

An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Revise Application Processes, Submittal Procedures and Notification Requirements

NOTE: Proposed additions to existing Code sections are underlined.
Proposed deletions of existing Code sections are ~~crossed out~~.
Other sections of the Ordinance are unchanged.

The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 202 (Subdivision of Land) of the Town of Wells to Revise Application Processes, Submittal Procedures and Notification Requirements” to read as follows:

Part 1: § 202-6, entitled “Preapplication” is hereby amended as follows:

§ 202-6. Preapplication.

A. Procedure:

- (1) Applicant to submit an application at least 14 days prior to a regularly scheduled Planning Board meeting.
- (2) The Board to receive the application and the Applicant to presentation and the submission of sketch plans.
- ~~(2 3)~~ Question and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.
- ~~(3 4)~~ Scheduling and conducting of on-site inspection.
- ~~(5)~~ Reporting of the results of the site walk at a subsequent meeting.

B. Submission. The preapplication sketch plan shall show, in simple sketch form, the proposed layout of streets, lots and other features in relation to existing and proposed conditions. The sketch plan, which may be a freehand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's map(s) or GIS mapping on which the land is located. ~~The sketch plan shall be accompanied by a copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than 10 acres in size.~~ The sketch plan shall also be accompanied by a list of names and addresses of abutters to the proposed project. ~~and certification that n~~ Notices describing the proposed project ~~have been~~ shall be sent or delivered mailed by the applicant Planning Office to the abutters. The addresses of these abutters shall be obtained from the Town of Wells Tax Assessor's records, ~~and the notice and certification form shall be supplied by the Office of Planning and Development.~~ 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.

E. An application shall be considered as withdrawn if the applicant fails to appear at a scheduled meeting or site walk.

Part 2: § 202-7, entitled “Minor subdivisions” is hereby amended as follows:

§ 202-7. Minor subdivisions.

B. Procedure.

(1) Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a final plan at least ~~40~~ 14 days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the sketch plan to the Board. The final plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Board.

(3) 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.

(4) 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.

~~(4 5) If a subdivision abuts or includes a portion of land of another municipality, the Planning Office, W~~within 20 ~~10~~ 10 days prior to ~~of~~ the Board meeting at which the application is to be received, ~~the Board~~ shall notify by certified regular mail ~~all owners of abutting property and~~ the Town Clerk and Planning Board of any that ~~that abuts or includes any portion of the proposed subdivision that an application for subdivision approval has been submitted.~~ 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. ~~The notice shall be mailed no less than seven days prior to the Board commencing review of the plan-~~

(6) If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the plan.

~~(3 7) When t~~The application is shall be received by the Planning Board at the scheduled meeting, ~~it shall give the applicant a dated receipt acknowledging that it has received the application.~~

~~(5 8)~~ The subdivider, or his duly authorized representative, shall attend the meeting of the Board in person to discuss the final plan.

(9) The Board or its designee, within 30 days of the receipt of the application or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, shall determine the application to be complete. A request for any extension shall be submitted in writing by the applicant to the Board if additional time is requested for the applicant to address completeness. Failure of the applicant to provide the required submissions to be deemed complete may result in the denial of the application.

~~(6) Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider.~~

~~(7 10)~~ The Board shall hold a public hearing within 30 days of determining that a an application is complete. ~~application has been received and~~ 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. 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 and shall notify by regular mail any 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. The

[applicant shall provide the Planning Office with cash escrow funds to pay for the cost of said notices.](#)

(8 11) Within 30 days of a public hearing or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact on the application and approve, approve with conditions or deny the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

C. Submissions.

(1) The subdivision plan for a minor subdivision shall consist of a reproducible, ~~stable-based transparent~~ original and three copies 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 100 acres may be drawn at a scale of not more than 200 feet to the inch, provided all necessary detail can easily be read.~~ 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 lines on the left side for binding and a one-inch margin outside the border along the remaining sides. ~~Space~~ [A signature block](#) shall be provided for endorsement by the Board [located in the lower left corner of the plan](#). Twelve bound copies of all information accompanying the plan and plans not larger than 11 inches by 17 inches shall be submitted. [A digital version \(PDF\) of the submittal materials and the plan\(s\) shall also be provided.](#)

Part 3: § 202-8, entitled “Preliminary plan for major subdivision” is hereby amended as follows:

§ 202-8. Preliminary plan for major subdivision.

