

**Planning Board Meeting  
March 14, 2023 – 6:30 PM  
Town Office Conference Room**



**Meeting Materials**

**Planning Board  
Tuesday, March 14, 2023  
6:30 PM – Town Office Conference Room**

**CALL TO ORDER**

**PUBLIC HEARING**

CLUC Amendments 2023

**MINUTES**

February 14, 2023

**COMMUNICATIONS**

**OLD BUSINESS**

**NEW BUSINESS**

Findings of Fact and Conclusions of Law for:

Formal Site Plan – Timothy and Amanda McAlister – Off Kinney Woods Lane  
– Map 10 Lot 82 Sublot 5E

**ANY OTHER BUSINESS**

**ADJOURNMENT**

**POLAND PLANNING BOARD**  
**MINUTES OF MEETING**  
**February 14, 2023**  
**Approved on \_\_\_\_\_, 2023**

**CALL TO ORDER** – Chairperson George Greenwood called the meeting to order at 7:00pm with Members Cheryl Skilling, Jon Gilson, James Porter, James Walker, and CEO Scott Neal present.

**MINUTES** – January 24, 2023 – Member Porter moved to approve the minutes. Member Walker seconded the motion. Discussion: None    Vote: 4-yes 0-no 1-abstained (Member Gilson abstained from voting as he was not present at the 1.24.23 meeting).

**COMMUNICATIONS** – None

**OLD BUSINESS** – CEDC to discuss Downtown Design Standards  
Stacy Bsullak represented CEDC to discuss the suggested point system for the downtown design standards. CEDC thinks that the point system will be helpful, and it should be implemented.

The Board and Jim Seymour, from Sebago Technics, went through and made some changes and suggestions. Mr. Seymour will make the changes.

**Proposed CLUC Changes**

The Board, Jim Seymour, and CEO Neal went through the proposed CLUC changes for 2023.

The public hearing will be on March 14, 2023, at 6:30 p.m.

**NEW BUSINESS** – Formal Site Plan – Timothy and Amanda McAlister – Off Kinney Woods Lane – Map 10 Lot 82 Sublot 5E

Tim McAlister presented the project to the Board. Mr. McAlister would like to create a backlot driveway twelve ft. wide with two ft. shoulders.

Member Porter moved to approve the checklist as complete. Member Gilson seconded the motion. Discussion: None    Vote: 5-yes 0-no

Member Porter moved to approve the Formal Site Plan with the following conditions: no public hearing, no site walk, the stormwater requirement is waived due to the size of the lot and the stormwater drains onto the property, and an updated plan is needed.

Member Gilson seconded the motion. Discussion: None    Vote: 5-yes 0-no

**Gravel Pit 5 Year Renewal (Formal Site Plan) – Timothy and Nicole Cote**  
**– Off Whalesback Drive – Map 10 Lot 49**

Tim Cote presented the project to the Board. Mr. Cote and his wife Nicole now own the gravel pit. They will not be changing anything about the way it is run.

**POLAND PLANNING BOARD**  
**MINUTES OF MEETING**  
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Member Porter moved to approve checklist the as complete. Member Skilling seconded the motion. Discussion: None    Vote: 5-yes 0-no

Member Porter moved to approve the Gravel Pit 5 Year Renewal with the following conditions: no public hearing and no site walk. Member Skilling seconded the motion. Discussion: None    Vote: 5-yes 0-no

Findings of Fact and Conclusions of Law for:

Formal Shoreland Zoning Application – Christopher Gousse  
– 39 Black Duck Lane – Map 36 Lot 9

Member Porter moved to approve the Finding of Fact. Member Walker seconded the motion. Discussion: None    Vote: 3-yes 0-no 2-abstained (Members Skilling and Gilson abstained from voting as they were not present at the 12.13.22 meeting).

