

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

Regarding an application for
7 Marsh Brook Lane Subdivision Amendment
Tax Map 0099 Lot 0070-A

<i>Findings of Fact</i>

Street address:

** please use 12-point plain font

Applicant Name:

Walter & Nancy Pidgeon

Property ownership:

Walter & Nancy Pidgeon

Other parties to the application:

Josh Schneier, P.L.S. with Surveying and Mapping, LLC (SAM)

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

Residential

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

Residential – To divide the existing property into two separate lots, with one dwelling unit on each parcel.

Base zoning district:

RES-2

Overlay zoning district(s):

- 2022 Future Land Use – Rural Area
- Freshwater Forested/Shrub Wetland
- FEMA Flood Zone A
- York Beach Fire Protection District

Other relevant regulatory districts:

N/A

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

Sketch Plan: N/A

Preliminary Plan:

- 7 Marsh Brook Lane Planning Board Cover Letter – November 4, 2025
- Planning Board Application (DS 9358)

- Plan 311-50 W – Previously Approved Subdivision Plan (Dated Feb. 9, 2006)
- Plan 316-38_39 Combined – Previously Approved Consolidation Plan (Dated Oct. 16, 2006)
- Soil Scientist Wetland Report (Dated Sept. 15, 2025)
- Soil Scientist Subsurface Wastewater Disposal System Application (Dated Sept. 9, 2025)
- 7 Marsh Brook Lane – Warranty Deed (Registered with the York Co. Registry of Deeds on Dec. 21, 2023)
- 7 Marsh Brook Lane Proposed Division Plan – (Dated Nov. 4, 2025)

Revision 1

- 7 Marsh Brook Lane Planning Board Cover Letter – November 4, 2025
- Planning Board Application (DS 9358) – (Dated Nov. 4, 2025)
- Plan 311-50 W – Previously Approved Subdivision Plan (Dated Feb. 9, 2006)
- Plan 316-38_39 Combined – Previously Approved Consolidation Plan (Dated Oct. 16, 2006)
- Soil Scientist Wetland Report (Dated Sept. 15, 2025)
- Soil Scientist Subsurface Wastewater Disposal System Application (Dated Sept. 9, 2025)
- 7 Marsh Brook Lane – Warranty Deed (Registered with the York Co. Registry of Deeds on Dec. 21, 2023)
- 7 Marsh Brook Lane Revised Division Plan – (Dated Nov. 4, 2025)
- 7 Marsh Brook Lane Site Plan and Subdivision Checklist and Waiver List (Dated Nov. 24, 2025)

Final Plan:

- 7 Marsh Brook Lane Planning Board Cover Letter – November 4, 2025
- Planning Board Application (DS 9358)
- Plan 311-50 W – Previously Approved Subdivision Plan (Dated Feb. 9, 2006)
- Plan 316-38_39 Combined – Previously Approved Consolidation Plan (Dated Oct. 16, 2006)
- Soil Scientist Wetland Report (Dated Sept. 15, 2025)
- Soil Scientist Subsurface Wastewater Disposal System Application (Dated Sept. 9, 2025)
- 7 Marsh Brook Lane – Warranty Deed (Registered with the York Co. Registry of Deeds on Dec. 21, 2023)
- 7 Marsh Brook Lane Proposed Division Plan – (Dated Nov. 4, 2025)

Revision 1

- 7 Marsh Brook Lane Planning Board Cover Letter – November 4, 2025
- Planning Board Application (DS 9358) – (Dated Nov. 4, 2025)
- Plan 311-50 W – Previously Approved Subdivision Plan (Dated Feb. 9, 2006)
- Plan 316-38_39 Combined – Previously Approved Consolidation Plan (Dated Oct. 16, 2006)
- Soil Scientist Wetland Report (Dated Sept. 15, 2025)
- Soil Scientist Subsurface Wastewater Disposal System Application (Dated Sept. 9, 2025)
- 7 Marsh Brook Lane – Warranty Deed (Registered with the York Co. Registry of Deeds on Dec. 21, 2023)
- 7 Marsh Brook Lane Revised Division Plan – (Dated Nov. 4, 2025)
- 7 Marsh Brook Lane Site Plan and Subdivision Checklist and Waiver List (Dated Nov. 24, 2025)