A. Procedure.

(2) All applications for preliminary 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.

[\(3\) 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.](#)

[\(4\) 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.](#)

[\(5\) 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.

~~(36)~~ The subdivider, or his duly authorized representative, shall attend the meeting of the Board in person to discuss the preliminary plan.

~~(47)~~ ~~When the application is received by the Planning Board at the scheduled meeting, it shall give the applicant a dated receipt acknowledging that it has received the application.~~

~~(5) Within 20 days of the Board meeting at which the application is received, the Board shall notify by certified mail all owners of abutting property and the Town Clerk and Planning Board of any municipality that abuts or includes any portion of the proposed subdivision that an application for subdivision approval has been submitted. The notice shall include the location of the proposed subdivision and a general description of the proposed development. The notice shall be mailed no less than seven days prior to the Board commencing review of the plan.~~

~~(68)~~ If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the plan.

~~(79)~~ Within 30 days of receipt of a preliminary plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete 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.

~~(810)~~ ~~Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider.~~ Within 30 days of determining a complete application has been submitted, the Board shall hold a public hearing on the preliminary plan application. and 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. A copy of the notice shall be mailed to the applicant and the owners of abutting property. 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. The applicant shall provide the Planning Office with cash escrow funds to pay for the cost of advertising and postal notification of the public hearing.

~~(911)~~ The Board shall, within 30 days of a public hearing or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application and approve, approve with conditions or deny the preliminary plan. The Board shall specify in writing its findings of fact and reasons for any conditions or denial.

~~(1012)~~ When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

- (a) The specific changes which it will required in the final plan;
- (b) The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety and general welfare; and

(c) The amount of all performance guaranties which it will require as prerequisite to the approval of the final plan.

(4413) Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

B. Submissions.

(2) Preliminary plan. The preliminary plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. ~~The Board may allow plans for subdivisions containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read.~~ Plans shall be no larger than 24 inches by 36 inches in size and shall have a margin of two inches outside the border lines on the left side for binding and one inch margin outside the border along the remaining sides. A signature block shall be provided for endorsement by the Board located in the lower left corner of the plan. In addition, the applicant shall submit to the Office of Planning and Development ~~44~~ 12 copies of the plan(s) reduced to a size of 11 inches by 17 inches and all accompanying information assembled into a booklet 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 following information shall either be shown on the preliminary plan or accompany the application for preliminary approval:

Part 4: § 202-9, entitled "Final plan for major subdivision" is hereby amended as follows:

§ 202-9. Final plan for major subdivision.

A. Procedure.

~~(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.~~

~~(3) The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan.~~

~~(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.~~

~~(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.~~

~~(6)~~ (2) Prior to submittal of the final plan application, the following applications shall be submitted to the appropriate entities, where appropriate:

(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.

(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.

(85) 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.

(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.

(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.

(28) 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 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.

(39) The subdivider, or his duly authorized representative, shall attend the meeting of the Board in person to discuss the final plan.

(410) ~~When t~~The application is shall be received by the Planning Board at the scheduled meeting. ~~it shall give the applicant a dated receipt acknowledging that it has received the application.~~

(511) 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. ~~The Board shall determine whether to hold a public hearing on the final plan application.~~

(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.

~~(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.~~

(913) Before the Board grants approval of the final plan, the subdivider shall:

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

(b) Obtain in writing approvals listed in Subsection A(62) if applicable.

(4014) 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.

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 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:

Part 5: § 202-10, entitled “Revisions to approved plans” is hereby amended as follows:

§ 202-10. Revisions to approved plans.

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

(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,~~ 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, ~~an additional fee of \$200 shall be required to cover~~ the applicant shall provide the Planning Office with cash escrow funds to pay for the costs of advertising and postal notification.

(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.

(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 ~~a copy~~ 12 copies of the last approved plan, as well as ~~44~~ 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. ~~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.~~ A digital version (PDF) of the submittal materials and the plan(s) shall also be 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. The application for approval of the amended plan shall address the submission requirements for minor, preliminary or final subdivision plans.

Part 6: Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this ____ day of _____, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

John MacLeod III

Scott DeFelice

Kathleen Chase

Timothy Roche

James N. Smith