

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

4/13/2017

Regarding an application by
Town of York Police Station
Tax Map 111 /Lot 27
(Formerly Tax Map 53, Lot 26)
9 Hannaford Drive

Street address of the subject property:

9 Hannaford Drive
York, ME 03909

Property owner as recorded at the York County Registry of Deeds:

Inhabitants of the Town of York
YCRD Book 17066 Page 610

FINDINGS OF FACT:

The project to be amended is the expansion to allow for the construction of a 3,600 square foot garage and emergency storage facility at 9 Hannaford Drive. The original site development was previously approved in 2016. The site is to remain as developed per previous approval unless specifically addressed herein with the exception of the Garage added pavement for access to the facility and a new stormwater pond for increased drainage. Refer to previously approved Findings of Fact regarding aspects of existing development.

The building was purchased by the Town in 2015 and has been redeveloped for the Police Station Headquarters in 2016.

No major changes to the overall site coverage or layout are proposed. A 3,600 sf building is proposed that will be located over a portion of the rear of lot. The addition is intended to house a maintenance and storage area. This structure will have a peak roof with truss framing similar to the existing building, and will match existing in exterior appearance.

The project is located wholly in the Route One – 3 Zone, with portions of the lot in the Wetland Protection Overlay District.

The stormwater runoff from the site currently flows to an adjacent wetland or into two man-made treatment/storage ponds. No modification to the stormwater management plan is proposed as part of this site plan amendment. The Maine DEP approved a Site Law Permit to the existing development. The DEP has been notified of the change of

ownership, and all stormwater BMP maintenance that was previously required under the approval will be the responsibility of the Town.

The following is a listing of materials submitted for review as part of the application:

Project Drawings

York Police Station Garage Development- Site Plan Amendment, American
9 Hannaford Drive – Tax Map 111, Lot 27, York, York County, Maine. Prepared
For: Town of York. Prepared By: Civil Consultants.

- EC-1 Limited Existing Conditions
- L-1 – Proposed Site Plan
- L-2 – Notes and Details
- A-1- Proposed Building Elevations
- A-2- Proposed Building Floor Plan and Sections

Reference Plans:

Final Site Plan for Ramsdell-Rogers Function Facility, American Legion Post 56,
Hannaford Drive, York, Maine. Prepared For: American Legion Post 56,
Prepared By: Anderson Livingston Engineers, Inc. (Rev. 10/02/2007)

Ramsdell-Rogers Function Facility, American Legion Post 56, York, Maine.
Prepared By: John Powers Associates, Inc.

Item

Date Submitted for Review

Amended Site Plan Submission

21 March 2017

- Project Narrative
- Planning Board Application Form
- Submission Checklist (Requests 2-ft contour waiver be upheld as previously approved)
- Impact Statements
- Fire Department, Water District and Sewer District Initial Review Statements, Subsequent e-mail from Public Works signing off on the project
- Review letters to Maine IF7W as well as Maine Historic Preservation and Town of York Historic Preservation

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 subsoils 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 site as previously approved was reviewed and found to be adequate for development**
- 1.2.2 Sufficient Water. The development has sufficient water available for the reasonably foreseeable needs of the development; **The Water District has submitted a letter indicating that this facility can be served.**
- 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; (*See above 1.2.2*)
- 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 shown that the current stormwater system has the capacity to handle the increased building size and the proposed new building has provided an additional stormwater pond to service the added impervious area. Ransom Consulting has review the application and found the plans to be acceptable after some initial comments.**
- 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; **This application will not be generating added vehicles to the property as it is an accessory use to the police station.**
- 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 applicant had submitted a letter from the Sewer District indicating that they have the capacity to serve this expansion.**

- 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; **This is a municipal project**
- 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 Fishers and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; **this is a previously developed site and has no impacts to DIFW or the Shoreland zone.**
- 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. **This project conforms to the towns regulations.**
- 1.2.10 Technical and Financial Capacity. The developer has adequate financial and technical capacity to meet the required standards; **This project is being funded out of the same money previously appropriated for the Police Station.**
- 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. *N/A*
- 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 proposed plan must include a condition of approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least two feet above the 100-year flood elevation. **The development itself is not located in the floodplain.**
- 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. **This project is impacting a very small area of wetlands 1,000 sf ± just enough to provide access to the site.**
- 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. *N/A*

- 1.2.16 Stormwater. The proposed development will provide for adequate stormwater management. **The site has been previously developed and the stormwater system was designed for that site, the applicant is providing additional stormwater pond(s) for the project. After an initial review and several comments, this design has been approved by Ransom Consultants on behalf of the inhabitants of the town**
- 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*

CONCLUSIONS OF LAW:

The amendment to the approved project as submitted requires review under the Town of York Site Plan and Subdivision Regulations and the Town of York Zoning Ordinance (governing section - §6.3 Performance Standards Applicable to all Non-Residential uses in the Route One-3 Zoning Districts). In cases of conflicting requirements, the more restrictive regulation shall govern.

DECISIONS:

The application was reviewed by the Southern Maine Planning & Development Commission and Ransom Consulting, it was recommended that the Planning Board could act on the application with the following Conditions of Approval on 4/13/2017:

1. Any new connections to the sewer district lines must be inspected at the time hook ups are made during the construction period
2. The water district is requiring isolation valves be located near the existing service entrance on the site, this will allow each of the two buildings to be shut off separately if there is ever a need to do so. The locations shall be worked out with the water district prior to construction.
3. ABC type fire extinguishers be included in the new building at the urging of the Fire Department
4. This project is an amendment to an existing DEP Site Location of Development permit. The amended permit approval shall be submitted to the Town and Ransom for their files.

This site plan amendment application received final approval from the Town of York Planning Board on 4/13/2017 without conditions.

PRINTED NAME

SIGNATURE

DATE

TOWN OF YORK
PLANNING BOARD CHAIR