

Findings of Fact, Conclusions of Law, & Decisions
Planning Board, Town of York, Maine
Date: September 14, 2017

Regarding an Application by:
Town of York

For: Bathhouse Replacement Amendment
Location at: Tax Map 33/ Lot 152-A

Town of York
176 Long Beach Avenue
York, Maine 03909

A. FINDINGS OF FACT

1. The street address of the property is 176 Long Beach Avenue, York, Maine 03909.
2. The current owner of the property is the Town of York.
3. Other parties to the application include:

Civil Engineer
Stephen J. Bradstreet, P.E
Ransom Consulting, Inc
400 Commercial Street, Suite 404
Portland, Maine 04101

YFI Custom Homes
Glenn Farrell
P.O. Box 522
Cape Neddick, Maine 03902

The previously approved facility (approved in August 2016) came in over budget. The applicant asked to amend the plan by removal of the Copula and roof overhangs in order to make the facility more cost effective. There are other proposed changes that do not impact the site review which will also occur within the facility to help lower costs on the project.

4. The base zoning district in which the property is located is RES-7.
5. The overlay district(s) in which the property is wholly or partially located to are as follows:
 - a. Town of York Flood Zone "AO"
 - b. Town of York Flood Shoreland Zone
6. Other relevant regulatory districts in which the property is wholly or partially located or related to are as follows:

- a. Flood Plain Management Ordinances
 - b. State of Maine Geological Survey Coastal Sand Dune “D1”
7. The materials submitted as part of this application included the following items:
 - a. Completed Planning Board Application Form
 - b. C -101 – Site Layout and Utility Plan
 - c. C -102 – Grading and Drainage Plan
 - d. Rendering of the Design excluding: Cupola, Overhead doors and portion of full covered Boardwalk
 - e. Rendering as previously approved
 - f. Internal layout with a modified roof line
8. The Planning Board considered the application at 2 Public Meetings. The Sketch Plan was considered on June 9, 2016 and the Preliminary Plan on July 28, 2016. The Selectman also considered the application at 2 Public Meetings, June 8, 2015 and June 27, 2016. There have also been 3 Public Informational Meetings on May 21, 2015, May 19, 2016 and June 30, 2016. The application is being considered as an amendment to the previously approved plan on September 14, 2017.
9. Dates on which the Board conducted previous Public Hearings on the application can be found in # 8 above.

B. CONCLUSIONS OF LAW

The Planning Board and Code Enforcement Officer have permitting jurisdiction over this application as follows:

- The property is located within floodplain and therefore requires Planning Board review for compliance with the Floodplain Management Ordinance.
- The property located within Shoreland Zone and therefore requires Planning Board review compliance with the Shoreland Overlay District Land use Standards and permit requirements per zoning Article 8.2.5.3.

In its review of this application, the Planning Board determined the proposal was in conformance with the Town's Comprehensive Plan, Zoning Ordinance, and the Site Plan Regulations. The application was subject to Site Plan Review due to Article 4.2.1.3 of the York Zoning Ordinance. The application meets all the criteria for approval outline in the Site Plan Regulations as follows:

1. **Pollution.** The development will not result in undue water or air pollution.
2. **Sufficient Water.** The development has sufficient water available for the reasonably foreseeable future.
3. **Municipal Water Supply.** The development will not cause an unreasonable burden on an existing municipal water supply system.
4. **Erosion.** The development will not cause unreasonable soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition results.
5. **Traffic.** The development will not cause unreasonable highway or public road congestion or unsafe conditions with respect of use of existing highways and/or public roads.
6. **Sewage Disposal.** The development will improve existing conditions and provide for adequate sewage waste disposal and will not cause an unreasonable burden on Municipal Services.
7. **Municipal Solid Waste Disposal.** The development will include solid waste disposal provisions and will not cause an unreasonable burden of the Town's ability to dispose of solid waste.
8. **Aesthetic, Cultural and Natural Values.** The development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat, rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

9. Conformity with Local Ordinances and Plans. The development is in conformance with the Regulations, Zoning and other Town land use codes, and the Comprehensive Plan based upon the Planning Board's interpretation of these Ordinances and Plans.
10. Technical and Financial Capacity. The Town has adequate financial capacity to meet the required standards.
11. Surface Waters. The development will not adversely affect the quality or unreasonably affect the nearby ocean outfall.
12. The developments will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of the groundwater.
13. Flood Areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps, and Flood Insurance Rate Maps, the proposed development is located within tidal flood zone "AO". A building Flood Proofing Certificate will be prepared to verify that all building criteria will be met.
14. Freshwater Wetlands. There are no freshwater wetlands within the proposed development.
15. River, Stream, or Brook. There are no river, stream, or brook within or abutting the proposed development.
16. Storm Water. The proposed development will provide for adequate storm water management.
17. Spaghetti Lots are prohibited. No lots are being created.
18. Lake Phosphorus Concentration. There are no great ponds that can be affected by this development.
19. Impact on Adjoining Municipality. The development does not cross municipal boundaries.

C. DECISIONS

1. On September 14, the Planning Board reviewed this application and found it acceptable for final review.
2. Waivers No waivers requested and no waivers granted
3. The following decisions were determined by the Planning Board during the review process:
 - a. Shoreland Zone Permit – Approved
 - b. Floodplain Management Ordinance – Approved
4. The Planning board voted on September 14, 2017 to grant approval to the amended application
5. The application received final approval on August 25, 2016 with conditions noted on the previously approved plans. No new Conditions were required. Revised Mylar's must reflect all previous conditions imposed on the applicant with the modification to the roof line as presented at this meeting.

Dated _____

Amy Phalon, Chair