Preliminary Major Subdivision Amendment – Brian Corey – 8 Tamerack Way  
– Map 13 Lot 16 Sublot 3 and Map 13 Lot 16

Member Porter moved to approve the Finding of Fact. Member Skilling seconded the motion. Discussion: None    Vote: 4-yes 0-no 1-abstained (Member Gilson abstained from voting as he was not present at the 2.14.23 meeting).

**ANY OTHER BUSINESS** – None

**ADJOURN** – Member Gilson moved to adjourn the meeting at 8:46 p.m. Member Porter seconded the motion. Discussion: None    Vote: 5-yes 0-no

Recorded by: Sarah Merrill

Planning Board

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George Greenwood, Chairperson

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James Porter, Vice Chairperson

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Cheryl Skilling, Secretary

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James Walker, Member

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Jonathan Gilson, Member



# Proposed 2023 CLUC Amendments

**Article ?.** Shall the ordinance entitled **Poland Comprehensive Land Use Code** Sections 509.3.C. – “Administration”, 509.4.D.1. – “Submissions”, 509.8.A.1. – “Submission Requirements”, 604.B. – “Administrative Procedures”, Section 606.2.A – “Procedure”, 607.1.A. – “Procedure”, 608.1.A. – “Procedure”, and 610.1. – “Procedure” be amended? (A copy of the proposed ordinance amendment is available for inspection in the Clerk’s office, as well as on the Town’s website at [polandtownoffice.org](http://polandtownoffice.org).)

## **509.3 Administration**

- C. Applicants shall request to be placed on the Board's agenda for the initial site plan application no less than twenty eight (28) days prior to the meeting. Previously tabled, returning, or amended site plans and formal shoreland zoning application materials shall be submitted no less than twelve (12) days ~~at least ten (10) days~~ in advance of a regularly scheduled meeting by contacting Poland's Code Enforcement Officer.

Submission dates for backlot driveways and or amended site plans, or subdivision plans applications, shall be determined by the Code Enforcement Officer.

Upon receipt of an application the Code Enforcement Officer shall determine if the proposed backlot driveway design or amended site or subdivision plan requires third-party engineering review for the proposed improvements. Such third-party review may include but is not limited to stormwater review, soil grading in sensitive areas or steep slopes, or where public health and safety may be of concern. When a third-party request has been deemed necessary, the Applicant's request to the Planning Board shall be no less than twenty eight (28) days prior to a scheduled a meeting with the Board, to be placed on the Board's next available agenda.

If by the Code Enforcement Officers determination, the application has provided clear plans indicating no measurable impacts to the environment, and does not create a public safety or health concern, or is not a threat due to the proximity of a regulated waterbody or wetland, then the Code Enforcement Officer may elect to accept the application within twelve (12) days of the Planning Board's next available meeting date.

## **509.4 Pre-application Meeting, Sketch Plan and Site Inspection**

### **D. Submissions**

1. The Pre-application Sketch Plan shall show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the Sketch Plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. All preapplication plans and or materials to be reviewed by the Planning Board shall be submitted no less than twelve (12) days prior to the meeting.

# Proposed 2023 CLUC Amendments

## 509.8 Formal Site Plan Review Application Requirements

A. Submission Requirements - The submission shall contain at least the following exhibits and information:

1. Site Plan shall consist of one or more reproducible, stable base transparent original, to be filed at the Municipal Office, drawn at a scale of not smaller than one (1) inch equals fifty (50) feet or other scale as determined by the Planning Board. In addition, ten (10) copies and one (1) pdf copy of the Formal Site Plan Review Application and all accompanying information shall be delivered to the Code Enforcement Office ~~no less than ten (10) days prior to the meeting.~~ The initial site plan application shall be submitted no less than twenty eight (28) days prior to the meeting. Previously tabled, returning, or amended site plans and application materials shall be submitted no less than twelve (12) days.

## 604 ADMINISTRATIVE PROCEDURES

- B. Applicants shall request to be placed on the Board's agenda for the initial site plan application no less than twenty eight (28) days prior to the meeting. Previously tabled, returning, or amended site plans and application materials shall be submitted no less than twelve (12) days ~~at least ten (10) days~~ in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer.

