

# Newry Planning Board

From: Ted Baker

To: Members of the Planning Board

Date: November 15, 2023

Subject: Pre-Application Conference – The Pines

1. A copy of this memorandum must be made available to the applicant and made part of the minutes.
2. As per UDRO Section 9 – this is an informal meeting and does not constitute the initiation of the actual application submission. The PB may make specific suggestions for the Applicant to consider when preparing their application.
3. Applicant is requesting to extend the 2013 PB approved application to Phase 2 and Phases 3 and 4. Reference Main-Land letter to Town dated 10/24/23.
  - a) PB approval in 2013 is dated 12/4/2013. Registry of Deeds plan #4963.
  - b) Current approval expires on 12/4/2023.
  - c) UDRO Section 3.E. *Start and Completion of Construction* applies.
  - d) One year extension (UDRO 3.E. paragraph 5) does not apply since applicant has not submitted an extension request at least 30 days prior to expiration.
  - e) UDRO Section 3.E. paragraph 4 does apply.
    - (1) 12/4/2013 application is void due to lack of activity.
    - (2) New application required. Application fee determined by the amount of the remaining cost of the project. 1/50 of 1% (0.0002). Town and applicant will have to agree on what is the remaining cost of the project.
  - f) Phases 2 through 4 will need to meet current UDRO requirements. UDRO Section 3.4. paragraph 5.
  - g) UDRO Section 3.H. *Permit Transfers* applies. Applicant will have to:
    - (1) Meet DEP financial and technical criteria.
    - (2) Demonstrate to the PB technical and financial capacity to complete the proposed project.
  - h) PB will require an additional fee to hire a consultant (GorrillPalmer) to help the PB:

- (1) Estimate the cost to complete Phase 2 and additional estimates for Phases 3 and 4 to complete with adjustments for inflation.
  - (2) Estimate the cost of required infrastructure for Phase 2 which will determine the performance guarantee required as per UDRO Section 21. Note that this exercise will have to be repeated prior to starting construction on Phases 3 and 4. (UDRO Section 21.G)
4. Suggestions on application submission, Form 10.cover:
  - a) This is a major subdivision.
  - b) There is a lengthy history of applications on this project. Please be complete and attach an additional page if needed.
5. Suggestions on application submission, Form 10.1.:
  - a) In the *Applicant* section – include a list of name and contact information of the corporate officers. (such as a copy of the Annual Report submitted to the Maine Secretary of State or its equivalent.)
  - b) Attach a statement noting any corporate officer which have an interest in any of the abutting parcels. If none then so state.
6. Suggestions on application submission, Form 10.2
  - a) Item 12 – declaration of condominium, by-laws, etc. Please note that developer’s control period for the *The Pines at Sunday River* condominium expires in 2024.
  - b) Item 13 – please attach a copy of the letter used to notify the abutters.
  - c) Item 15 – the original or new letter from the Town stating approval of the subdivision’s entrance onto Sunday River Rd.
7. Suggestions on application submission, Form 10.3.:
  - a) Item 8 – Ensure that the latest information on flood hazards are reflected on the plans.
  - b) Item 12 -
    - (1) Include a plan drawing addressing parking for each phase. Parking need to meet UDRO Section 15.
    - (2) Review Ashley’s Way, Hazel’s Way and Micaela’s Blvd for compliance with UDRO Section 14.B.6.a. *Dead End Roads* which requires a cul-de-sac or hammerhead turnaround.
  - c) Item 13 – Include a landscaping plan drawing for each phase.

- d) Item 24 – Show existing and proposed overhead and underground utilities on an existing plan or on a new plan.
  - e) Item 27 – Include a plan drawing showing all existing and proposed street and security lighting.
  - f) Item 29 – Any backup power generators planned? If so please follow UDRO 10.C.e.xxix and Section 13.Z.
8. Suggestions on application submission, Form 10.4.:
- a) Item 3 – A comprehensive and accurate cost estimate per phase is crucial for determining the application fee as well as performance guarantees. Estimates for Phases 3 and 4 need to take inflation into account.
  - b) Item 4 – The method of financing must demonstrate the ability to cover the costs itemized in Item 3. See sample letter of credit attached. A line of credit from a commercial lending institution will be required even in the case of self financing.
  - c) Item 7 – Include a detailed drawing in the *Erosion and Sedimentation Plan* for proper concrete washout facilities and procedures. Reference Maine Erosion and Sediment Control Practices Field Guide for Contractors.
  - d) Item 10 – The detailed drawing showing *Typical Paved Road Section* on Plan C2.1 does not meet the requirements for *aggregate sub-base course* in UDRO Section 14.
  - e) Item 11
    - (1) Expand Plan C-1 to include all engineering and architectural drawings and plans as well as their date.
    - (2) Expand Plan C6.1 *Site Phasing Plan* to include the following phasing progression:
      - (a) Phase 2 – Construction and alteration activities for which approval has been granted shall commence within twenty four (24) months of the issuance of Planning Board approval and shall be substantially complete within eighteen (18) months of the date of commencement.
      - (b) Phase 3 - Construction and alteration activities for which approval has been granted shall commence within twenty four (24) months of the Town's acceptance of a *Letter of Compliance* for Phase 2 and shall be substantially complete within eighteen (18) months of the date of commencement.
      - (c) Phase 4 - Construction and alteration activities for which approval has been granted shall commence within twenty four (24) months of the Town's

acceptance of a *Letter of Compliance* for Phase 3 and shall be substantially complete within eighteen (18) months of the date of commencement.

