



MEMO

TO: Planning Board
FROM: Dylan Smith, Town Planning Director
DATE: September 11, 2017
RE: Application Review— Waniak Subdivision
66 Witchtrot Road
Map & Lot: 0089-0045-D

OVERVIEW

The proposed 2 lot subdivision is a minor (2 lot) residential subdivision located at 66 Witchtrot Road. The application is for preliminary and final approval of a minor (2 lot) subdivision. The property is located in the GEN-2 base zone and Limited Residential Shoreland Overlay District.

JURISDICTION

This is an application for preliminary and final plan approval of a minor 2 lot subdivision. Review of the subject property for division is limited by (Site/Sub §5.3 and §5.4).

RECOMMENDATIONS

1. Application Acceptance. I have reviewed all application materials. The applicant has proposed a multitude of waivers of which, based on the size and scope of the project, seem reasonable to me. I would recommend the Board allow concurrent review (prelim/final in one review period), as permitted in (**SUB §5.3.1**). I don't see the value in splitting the process in two given the size of the project (2 frontage lots). I recommend this application be a single-step review pursuant to §5.3.1 because of this being such a minor proposal.
2. Public Hearing. Following the application acceptance vote, conduct the public hearing to identify any issues or concerns relevant to the decision-making process. The Board, at its discretion, can allow for a public hearing for a sketch plan and or conceptual plan.
3. Substantive Review and Deliberation. I believe the relevant issues for the Planning Board include:

A. Application Completeness and review of Submissions for Preliminary and Final Plan Approval. See Sub §6.3 & §6.4.

- 1) Are there any trees larger than 24” in diameter at breast height? They need to be noted as such per **(Sub 6.3.3.A.4)**. A waiver has been requested and should be considered by the Board. Based on the size of the lots and minimal scope (2 frontage lots), the waiver seems reasonable.
- 2) A description of stormwater effecting this site should be provided and by what means the stormwater is conveyed, whether by streams, swales, culverts or other sources **(SUB 6.3.3.A.8)**. A waiver of the stomrwater drainage plan **(6.3.27)** has been requested. Given the scope of the project I do not see the granting of this waiver as being an issue.
- 3) The landscaping and grading plan is minimal if any. This is a minor subdivision plan with two frontage lots, and I see little benefit in requiring one for a development of this size. I believe this waiver is acceptable.
- 4) Per site/sub regulation 6.3.3-C. The applicant does not appear to be showing the approximate location of property boundaries, buildings, wells, septic systems, wetlands, surface waters, driveways, roads and intersections within 100' of the property. In looking at the aerial there does not appear to be any surrounding uses that would cause a negative impact on these lots even with the Town of York Recycling Center across the street.
- 5) Impact statements are not provided per **(SUB 6.3.5)**. They need to be provided unless waived by the Board.
- 6) I have not received confirmation from the YHDC or MHPC regarding the presence of any known or suspected historic or archeological resources or documentation that this has been reviewed in the past **(SUB 6.3.14)**. A waiver has been requested and should be considered by the Board. There is an area just south of these lots that indicates an area of known archeological findings. If the Board does grant a waiver the applicant should add the Town’s standard plan note regarding the findings of archeological artifacts during construction.

- 7) A map of focused areas of ecological significance needs to be provided regarding high value plant and animal habitats (**SUB 6.3.16**) or a waiver requested and considered.
- 8) The developer needs to provide proof that the Local Plumbing Inspector (LPI) has reviewed and approved the test pit log sheets and septic system design for compliance with the state of Maine Subsurface Wastewater Disposal Rules (**SUB 6.3.24.2**). I believe test pit logs have been provided to the LPI. I have no issue with the Board offering a condition of approval that the septic design be approved as part of the building permit process, which is generally how it is done already.
- 9) A letter from the fire chief is required (**SUB 6.3.26**).
- 10) A HISS survey is required, however the applicant has requested a waiver of this requirement. Again, given the size of the development the board should consider approving this waiver (**SUB 6.3.32**).
- 11) As mentioned above, the applicant is requesting waivers regarding showing trees at 24 inch dbh, impact statements, YHDC review, a stormwater drainage plan, and HISS mapping. I am not necessarily against these waivers, but think there needs to be a better explanation of why the requested waivers should be granted (**SUB 6.3.34**).
- 12) I have not received an advisory opinion from the DPW, Fire and the School as of yet but don't anticipate any issues (**SUB 6.4.5**).
- 13) I have not received draft findings of fact (**SUB 6.4.27**).

B. Other.

4. Decision. If the Board grants the waivers requested and once the applicant has addressed the concerns above or letters from the professionals mentioned above (i.e. the DPW Director and or School Superintendent, YHDC, etc.) then I think conditional approval is achievable.