Submission dates for backlot driveways and or amended site plans, or subdivision plans applications, shall be determined by the Code Enforcement Officer.

Upon receipt of an application the Code Enforcement Officer shall determine if the proposed backlot driveway design or amended site or subdivision plan requires third-party engineering review for the proposed improvements. Such third-party review may include but is not limited to stormwater review, soil grading in sensitive areas or steep slopes, or where public health and safety may be of concern. When a third-party request has been deemed necessary, the Applicant's request to the Planning Board shall be no less than twenty eight (28) days prior to a scheduled a meeting with the Board, to be placed on the Board's next available agenda.

If by the Code Enforcement Officers determination, the application has provided clear plans indicating no measurable impacts to the environment, and does not create a public safety or health concern, or is not a threat due to the proximity of a regulated waterbody or wetland, then the Code Enforcement Officer may elect to accept the application within twelve (12) days of the Planning Board's next available meeting date.

# Proposed 2023 CLUC Amendments

## 606.2 Procedure

- A. Submittal of Application - Within six (6) months after the Pre-application Sketch Plan or on-site Inspection by the Board, the applicant shall submit an application for approval of a Final Plan for a Minor Subdivision no less than twenty eight (28) days ~~at least ten (10) days~~ prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the Code Enforcement Officer or delivered by hand to the Code Enforcement Officer. Failure to submit the application within six (6) months shall require resubmission of the Pre-application Sketch Plan to the Board. This period may be extended for an additional thirty (30) day by mutual agreement of the Planning Board and applicant.

The Final Plan for a Minor Subdivision shall approximate the layout shown on the Pre-application Sketch Plan, and any recommendations made by the Board.

## 607.1 Procedure

- A. Submittal of Application - Within six (6) months after the Pre-application Sketch Plan or on-site Inspection by the Board, the applicant shall submit an application for approval of a Preliminary Plan for a Major Subdivision no less than twenty eight (28) days ~~at least ten (10) days~~ prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the Code Enforcement Officer or delivered by hand to the Code Enforcement Officer. Failure to submit the application within six (6) months shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Pre-application Sketch Plan, and any recommendations made by the Board.

## 608.1 Procedure

- A. Submittal of Application - Within six (6) months after the approval of the Preliminary Plan, the applicant shall submit an application for approval of the Final Plan no less than twelve (12) days ~~at least ten (10) days~~ prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the Code Enforcement Officer or delivered by hand to the Code Enforcement Officer. Failure to submit the application for the Final Plan within six (6) months after Preliminary Plan approval shall require resubmission of the Preliminary Plan, except as stipulated below. The Final Plan shall approximate the layout shown on the Preliminary Plan, and any changes required by the Board. If an applicant cannot submit the Final Plan within six (6) months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the Final Plan and in pursuing approval of the Plans before other agencies, and that this Code, Municipal standards, ordinances or regulations which may impact on the proposed development have not been amended.

- 610.1 Procedure** - An applicant for a revision to a previously approved Plan shall no less than twelve (12) days ~~at least ten (10) days~~ prior to a scheduled meeting of the Board, request to be placed on the Board's agenda.



# Proposed 2023 CLUC Amendments

**Article ?.** Shall the ordinance entitled **Poland Comprehensive Land Use Code** Section 612.8.C.2. – “Protection of Significant Wildlife Habitat” and Section 613.3.C.3. – “Protection of Deer Wintering Areas” be amended? *(A copy of the proposed ordinance amendment is available for inspection in the Clerk’s office, as well as on the Town’s web site at [polandtownoffice.org](http://polandtownoffice.org).)*

## **612.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline**

C. Protection of Significant Wildlife Habitat - If any portion of a proposed Subdivision lies within:

2. ~~One thousand three hundred twenty (1,320) feet of~~ Within an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;

## **613.3 Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline**

- C. 3. Protection of Deer Wintering Areas - A report prepared by a Wildlife Biologist, selected or approved by the Board, shall include a Management Plan for deer wintering areas. In Subdivisions which include areas designated as Deer Wintering Areas Cluster Subdivisions will be required with the Deer Wintering area included in the open space portion of the Subdivision or with appropriate buffering restrictions as recommended by the wildlife biologist.

