

**Findings of Fact, Conclusions of Law, & Decisions
Planning Board, Town of York, Maine**

August 10, 2017
Regarding an application by
Town of York
Tax Map 0094 /Lot 0077
414 Ridge Road

The document shall provide a compilation of relevant facts pertaining to the application in a section titled "Findings of Fact". At a minimum, this shall include the following subject matter and order:

1. Street address of the property or properties;
414 Ridge Road
2. Property ownership, as indicated on the application form and deed;
Town of York
3. Other parties to the application;
None
4. Description of the existing use or uses of the property;
On a portion of the property fronting along Route 1 where there is a vacant building while the remainder of the parcel is fallow land.
5. Description of the proposed use or uses of the property, and the nature of the application;
The applicant is proposing to construct a new public street approximately 1 mile in length running in an east / west direction between Ridge Road and Route 1. This is being submitted as an Amendment and Extension request to the previously approved Police Station and new access road project of August 14, 2014.
6. Base zoning district in which the property is located;
Residential -7, General-3 and Rt.1-4
7. Overlay zoning district(s) in which the property is wholly or partially located;
Shoreland zone-Wetland (Resource Protection) and Mixed Use (250') & Flood Plain Management

8. Other relevant regulatory districts in which the property is wholly or partially located (relating to the Floodplain Management Ordinance, Wireless Communications Ordinance, Well Ordinance, etc.);

**Flood Plain Management
Shoreland Overlay
Wetland (Resource Protection) and Mixed Use (250')**

9. Comprehensive list of materials submitted by the applicant as part of the application;

(See list Below in #12)

10. Date or dates on which the Board met to consider the application;

**February 20, 2014
April 3, 2014
May 6, 2014
May 31, 2014 (Site Walk)
July 10, 2014
August 3rd Sitewalk
Amendment August 10, 2017**

11. Date or dates on which the Board conducted a public hearing on the application;

**February 20, 2014 SKETCH Review and Public Hearing
April 3, 2014 Completeness Review as part of the Preliminary Application
May 6, 2014 Completeness Review accepted as complete, Preliminary hearing and Public Hearing held, Preliminary approval w/conditions granted.
July 10, 2014 Public Hearing and Final Approval w/Conditions Granted 5-0
August 10, 2107 Public Hearing and Approval of the extension to the previous approved project with the elimination of the Police Station from the project site as well as correction of the Property boundary to address previous land ownership disputes.**

12. A brief description of the substantive materials and testimony received at the public hearing.

**Public Hearing on Extension Request and Lot line Adjustments
August 10, 2017**

The planning board held a public hearing on the extension request which included 7 members of the public speaking on issues regarding traffic, buffering and costs of the project. One member of the public brought up the need for the town to investigate a stone property structure near a stone wall that is historic in nature if it still exists abutting the Cragin property.

CRITERIA OF APPROVAL

Before granting approval to any application pursuant to this code, the Planning Board must find that the proposal meets the following criteria (reference MRSA Title 30-A §4404) and shall make written findings of fact to this effect.

- 1.2.1 Pollution.** The development will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the floodplains, the nature of soils and sub soils and their ability to adequately support waste disposal, the slope of the land and its effect on effluents, the availability of streams for disposal of effluents, and applicable state and local health and water resource rules and regulations. The applicant has shown that the connector road, which crosses the flood plain will be a minimum of 2' above the base flood elevation.
- 1.2.2 Sufficient Water.** The development has sufficient water available for the reasonably foreseeable needs of the development. The project will be on town water and the district has provided a letter indicating that there is sufficient capacity to serve the site. No uses are proposed at this time.
- 1.2.3 Municipal Water Supply.** The development will not cause an unreasonable burden of an existing water supply, if one is to be utilized. The project will be on town water and the district has indicated that there is capacity to serve this use.
- 1.2.4 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. The applicant has demonstrated through the application that they have addressed erosion matters. The applicant further submitted an application for permits to the Maine DEP and Army Corp of Engineers and has been permitted site work on the property. These permits are in full force and effect until at a minimum 2018
- 1.2.5 Traffic.** The development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed, and if the proposed development requires driveways or entrances onto a state or state-aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23 §754, the Maine Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23 §704 and any rules adopted under that section, The applicant is proposing a new connector road between Route 1 and Ridge Road. The applicant is working with KACTS and Maine DOT on funding the intersection of Route 1 and the Parkway with the proper signalization and lane assignments. Maine DOT is funding the project and will oversee the construction to make sure it has been built to DOT specifications.
- 1.2.6 Sewage Disposal.** The development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized.

The sewer district has reviewed the proposed application and provided a letter indicating that they have the capacity to serve the project. No development is proposed at this time that will impact the sewer system

