stormwater discharges. **PENDING**

(h) Maine Department of Transportation entrance or traffic movement permit. **Not applicable, no changes to trip generation proposed.**

(3) All applications for final plan approval for a major subdivision shall be accompanied by an application fee, in the amount established by the Board of Selectmen following notice and a public hearing. In addition, the applicant shall pay a fee of \$25 per lot or dwelling unit, to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for abutter notices and 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 \$10 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require that an additional \$10 per lot or dwelling unit 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 final decision on the subdivision application by the Board shall be returned to the applicant. **Amendment plan, fee, escrow provided**

(4) If a subdivider is in default of a previously approved subdivision or site plan in the Town of Wells, the Planning Board may refuse to review an application. The Planning Board shall conduct a review of any such defaults, determine the default(s) and may suspend the application's review until the defaults are resolved.

(5) 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. **Subdivision is approved for 46 dwelling units.**

(6) Notices describing the proposed project and scheduled meeting date with the Planning Board shall be mailed by the Planning Office to the abutters via regular mail at least 10 days prior to a scheduled meeting of the Board. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records. In the case of an abutting condominium, the condominium association shall be notified, not the individual unit owners. The applicant shall provide the Planning Office with cash escrow funds to pay for the cost of said notices. **Abutters mailed notice of the amendment application on 3/27/26**

(7) If a subdivision abuts or includes a portion of land of another municipality, the Planning Office, within 10 days prior to the Board meeting at which the application is to be received, shall notify by regular mail the Town Clerk and Planning Board of that municipality. The Planning Office shall also notify by regular mail a public drinking water supplier if a subdivision is within its source water protection area. The notice shall include the location of the proposed subdivision and a general description of the proposed development and date, time and location of the hearing. **Not located within another municipality**

(8) If a public hearing is deemed necessary by the Board, the applicant shall provide the Planning Office with cash escrow funds to pay for the cost of said public hearing to include the costs of advertising and postal notification. **To be determined**

(9) The subdivider, or his duly authorized representative, shall attend the meeting of the Board in person to discuss the final plan. **Applicant/representative attendance required**

(10) The application shall be received by the Planning Board at the scheduled meeting. **Planning Board to consider receiving the amendment application on 4/6/26**

(11) 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. A request for any extension shall be submitted in writing by the applicant to the Board if additional time is needed for the applicant to address completeness. If the Planning Board agrees the request is reasonable, an extension period shall be mutually agreed to by the Board and the subdivider. Failure of the applicant to provide the required submissions to be deemed complete may result in the denial of the application. **To be determined**

(12) Once an application is deemed complete, the Planning Board shall determine whether to hold a public hearing on the final plan application. If a public hearing is to be held for the final application, the Planning Board shall hold a public hearing within 30 days of finding the application complete. The applicant shall provide the Planning Office with cash escrow funds to pay for the cost of said public hearing to include the costs of advertising and postal notification. The Planning Office shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to 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. The Planning Office shall notify, by certified mail, the applicant, all abutters, and the Town Clerk and Planning Board of any abutting municipality, if the development abuts or falls within another municipality. The Planning Office shall also notify by regular mail a public drinking water supplier if a subdivision is within its source water protection area. Abutter notices shall include the date, time, and place of the hearing as well as the project description. **To be determined**

(13) Before the Board grants approval of the final plan, the subdivider shall: **To be determined**

(a) Meet the performance guaranty requirements contained in § **202-13**.

(b) Obtain in writing approvals listed in Subsection **A(2)** if applicable.

(14) 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 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 12 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. A digital version (PDF) of the submittal materials and the plan(s) shall also be provided. The application for approval of the final plan shall include the following information:

### **Comments and Recommendations:**

1. Updates: The applicant has provided updated plans and revised stormwater analysis.

#### **Amendments Requested:**

##### **Application cover letter and plans dated 3/19/2026**

- Updated as-built conditions
- All pavement parking striping (other than at the clubhouse and fire cistern areas) to be eliminated by revising notes 27, 61 and 63.
- Add no parking signage at units 43, 44 and 45 versus pavement markings.
- Update the purpose of this plan note.

- Allow 4 more occupancy permits to be issued with additional performance guarantee funds provided to the Town.
- Revise guard rail locations.
- Extend deadlines for stormwater pond construction of 17P, 18P, 23P, 24P and 25P from May 15, 2026 to August 15, 2026.
- Pond construction of 23P, 24P and 25P prior to occupancy of units 43, 44 or 45 eliminated.
- Final as-built plans eliminated prior to occupancy of units 43, 44, and 45.
- Restoration of former storage area revised from September 15, 2026 to prior to the last (46<sup>th</sup>) occupancy permit.
- Boulders at units 12 and 15 only. Protective measures for units 22 and 27 eliminated?
- Revisions to USF #8 limits
- Revisions to USF #7B limits

**Owner email dated 3/26/2026**

- Includes restoring half of the former storage area prior to August 15, 2026.
  - Includes remaining finish course of pavement (280 linear feet) prior to last (46<sup>th</sup>) occupancy.
  - Owner also requested the entrance buffer be evaluated to determine if two trees to be replanted is necessary.
2. The Planning Board to consider scheduling a site walk to review the completed items and view the items proposed to be changed.
    - a. Items proposed for amendment: plantings along Fieldside Lane near entrance, striping parking spaces at residences, construction stockpile area partial reclamation, stormwater changes, etc.
    - b. Boulders at units 22 and 27 not installed. To be eliminated?
    - c. No Parking markings to be completed by May 15<sup>th</sup>.
    - d. Fire Lane markings to be completed by May 15<sup>th</sup>.
    - e. Widened/additional pavement installed at units 11/12, resulting in illegal parking spaces to be resolved: pavement to be removed?
    - f. As-built widths of Izzy's Lane 20 feet, 2020 approval was 22 feet, to be evaluated.
    - g. Wetland impacts to be observed.
    - h. Remaining 280 feet of road base pavement.
    - i. Guardrails to be observed.
    - j. Clubhouse parking width achieved with grave vs pavement.
  3. Preliminary Review Comments:
    - a. Note changes to be reviewed, some revisions needed.
    - b. Revised drainage calculations to be reviewed.
    - c. As-built plan markups provided in February 2026 not addressed.
    - d. Guard rail eliminations are contingent on MDEP/ ACOE approvals.
    - e. Limit of existing finish course of pavement to be depicted on sheet 6.
  4. The Planning Board to determine where to meet for the site walk.