# Proposed 2023 CLUC Amendments

**Article ?.** Shall the ordinance entitled **Poland Comprehensive Land Use Code** Section 508.23 – “Nonresidential Accessory Structures” be amended? *(A copy of the proposed ordinance amendment is available for inspection in the Clerk’s office, as well as on the Town’s web site at [polandtownoffice.org](http://polandtownoffice.org).)*

**508.23 Non-Residential Accessory Structures** - The Code Enforcement Officer may approve accessory structures to commercial, manufacturing and industrial structures and uses of less than one thousand (1,000) sq. ft. in total floor area after review and approval for compatibility. Before making a determination of compatibility the Code Enforcement Officer shall make a positive written finding that the proposed accessory structure meets the following criteria. The addition of one thousand (1,000) sq. ft. or more of accessory structure(s) for the lifetime of the use shall require Site Plan Review approval in accordance with Section 509.

- A. ~~The proposed structure shall be related harmoniously to the terrain, to existing buildings in the vicinity that have a visual relationship to the proposed accessory structure and to~~ shall have minimal adverse effect on the environment, aesthetic qualities of the developed and neighboring areas and comply with the applicable standards contained in Section 509.9.

# Proposed 2023 CLUC Amendments

**Article ?.** Shall the ordinance entitled Poland Comprehensive Land Use Code Section 1103 – “Other Codes Adopted in Conjunction with the Building Code Standards for the Town of Poland” be amended? *(A copy of the proposed ordinance amendment is available for inspection in the Clerk’s office, as well as on the Town’s web site at [polandtownoffice.org](http://polandtownoffice.org).)*

## **1103 OTHER CODES ADOPTED IN CONJUNCTION WITH THE BUILDING CODE STANDARDS FOR THE TOWN OF POLAND**

The following codes, standards, rules and their amendments as adopted and revised by the State of Maine, listed in this section, are hereby incorporated by reference.

- a. State of Maine International Plumbing Rules based on the 2009 2021 Uniform Plumbing Code.

# Proposed 2023 CLUC Amendments

**Article ?.** Shall the ordinance entitled **Poland Comprehensive Land Use Code** Section 508.11 – “Home Occupations” be amended? *(A copy of the proposed ordinance amendment is available for inspection in the Clerk’s office, as well as on the Town’s web site at [polandtownoffice.org](http://polandtownoffice.org).)*

## 508.11 Home Occupations

- ~~A. Home occupations, when not located in the Shoreland Area, which meet the following conditions do not require a permit from the Code Enforcement Officer or Planning Board approval:~~
- ~~1. Do not employ any persons who do not make the residence their permanent home;~~
  - ~~2. Do not display any exterior signs, exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling;~~
  - ~~3. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes detectable to the normal senses, or electrical interference which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property, and all waste material from the home occupation shall be removed promptly from the premises according to State Laws, this Code, local ordinances and regulations;~~
  - ~~4. Do not generate regular daily or seasonal traffic.~~
- ~~B. Home occupations, when not located in the Shoreland Area, which meet the conditions in Section 508.11.A.1, 3, and 4, but require and exterior sign do not require Planning Board approval. A sign permit shall be issued from the Code Enforcement Officer, and dimensional requirements shall conform to the standards in Section 508.18.H.1.~~
- ~~1. No more than one (1) person who does not make the residence his or her permanent home may be employed;~~
  - ~~2. Accessory structures or attached additions to the principal structure must be compatible with the residential character of the neighborhood;~~
  - ~~3. Except as provided in Subsection 2 above, the appearance of the structure shall not be altered and the occupation within the residence shall not be conducted in a manner that would cause the residence to differ from its residential character by means of colors, lights and sounds;~~
  - ~~4. There is no objectionable increase in traffic over that which is normal for the neighborhood;~~
  - ~~5. If the home occupation attracts any regular customer or client traffic, there shall be at least two (2) but not more than three (3) off-street parking spaces specifically designated for use by the employee and any customers of the home occupation;~~

