

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

July 10, 2014
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;
There is a vacant building on a portion of the property fronting along Route 1, 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 place an 18,000 square foot building to be utilized as a Police Station with parking for 76 vehicles, as well as a pad site for a proposed cell/telecommunication tower, and a new public street approximately one mile in length running in an East/ West direction between Ridge Road and Route 1.
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')
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
Wireless Communications

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

Applicant Sketch Plan Submission

- a. Sketch Plan Narrative
- b. 3 Concept plans
- c. Boundary Discrepancy Sketch
- d. Violation Letters
- e. Site Location of Development Amended Approval from DEP
- f. Buffer & Wetland Restoration Documents from Stantec Consulting Services
- g. Invasive Species Control Plan

Preliminary Plan Submission March 17, 2014

- a. 3/14/2014 Stamped Plan Set.pdf
- b. 3/14/2014 Survey Plans
- c. 3/14/2014 Town Preliminary Narrative
- d. 3/14/2014 A-1 Building Plans and Renderings
- e. 3/12/2014 A-2 Financial Capacity
- f. 3/12/2014 A-3 Title, Right or Interest
- g. 3/12/2014 A-4 Habitat Watershed Information
- h. 3/12/2014 A-5 Wetland Delineation Report
- i. 3/12/2014 A-6 Buffer Restoration Plan
- j. 3/14/2014 A-7 Traffic Summary
- k. 3/12/2014 A-8 Utility Capacity Letters
- l. 3/12/2014 A-9 Historic Resources Correspondence
- m. 3/12/2014 A-10 Fire Chief Correspondence
- n. 3/12/2014 A-11 Site Lighting Cut Sheets
- o. 3/14/2014 A-12 Stormwater Report and Addenda
- p. 3/14/2014 A-13 Earthwork Calculations
- q. 3/12/2014 Figures
- r. 3/14/2014 Org Charts

Revised Submission Materials – April 18, 2014

- a. 4/18/2014 Preliminary Supplemental Narrative
- b. 4/18/2014 Cover Letter
- c. 4/18/2014 SuppSubPlans

Final Submission Police Station & Connector Road – June 5, 2014

- a. Project Narrative & Clarifications
 - Attachment 1 – Building Plans and Rendering
 - Attachment 2 – Surveyor's Report
 - Attachment 3 – CMP Crossing Agreement
 - Attachment 4 – Water Main Extension Engineering Correspondence
 - Attachment 5 – York Beach Fire Department Correspondence
 - Attachment 6 – Responses to Engineering Review Comments
 - Attachment 7 – Responses to Traffic Engineer Comments
 - Attachment 8 – Responses to Utility District Review Comments
- b. Findings of Fact, Conclusions of Law and Decisions

The following drawings are included with this application:

Survey Plans – By BH2M

- a. Standard Boundary Survey Plan Revised 06-03-14
- b. Standard Boundary Survey Plan Revised 06-03-14
- c. Existing Conditions Plan Revised 04-03-14
- d. Existing Conditions Plan Revised 04-03-14
- e. Existing Conditions Plan Revised 04-03-14

Site Plans – by SMRT, Inc.

- a. G1001 Cover Sheet Revised 06-05-14
- b. C-001 Site Legends & Notes Revised 06-05-14
- c. C-002 Regulatory Notes Revised 06-05-14
- d. Site Context and Zoning Plan Added 04-18-14
- e. C-110 Developable Acreage Plan Added 06-05-14
- f. CP101 Road Geometry Plan Revised 06-05-14
- g. CP102 Road Plan and Profile Revised 06-05-14
- h. CP103 Road Plan and Profile Revised 06-05-14
- i. CP104 Road Plan and Profile Revised 06-05-14
- j. CP105 Road Plan and Profile Revised 04-03-14
- k. CP106 Road Geometry Plans Added 06-05-14
- l. CP107 Super-Elevation Tables Added 06-05-14
- m. CP501 Site Details
- n. CP502 Site Details Revised 06-05-14
- o. CP503 Site Details
- p. CP504 Culvert Crossing Detail STA 43+66 Added 04-18-14
- q. CE001 Erosion Control Notes
- r. CE110 Erosion Control Plan Revised 06-05-14

York PD New Public Safety Building - Final Town Review Application - June 5th 2014

- a. CE501 Erosion Control Details
- b. CG110 Grading And Drainage Plan Revised 06-05-14
- c. CG501 Grading And Drainage Details
- d. CG502 Grading And Drainage Details
- e. CG503 Grading And Drainage Details Added 06-05-14
- f. ES101 Electrical Site/Lighting Plan
- g. LP101 Planting & Landscaping Plan
- h. LP501 Planting Details, Notes & Schedule
- i. RC101 Restoration Plan Revised 06-05-14
- j. RC102 Restoration Plan Revised 06-05-14
- k. GU001 Utility Plan Cover Sheet Added 06-05-14
- l. CU101 Utility Plan And Profile Revised 06-05-14
- m. CU102 Utility Plan And Profile Revised 06-05-14
- n. CU103 Utility Plan And Profile Revised 06-05-14
- o. CU104 Utility Plan And Profile Revised 06-05-14