- 1.2.7 Municipal Solid Waste Disposal.** The development will not cause an unreasonable burden on the Town's ability to dispose of solid waste, if municipal services are to be utilized; At this time there is nothing proposed on the site that would create the need to utilize the solid waste systems.
- 1.2.8 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 identified by the Department of Inland Fisheries and Wildlife or the municipality or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. The applicant has submitted all of the required information indicating that this project, on this site, will not have a negative impact on any of these values.
- 1.2.9 Conformity with Local Ordinances and Plans.** The development is in conformance with these Regulations, Zoning and other Town land use codes, and the Comprehensive Plan. In making this determination, the Planning Board is authorized to interpret these Ordinances and Plans. By virtue of this review, the Planning Board has determined that this application conforms to all local regulations and ordinances, as part of the deliberation there was discussion about how this road or a similar road needs to be constructed based on the Comprehensive plan.
- 1.2.10 Technical and Financial Capacity.** The developer has adequate financial and technical capacity to meet the required standards; Town of York Site Plan and Subdivision Regulations. The applicant has provided a letter from the Finance Director indicating they have the money to complete the project.
- 1.2.11 Surface Waters.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. This application is located within the Shoreland Mixed Use District and requires a Shoreland permit to locate there. This application has a **Shoreland Permit Narrative** found in the preamble to the application which is consistent with the requirements of the zone. The narrative includes discussion surrounding; Erosion and Sediment Control; Clearing or Removal of Vegetation for Activities Other than Timber Harvesting; Stormwater Runoff; Road and Driveway Construction; Soils; Water Quality Protection; Essential Services; Parking Areas and Restoration of Previously Impacted Areas. All of these issues were deliberated and considered in the Planning Board review for the purpose of issuing a Shoreland Zoning Permit.
- 1.2.12 Ground Water.** The development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
N/A

- 1.2.13 Flood Areas.** Based on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, the Planning Board will determine whether the development is in a flood-prone area. If the development, or any part of it, is in such an area, the developer shall determine the 100-year flood elevation and flood hazard boundaries within the development. The applicant has demonstrated that they will not impact the flood plain as noted in 1.2.1 of the findings above.
- 1.2.14 Freshwater Wetlands.** All freshwater wetlands within the proposed development have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. The applicant has provided permit applications and permits from all of the required State and Federal agencies regarding the impact on the wetlands. The applicant has provided in Attachment 5 of the Preliminary Application of March 14, 2014 a Wetland Delineation report from Stantec Consultants. The application also has Attachment 6 to both Jay Clement of U.S. Army Corp of Engineers and Bill Bullard of the Maine Department of Environmental Protection with a Revised Vernal Pool and Wetland Restoration Plan. The Planning Board deliberated on this matter through out the review process in order to have a greater understanding of the previous errors and proposed corrective action. The applicant also provided a **Wetland Permit Narrative** which can be found under the Development Context Narrative at the beginning of the application which goes along with the attachment 5 submissions
- 1.2.15 River, Stream or Brook.** Any river, stream or brook within or abutting the proposed development has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38 §480-B.9. The applicant has provided permit applications and permits from all of the required State and Federal agencies regarding the impact on the stream crossings and brook impacts.
- 1.2.16 Stormwater.** The proposed development will provide for adequate stormwater management. The applicant has provided a storm water plan, which has been reviewed by an independent engineering firm (Ransom Consulting) and found to be in conformance with all required standards. Several of the Bio-retention ponds have already been constructed, they will be checked and cleaned as part of the ongoing project
- 1.2.17 Spaghetti Lots Prohibited.** If any lots in a proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38 §480-B, none of the lots created within the subdivision have a lot-depth-to-shore-frontage ratio greater than 5 to 1.
N/A
- 1.2.18 Lake Phosphorous Concentration.** The long-term cumulative effects of the propose development will not unreasonably increase a great pond’s phosphorous concentration during the construction phase and life of the proposed development.
N/A

1.2.19 Impact on Adjoining Municipality. For any proposed development that crosses municipal boundaries, the proposed development will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the development is located.
N/A

This decision shall be based on compliance with the following criteria:

- A. The Board finds the applicant's submittals accurately represent the activity proposed. By virtue of this review, the Planning Board has determined that this application conforms to all local regulations and ordinances.
- B. The Board finds the event is temporary only, as defined in Section 1. N/A
- C. The Board finds the proposed use(s) or activities will not violate any applicable Town ordinance or regulations. By virtue of this review, the Planning Board has determined that this application conforms to all local regulations and ordinances.
- D. The Board receives written approval from the Chief of Police and the appropriate Fire Chief.
- E. The Board finds the applicant has proposed adequate mitigation of likely adverse impacts. The application has demonstrated that it will not have adverse impacts on any environmental issues and if any were to occur, the applicant has provided mitigation within the design of the project to address these issues.

Based on the information above, the planning board made a motion to approve the extension of the current permits for a period of 2 years along with the proposed property boundary adjustments as required with the Cragin parcel, Horn parcel and York Wild Animal Kingdom parcel as well as the acknowledgement that the Police station portion of the project is no longer part of the permit going forward. The board also attached the following conditions as part of the extension to the current permit:

1. The approved and permitted road be renewed with the extension to complete the construction.
2. The new property boundary survey reflects the new boundaries between the Town of York, the York Wild Kingdom, the Horn property and the Craigin property. Said survey plan prepared by Titcomb Associates be signed by the surveyor and recorded in the registry prior to the commencement of any additional construction on the site.
3. The applicant retain a third party independent inspector to oversee the construction of the road on a daily basis and provide weekly logs to the Planning Board and Code Enforcement Officer on the progress of the project. If any issues arise during construction that do not meet the design standards, this must be reported to the CEO immediately whom has the authority to stop the project until corrective measures can be taken.
4. Void the approval of the Police Station portion of the plan only recognizing the Parkway design.
5. Perimeter Monumentation be established
6. All culverts within the project be designed to be habitat friendly
7. Any additional uses on the property shall require planning board approval

Amy Phalon
Planning Board Chairman

Date