# Proposed 2023 CLUC Amendments

- ~~6. There shall be no public display of goods or wares or machinery used in the home occupation visible from any public or private way or adjacent properties;~~
  - ~~7. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, water course or water body. The home occupation shall not use chemicals in quantities not commonly found in a residence;~~
  - ~~8. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes detectable to the normal senses, or electrical interference which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property and all waste material from the home occupation shall be removed promptly from the premises according to State laws, this Code, local ordinances and regulations;~~
  - ~~9. Do not display any exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory building;~~
  - ~~10. Exterior signage shall comply with Section 508.18 of this Code; and~~
  - ~~11. When located in the Shoreland Area, business activities shall be wholly located within the residence.~~
  - ~~12. No more than a total three (3) vehicles and equipment trailers used in the home occupation may be parked in the yard. Sufficient off-street parking must be available for the vehicles and trailers. Materials stored on the vehicles must be enclosed inside the vehicle or covered over.~~
- ~~C. Yard Sales, Garage Sales, Lawn Sales, etc. — Yard sales are permitted without a need for permit provided:~~
- A. Home occupations and home-based occupations are permitted in any single- or two-family structure or any structure that is accessory to a single- or two-family structure.
    1. Notwithstanding any provision of this chapter to the contrary, the Code Enforcement Officer will approve and issue a change of use permit for home occupation and home-based occupation applications that meet the criteria listed below:
      - a. The occupation is owned or operated by a member of the family residing within the dwelling unit.

# Proposed 2023 CLUC Amendments

- b. In the case of a home occupation, no more than two employees who are not members of the family are employed in the occupation.
- c. In the case of the home-based occupation, no more than two employees who are not members of the family are present at the dwelling at any one time.
- d. It does not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes detectable to the normal senses, or electrical interference which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation or home-based occupation shall be removed promptly from the premises according to State laws, this Code, local ordinances, and regulations.
- e. There is no objectionable increase in traffic over that which is normal for the neighborhood.
- f. If the home occupation or home-based occupation attracts any regular customer or client traffic, there shall be at least two (2) but not more than three (3) off-street parking spaces specifically designated for use by the employee and any customers of the home occupation or home-based occupation.
- g. There shall be no public display of goods, or wares, or machinery used in the home occupation or home-based occupation visible from any public or private way or adjacent properties.
- h. There should be no display of any exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or home-based occupation or variation from the residential character of the principal dwelling or accessory building.
- i. The existence of the home occupation or home-based occupation does not pose any potential threat to public health, safety, or welfare.
- j. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse or water body. The home occupation or home-based occupation shall not use chemicals in quantities not commonly found in a residence.
- k. Exterior signage shall comply with Section 508.18 of this Code.
- l. No more than a total of three (3) vehicles and equipment trailers used in the home occupation or home-based occupation may be parked in the yard.

# Proposed 2023 CLUC Amendments

Sufficient off street parking must be available for the vehicles and trailers.

Materials stored on the vehicles or trailers must be enclosed inside the vehicle or covered over on the trailer.

- m. When located in the Shoreland Area, business activities shall be wholly located within the residence.
- B. A home occupation or home-based occupation shall apply to the Applicant only while the Applicant resides at the property.
- C. Applications for home occupations and home-based occupations under Subsection A shall be approved in writing by the Code Enforcement Officer. The Code Enforcement Officer or Designee shall send notification to all property owners within five hundred (500) feet of the edge of the applicant's property lines of the decision.
- D. Yard Sales, Garage Sales ...

