

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

Regarding an application for

Gulf Hill Subdivision

Tax Map 100 Lot 27

Applicant

DLJ Corporation

Findings of Fact

Street address:

1780 US Route 1

Property ownership:

Formerly Karen Perkins-Audit; Amy P. Brown and Melisa Stapleton. Currently Peradventure Properties

Other parties to the application:

None

Description of the existing use(s) of the property:

Residential Subdivision in mid-construction

Description of the proposed use(s) of the property and the nature of the application:

This application is for a site plan revision where a portion of the previously approved Gulf Hill subdivision roadway, located off Route 1 in York, ME, is proposed to be modified. The modification is intended to improve the buildable areas on adjacent lots, allow for less blasting required to install the roadway, and for less material to be removed from the site. The roadway is to be modified in elevation only, no change to the layout of the centerline is proposed.

Base zoning district:

RT 1-6

Overlay zoning district(s):

Overlay Districts in the parcel are Shoreland Limited Residential Sub-District, Shoreland Mixed Use Sub-District, and Shoreland Stream Protection sub-district

Other relevant regulatory districts:

N/A

List of materials submitted at each stage of the application process:

Site Plan Revision:

- A Site Plan Revision Planning Board Application
 - Narrative with figures 1-6 displaying the Revised Road Grade
 - Memo for modified cost estimate indicating adequacy of existing performance guarantee
 - Memo checklist York Ordinance 6.4 Submission for Final Plan (Site Plan Field Revision)
 - Town Review Letters
 - York Public Works Department
 - Email response from Dean Lessard
 - York Water District
 - Email response from Don Neumann
 - Soil Scientist Review Letter
 - Revised Stormwater Management Plan
 - Storm Water Management Narrative
 - Stormwater Modeling and Calculations
 - Appendix A – Location and Topographic Plan
 - Appendix B – Medium Intensity Soil Survey Plan
 - Appendix C – Supplemental Stormwater Calculations
 - Appendix D – Stormwater Maintenance & Inspection Plan
 - Appendix E – FIRM Flood Mapping
 - Appendix F – Drainage Plans
 - D1 – Pre-Development Stormwater Plan
 - D2 – Post-Development Stormwater Plan
 - D3 – Stormwater Treatment Plan (Rev 12/20/2022)
 - Revised Plans (Rev 12/20/2022)
 - C1, C2, C3, C4 – Site Plans
 - C5, C6, C7 – Details
 - R1-R5 – Road Plans and Profiles
 - R6, R7 – Construction Details
 - R8 – Maintenance Notes
 - RXS1-RXS10 – Road Cross Sections
 - Full Approved Plan Set (11/22/2020)
 - 48 Pages
 - MEDEP Site Location Minor Revision Application (01/10/2023)

Date(s) on which the Board met to consider the application:

Site Plan Revision (Final):

X/X/X

Date(s) on which the Board conducted a public hearing on the application:

Site Plan Revision (Final):

X/X/X

Brief description of substantive materials and testimony received at the public hearing:

Site Plan Revision (Final):

N/A

Conclusions of Law

Planning Board Jurisdiction

Statutes:

30-A M.R.S. §§ 4403-4404

Ordinances:

York Zoning Ordinance, Section 7.6.1 and all other applicable provisions related to an Open Space Conservation Housing Subdivision Application.

Site Plan and Subdivision Regulations:

Section 1.2 and all other applicable provisions related to Major Subdivision Application

Permits Required:

None issued by the Planning Board

Planning Board Approval Criteria

(Site Plan and Subdivision Regulations Article 1 Section 2)

Pollution:

The development will not result in undue water or air pollution.

The project is designed in conformance with current York and State of Maine Subsurface regulations for domestic waste disposal. Extensive on-site testing has been performed and documented to ensure appropriate conditions exist for construction of private subsurface disposal systems.

Sufficient Water:

The project will be supplied by the York Water District and they have provided written assurance that they have sufficient capacity.

Municipal Water Supply:

The project will be supplied by the York Water District and they have provided written assurance that they have sufficient capacity.

Erosion:

The project has been planned and designed by professionals who have experience and training in erosion control and stormwater management. The project has also been peer reviewed and approved by the Maine Department of Environmental Protection (L-28488-L3-A-N) whose personnel are specialists in that area of construction.

Traffic:

The development has an entrance permit from the State of Maine Department of Transportation and any opening of the state highway must be approved by the state department of transportation. A traffic study has been prepared and submitted. Dwellings in the development do not have driveways exiting onto the collector road with all dwellings exiting onto streets with a maximum of 15 residences.

Sewage Disposal:

The development will provide for adequate sewage waste disposal. Required municipal services will be limited to permitting and inspection. Extensive investigation has been performed on the site and preliminary designs prepared for all lots.

Municipal Solid Waste Disposal:

Municipal services will be utilized for residential trash. Construction waste will be the responsibility of the property owners with disposal at licensed facilities.

Aesthetic, Cultural and Natural Values:

The development is set back from the main highway with minimal scenic impact. Areas impacted by infrastructure will be significantly landscaped.

Conformity with Local Ordinances and Plans:

The Planning Board finds the application to be in conformance with municipal zoning, land use codes and the Comprehensive Plan. In making this determination, the Planning Board is authorized to interpret these Ordinances and Plans.

Technical and Financial Capacity:

The applicant has demonstrated adequate technical capability with including a licensed civil engineer as an agent and a letter dated 1/15/2019 from Kennebunk Savings Bank supports the applicant's financial capability.

Surface Waters:

The surface waters, wetlands, streams and vernal pools within the overall property are located in common or conserved land with significant buffers to any development.

Ground Water:

The development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater. Extensive investigation and review has been performed to insure that all discharges provide adequate separation and treatment to insure the quality of groundwater will not be impacted. Water is being brought onto the site for domestic use.

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 has determined the development portion of the property is not in a flood-prone area.

Freshwater Wetlands:

All freshwater wetlands within the proposed development have been identified on maps submitted as part of the application. No wetland impacts are anticipated.

River, Stream or Brook:

Streams have been identified on the parcel and appropriately buffered

Stormwater:

The proposed development will provide for adequate stormwater management. Significant stormwater facilities have been designed and peer reviewed by two separate parties.

Spaghetti Lots Prohibited:

No "spaghetti" lots are proposed.

Lake Phosphorous Concentration:

This is not in an impacted drainage area.

Impact on Adjoining Municipality:

This will not have an adverse impact on adjoining municipalities. The single connection to the development is onto route one. No services are required from adjoining municipalities.

Decisions

Date Application Accepted as Complete for Review:

X/X/X

Waiver(s) Granted:

N/A

Decision(s) voted on by Planning Board:

None which were specifically related to *interpretation or application of the codes.*

Site Plan Revision (Final) Approval Date:

X/X/X

Conditions for Final Approval:

1. That the Maine Department of Environmental Protection Site Location and Development Permit Revision is received;
2. That a draft of the Findings of Fact as provided by the applicant is received;
3. That payment of all outstanding review fees has been completed.

Expiration Date (if conditions are not satisfied):

None

"A conditional approval shall be valid for a period of 60 days from the date on which the vote was taken. If the applicant fails to satisfy all conditions precedent within this timeframe, the board may vote to deny without prejudice. Both of these standards shall be expressly stated in the findings of fact."