9. Other Notes:

- a) The Town will appoint a 3<sup>rd</sup> party inspector to act as the inspecting official for all required infrastructure. As per UDRO Section 6.A.b. the applicant will have to establish an escrow account to cover the cost of inspections. This inspecting official will also be responsible for the certification of construction of roads as per UDRO Section 14.F. This 3<sup>rd</sup> party inspector is in addition to any 3<sup>rd</sup> party inspector required by any other county, state or federal agency.
- b) Since this is a major subdivision a public hearing will have to be held after the application has been found complete.
- c) Anticipate the following conditions of approval will apply:
  - (1) Conditions 1 through 6 on the 12/4/13 approved plan (Registry of Deeds Plan # 4963.
  - (2) Conveyance of any unit is prohibited prior to the Town's acceptance of a *Letter of Compliance* from the applicant for the phase the unit is part of as per the Town of Newry Land Use and Building Code Ordinance.
  - (3) Conveyance of any unit is prohibited prior to the Town's acceptance of the Certificate of Construction of Roads for the phase the unit is part of as per UDRO Section 14.F.
  - (4) Construction and alteration activities must be completed as per the submitted plans and drawings included in the Final Application. Any changes or alterations to the submitted plans and drawings must first be approved by the Planning Board.
  - (5) Applicant or it's successor homeowner association must provide the Town with a copy of the certification sent to the State of Maine Department of Environmental Protection every five years stating that the stormwater management system was inspected, maintained, and repaired (if needed). As per DEP Site Location Application Order Number L-23332-87-A-N.
  - (6) Prior to the start of construction and until all construction is complete the location of forested and meadow stormwater buffers and the undisturbed stream buffers shall be permanently marked on the ground and applicant will ensure these areas remain undisturbed.

## Sample Letter of Credit

Date: \_\_\_\_\_

Jane Planner, Chairman  
Your Town Planning Board  
Town Hall  
Your Town, ME 04000

Re: Letter of Credit: Developer, Inc., Sunshine Estates, Your Town

Dear Ms. Planner:

This letter will confirm to Your Town that the Big Town Savings Bank has issued a loan commitment to Developer, Inc. for the Purpose of constructing all required improvements in the "Sunshine Estates" subdivision.

Big Town Savings Bank will set aside \$230,000 in a Construction Escrow Account, for completion of the required improvements. This account can be drawn upon by Your Town in the event that Developer, Inc. fails to complete steps A through H listed below for Windy Road by (two years from date of Final Plan approval).

Approximate length of road 2, 350 feet:

A. Grub roadways full width of 50 feet - \$4/ft.	\$ 9,400
B. Shape sub-base and grade it - \$4/ft.	9,400
C. Install under drain culverts - \$16/ft.	37,600
D. Install sewer \$22/ft. x 2,050 plus pump \$16,500	61,600
E. Install water mains 14/ft. x 2,400	33,600
F. Apply and shape 18" gravel base \$8.30	19,500
G. Apply and shape 3' of crushed gravel; apply 1 ¾ of base course bituminous concrete to width of 24', apply bituminous curb and 2" of bituminous concrete to a width of 5', 10/ft. x 2,350'	23,500
H. Apply ¾" of surface bituminous concrete to width of 24' - \$5/ft.	11,800

Big Town Savings Bank understands that Developer, Inc., or the contractor, will notify the Town Engineer or Code Enforcement Officer before any of the above work has begun and obtain his approval in writing as he completes each phase of the road construction.

This Account shall expire when Your Town acknowledges in writing to Developer, Inc. that the work outlined in Steps A through H has been completed in accordance with Your Town's subdivision regulations and street acceptance ordinance, and the approved plans of Sunshine Estates. Any funds remaining in the account on (Date specified above) for work outlined in Steps A through H which has not been completed and approved by the Town on that date shall be released to the Town to complete such work. As the Town Engineer or Code Enforcement Officer has issued his written approvals to Developer, Inc. the funds in this Account will be released based upon the schedule above.

Drafts drawn upon this account must be for this particular subdivision and to complete any work which is outlined above. Furthermore, drafts must be accompanied by itemized statements showing costs of work to be completed and must be submitted prior to (six to nine months following date specified above). Your Town will not be responsible for repayment or interest cost for any funds released to the Town for work not completed on or before (date specified above).

Very truly yours,

Barbara Banker  
Loan Officer

SEEN AND AGREED TO: \_\_\_\_\_  
Developer, Inc.

Your town hereby accepts this original letter as evidence of Developer, Inc.'s obligation to be performed.

\_\_\_\_\_  
Town Manager  
or  
Chair of the Select Board