# Proposed 2023 CLUC Amendments

**Article ?.** Shall the ordinance entitled **Poland Comprehensive Land Use Code** Table 508.27.A – “Land uses in the Shoreland Area” and Section 508.27.D. – “Piers, Docks, Wharves, Bridges, and Other Structures and Uses Extending Over or Below the Normal Highwater Line of a Water Body or Within a Wetland” be amended? *(A copy of the proposed ordinance amendment is available for inspection in the Clerk’s office, as well as on the Town’s web site at [polandtownoffice.org](http://polandtownoffice.org).)*

**TABLE 508.27.A / LAND USES IN THE SHORELAND AREA**

LAND USES	SP1	SP2	RP	LR	LC
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	P	P	P	P	P
2. Motorized vehicular traffic on existing roads and public trails	P	P	P	P	P
3. Forest management activities except for timber harvesting	P	P	P	P	P
4. Timber harvesting	MFS	MFS	MFS	MFS	MFS
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO	CEO <sup>1</sup>	CEO	CEO
6. Fire prevention activities	P	P	P	P	P
7. Wildlife management practices	P	P	P	P	P
8. Soil and water conservation practices	P	P	CEO	CEO	CEO
9. Mineral exploration	N	N	PB	PB	PB
10. Mineral extraction including sand and gravel extraction	N	N	PB <sup>2</sup>	PB	PB
11. Surveying and resource analysis	P	P	P	P	P
12. Emergency operations	P	P	P	P	P
13. Agriculture	P	P	PB	PB	PB
14. Aquaculture	PB	PB	PB	PB	PB
15. Principal structures and uses					
A. Single family residential including driveways	PB	PB	N <sup>3</sup>	PB <sup>11</sup>	PB <sup>11</sup>
B. Two family residential including driveways	N	N	N	N	N
C. Multi-family dwelling and planned residential development	N	N	N	N	N
D. Commercial	N	N	N	N	N
E. Industrial	N	N	N	N	N
F. Governmental and Institutional	N	N	N	N	PB



# Proposed 2023 CLUC Amendments

LAND USES	SP1	SP2	RP	LR	LC
G. Small non-residential facilities for educational, scientific or nature interpretation purposes	PB	PB	PB	PB	PB
16. Onsite and Offsite Structures accessory to allowed uses	CEO	CEO	CEO	CEO	CEO
17. <del>Piers, docks, wharves, and other</del> Structures and uses extending over or beyond the normal high-water line or within a wetland	<del>CEO</del>	<del>CEO</del>	<del>CEO</del>	<del>CEO</del>	<del>CEO</del>
A. <del>Temporary</del> <u>Shoreline stabilization</u>	<del>PB</del>	<del>PB</del>	<del>PB</del>	<del>PB</del>	<del>PB</del>
B. <u>Other</u> Permanent <u>Structures</u>	N	N	N	N	N
C. Permanent (only those relating to existing dams)	PB	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	N	N	N	CEO	CEO

## 508.27 Shoreland Areas

### ~~D. Piers, Docks, Wharves, Bridges, and Other Structures and Uses Extending Over or below the Normal High-water Line of a Water Body or Within a Wetland.~~

- ~~1. No more than one pier, dock, wharf or similar structure extending or located below the normal high water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 507.2 a second structure may be allowed and may remain as long as the lot is not further divided.~~
- ~~2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.~~
- ~~3. The location shall not interfere with existing developed or natural beach areas.~~
- ~~4. The facility shall be located so as to minimize adverse effects on fish, wildlife and waterfowl habitats.~~
- ~~5. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. The maximum width for residential facilities shall be no greater than six (6) feet in width and no greater than twelve (12) feet in width for commercial.~~
- ~~6. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational~~