- p. CU110 Utility Plan Revised 06-05-14
- q. CU501 Utility Details
- r. CU502 Utility Details Revised 06-05-14
- s. York Water District Standard Details Added 06-05-14
- t. Sewer Plans By CLD Consulting Engineers Added 06-05-14
- u. Cover Sheet 10-31-13
- v. Plan And Profile 10-31-13
- w. Plan And Profile 10-31-13
- x. Plan And Profile 10-31-13
- y. Details 10-31-13

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

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

February 20, 2014

April 3, 2014

May 6, 2014

July 10, 2014

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

SKETCH Review and Public Hearing

Completeness Review as part of the Preliminary Application

Completeness Review accepted as complete, Preliminary hearing and

Public Hearing held, Preliminary approval with conditions granted

Public Hearing and Final Approval w/Conditions Granted 5-0

Meeting of April 3, 2014

The applicant supplied supplemental information at the meeting of April 3rd, which included site distances provided on a road plan to show acceptable distances at the entrance with Ridge Road.

The Planning Board held an initial public hearing on April 3rd and two people spoke. One person was concerned about alternative energy use for the building and the other indicated a need for a visual impact assessment on the proposed Cell/Communications tower. No one spoke regarding the completeness of the application.

Meeting of May 6, 2014

The Planning Board held a preliminary review of the application, including a public hearing where one member of the public spoke. The Planning Board then held its deliberations, questioned the applicant and staff on several issues and on a vote of 4-1, with Lew Stowe being the dissenting vote, approved the preliminary application with the following conditions that are based on Engineering Comments:

1. The applicant must decide how access is going to be addressed. If the road is still proposed to be a full functioning street from Ridge Road to Route 1, then additional traffic counts and analysis must be done, both at Route 1 and at Ridge Road, prior to the release of any permits for the project. The applicant can provide a phasing plan to the Planning Board outlining how phasing of the road is going to be accomplished. The applicant could choose to build the road and not allow any access from Route 1 until the traffic analysis information is submitted and further action taken to mitigate any issues identified at either intersection. The applicant could choose to redesign the connector road and not provide access to Route 1, which would allow current information in the traffic impact study submitted to stand, and the project to be approved with only an access road from Ridge Road to the police station.
(A note to this condition; the applicant chose to construct the road and barricade the Route 1 entrance until the traffic study is complete and required improvements have been put in place.)
2. The applicant shall provide all required traffic control on a plan to indicate stop sign and stop bar locations, even if no other traffic control is necessary.
3. The plan shall show detail and identify locations for ADA tip downs to transition from the proposed sidewalk to the police station entrances, as well as at the Ridge Road terminus.
4. The applicant shall provide a revised planting plan indicating how area(s) previously cut and used as lay-down areas will be re-vegetating in order to address these clear cut areas and other areas impacting wetlands and buffers.
5. The applicant shall revise the plans to show the water line looped to Caddy's Way as recommended by the York Water District. The applicant should work those details out prior to final plan submittal.
6. As part of the final submission, the applicant shall provide a surveyor's report in order for the Planning Board to have a better understanding of the conflict surrounding survey information.
7. The applicant shall revise the plans and address any and all issues raised in the Engineering Comments above as part of the final plan set submission

Site Walk on May 31st

The Planning Board conducted a site walk that approximately 24 people attended, including all Planning Board members, two town Selectmen, and the applicant's engineer who provided a vast amount of information to all of the attendees.

Meeting of July 10, 2014

The Planning Board deliberated on the final application and voted 5-0 to approve it with the following Waivers and Subsequent Conditions of Approval:

Waivers

1. Section 6.4.14.2 requires street cross sections every fifty feet along the entire street proposed in the development. The Planning Board granted a waiver from this section on May 6th 2014.
2. Section 6.3.32 requires that a high-intensity soil survey be submitted indicating the suitability of soil conditions for the uses proposed. The Planning Board granted a waiver from this section on May 6th 2014.
3. Section 9.5.9 of the Town of York Site Plan and Subdivision Regulations states that the maximum centerline grade of a road shall be 2% within 75 feet of an intersection. The Planning Board granted a waiver from this section on July 10th 2014.
4. Section 7.18.6 requires that proper and complete monumentation shall be installed prior to final approval of the application. The Planning Board granted a waiver from this section on May 6th 2014 with the condition that monumentation will be installed around the perimeter of property prior to final approval. Road monumentation will be allowed to be placed once the construction of the road is completed.