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

Sketch Plan:

N/A

Preliminary Plan:

December 4, 2025

Final Plan:

December 4, 2025

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

Sketch Plan:

N/A

Preliminary Plan:

December 4, 2025

Final Plan:

December 4, 2025

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

Sketch Plan:

N/A

Preliminary Plan:

N/A

Final Plan:

N/A

Conclusions of Law

Planning Board Jurisdiction

Statutes:

MSRA Title 3-A §4404

Ordinances:

N/A

Site Plan and Subdivision Regulations:

§3.1.21 *Revision to an Approved Plan*

§5.6 *Revisions to Approved Plans*

Permits Required:

None as issued by the Planning Board.

Planning Board Approval Criteria

(Site Plan and Subdivision Regulations, Article 1 - Section 2)

Pollution:

This site will not discharge waste into an MS4 or natural waterways, will not process

Sufficient Water:

A water well is proposed on site, and will provided sufficient water for a residential use.

Municipal Water Supply:

N/A

Erosion:

This disturbed area is less than one (1) acre in size and is subsequently exempt from Maine DEP 500 requirements for construction erosion controls.

Traffic:

N/A

Sewage Disposal:

A Maine-licensed soil scientist determined that the soils for this site are capable of supporting subsurface wastewater systems wholly outside of the 100' protective well radius.

Municipal Solid Waste Disposal:

N/A

Aesthetic, Cultural and Natural Values:

N/A

Conformity with Local Ordinances and Plans:

Staff and the town's third-party reviewers have determined that this plan amendment meets the technical requirements as prescribed by the York Zoning Ordinance, and the Site Plan & Subdivision Regulations.

Technical and Financial Capacity:

N/A

Surface Waters:

A potential vernal pool was identified by a Maine-licensed soil scientist, but no determination could be made due to the timing of the survey. The amendment includes a protective 100' buffer around this area as a preemptive measure.

Ground Water:

A Maine-licensed soil scientist determined that

Flood Areas:

N/A

Freshwater Wetlands:

Two wetlands were identified on the property, with blue flags A1 to A24 identifying part of a large wetland system which continues off of the proposed lot. A small, isolated wetland is identified by blue flags B1 to B7 and is also near the proposed rear property line. The soil scientist determined that wetland "A" may be a vernal pool, but a determination could only be made during the spring. As a precautionary measure, the amended plan assumes the vernal pool

is significant and includes the 100' protective setback from the wetland edge, and reduces the tree clearing to 25% or less.

River, Stream or Brook:

There are no rivers, streams, or brooks located on this property.

Stormwater:

This disturbed area is less than one (1) acre in size and is subsequently exempt from Maine DEP 500 requirements for post-construction stormwater management. This site does not discharge to the MS4, and thus the impact to existing municipal stormwater infrastructure is negligible.

Spaghetti Lots Prohibited:

N/A

Lake Phosphorous Concentration:

N/A

Impact on Adjoining Municipality:

N/A

<i>Decisions</i>

Date Application Accepted as Complete for Review:

December 4, 2025

Waiver(s) Granted:

Decision(s) voted on by Planning Board:

Board member Wayne Boardman motioned to approve the proposed plan amendment, with Board member Peter Smith seconding the motion. The board voted 5-0 to approve the application.

Preliminary Plan Approval Date:

December 4, 2025

Final Plan Approval Date:

December 4, 2025

Conditions Precedent for Final Approval:

- The drafting of the Findings of Fact
- The inclusion of a plan note showing the purpose of the plan

Conditions Subsequent for Final Approval:

N/A

Expiration Date (if conditions are not satisfied):

February 2, 2026

<p><i>"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."</i></p>

Chair, Planning Board

Date

DRAFT