Subsequent Conditions of Approval

1. The Planning Board shall retain a third party independent construction inspector to be on site during the construction of all site improvements associated with the project (with the exception of the building itself) as approved. This person shall be retained prior to the start of any construction on the site. This inspector shall work with the utilities to make sure that all infrastructure is placed according to the plans, and provide reports to the Planning Board in order to keep them apprised of how construction is progressing. Details of these duties shall be worked out between the town and the inspector.
2. The applicant shall provide to the Community Development office an executed agreement between Central Maine Power and the town for vehicular access under the power lines. This must be submitted to the town and site inspector prior to any construction work occurring between stations 14+50 and 16+50 of the proposed road as shown on the final plan set.
3. The applicant shall submit the final Traffic Impact Study and Recommendations report to the Planning Board for a public hearing and approval of improvements required to allow access between Route 1 and the Connector road. Further, the applicant shall submit the same report to the Board of Selectmen for their review and consideration prior to authorization to move forward with improvements needed to open the Route 1 access.

4. The applicant obtain all necessary local and state permits and sign-offs required for the work being proposed on the site prior to any construction work commencing on the property. This shall include: A Floodplain Permit, A Building Permit for the Police Station and Communication Tower, Water and Sewer district sign-off.
5. Access to the connector Road from Route 1 will not be allowed until such time as the Connector Road Traffic Study has been completed and reviewed to the satisfaction of the Third party Traffic Engineer whom is under contract with the Planning Board and prior to any action deemed necessary to mitigate traffic from Route 1 has been taken. The issuance of the Occupancy Permit for the Police Station building shall be contingent on the completion of the base pavement, and satisfactory inspection of the Connector Road between the Police Station and Ridge Road. The issuance of a Building Permit shall not be contingent on resolution of the Route 1 improvements or completion of the road from the Police Station to the Route 1 entrance.

Criteria of Approval

Before granting approval of 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 building will not be in the floodplain and that the connector road, which crosses the flood plain will be a minimum of two feet above the base flood elevation. The project will be on town water and town sewer and as a police station; it will operate primarily in the same way as an office building. The building will also be designed as a LEED Silver building.*
- 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 York Water District has provided a letter indicating that there is sufficient capacity to serve the use.*
- 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 York Water 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 for site work on the property.*

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 must provide a Traffic Impact Study indicating the level of improvements required on Route 1 prior to the access being opened to Route 1. The applicant must also demonstrate that when the Connector Road and Route 1 intersection is opened, the Connector Road and Ridge Road intersection will be able to handle the increased traffic. The road will serve as an access road from Ridge Road only to the Police Station until all other analysis and improvements have been completed.*

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.*

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. *No unreasonable burden is expected.*

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.*

1.2.10 Technical and Financial Capacity. The developer has adequate financial and technical capacity to meet the required standards of the 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 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 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 applicant has demonstrated that this project will not impact the flood plain as noted in Section 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 required State and Federal agencies regarding the impact on wetlands. The applicant has provided a Wetland Delineation report from Stantec Consultants in Attachment 5 of the Preliminary Application of March 14, 2014. The application also contains a Revised Vernal Pool and Wetland Restoration Plan as Attachment 6 which was sent to both Jay Clement of the U.S. Army Corp of Engineers and Bill Bullard of the Maine Department of Environmental Protection. The Planning Board deliberated on this matter throughout the review process in order to have a greater understanding of 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 and which goes along with 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 required State and Federal agencies regarding the impact on stream crossings and brooks.*

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.*

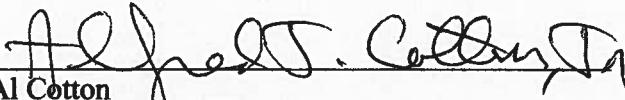
1.2.17 Spaghetti Lots Prohibited. If any lots in a proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 58 §480-B, none of the lots created within the subdivision have a lot-depth-to-shore-frontage ratio greater than 5 to 1. *N/A*

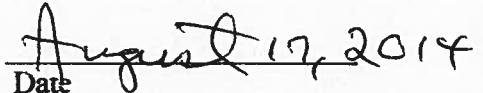
1.2.18 Lake Phosphorous Concentration. The long-term cumulative effects of the proposed development will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed development. *N/A*

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*

Application Approval shall be based on compliance with the following criteria:

1. 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.*
2. The Board finds the event is temporary only, as defined in Section 1. *N/A*
3. 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.*
4. The Board receives written approval from the Chief of Police and the appropriate Fire Chief. *Since this is an application regarding the development of a new Police Station, it would be inappropriate for the Police Chief to comment on this project due to a conflict of interest.*
5. 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.*


Al Cotton
Planning Board Chairman


Date