# Proposed 2023 CLUC Amendments

~~necessity, said structures shall not exceed twenty (20) feet in height.~~

- ~~7. No existing structure built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high water line of a water body or within a wetland shall be converted to a residential dwelling unit in any district.~~
- ~~8. Permanent structures projecting into or over water bodies shall require a permit from the Maine Department of Environmental Protection pursuant to the Natural Resource Protection Act. Permanent structures projecting into or over water bodies shall not be allowed, with the exception of structures relating to existing dams and bridges.~~
  - ~~a) Vegetation may be removed in excess of the standards in Section 508.27.M of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.~~
  - ~~b) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment access way must be restored.~~
  - ~~c) Revegetation must occur in accordance with Section 508.27.P.~~

D.

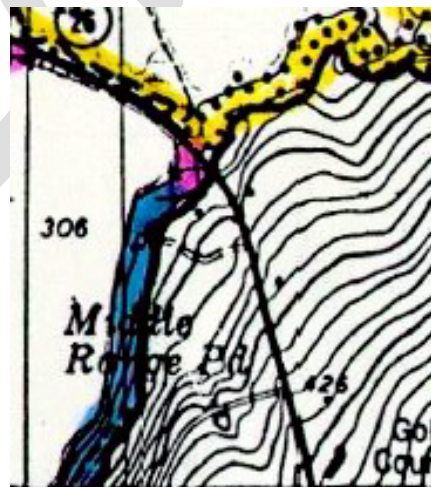
1. Permanent structures projecting into or over water bodies and permanent structures designed to stabilize shorelines shall require a permit from the Maine Department of Environmental Protection pursuant to the Natural Resource Protection Act. Permanent structures projecting into or over water bodies shall not be allowed, with the exception of structures relating to existing dams and bridges.
  - a. Vegetation may be removed in excess of the standards in Section 508.27.M of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
  - b. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve ft. (12') in width. When the stabilization project is complete the construction equipment access way must be restored.

# Proposed 2023 CLUC Amendments

**Article ?.** Shall the **Town of Poland Official Zoning Map** entitled Tax Map 6 Lot 52 be rezoned as Limited Commercial, Tax Map 6 Lot 17, Tax Map 6 Lot 17A, Tax Map 6 Lot 17B, Tax Map 6 Lot 16A, Tax Map 6 Lot 16B, Tax Map 6 Lot 16C, and Tax Map 6 Lot 16 be rezoned as Limited Residential, Tax Map 15 Lot 8 be rezoned Resource protection, and Tax Map 8 Lot 13, Tax Map 8 Lot 13 Sublot 1, Tax Map 42 Lot 17, Tax Map 42 Lot 16 Sublot 17A, Tax Map 42 Lot 15, Tax Map 42 Lot 11, Tax Map 42 Lot 12, Tax Map 42 Lot 13, Tax Map 42 Lot 14, Tax Map 42 Lot 10, Tax Map 42 Lot 8, and Tax Map 42 Lot 6 be rezoned as Limited Residential, as shown on the maps below, be amended? *(A copy of the proposed ordinance amendment is available for inspection in the Clerk's office, as well as on the Town's web site at [polandtownoffice.org](http://polandtownoffice.org).)*

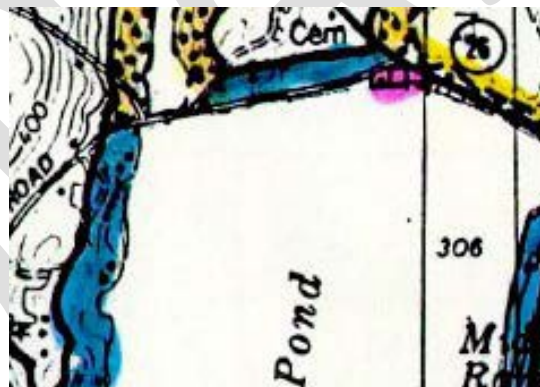
i. Middle Range Pond Map and Lots:

a. Limited Commercial (LC) - 0006-0052.



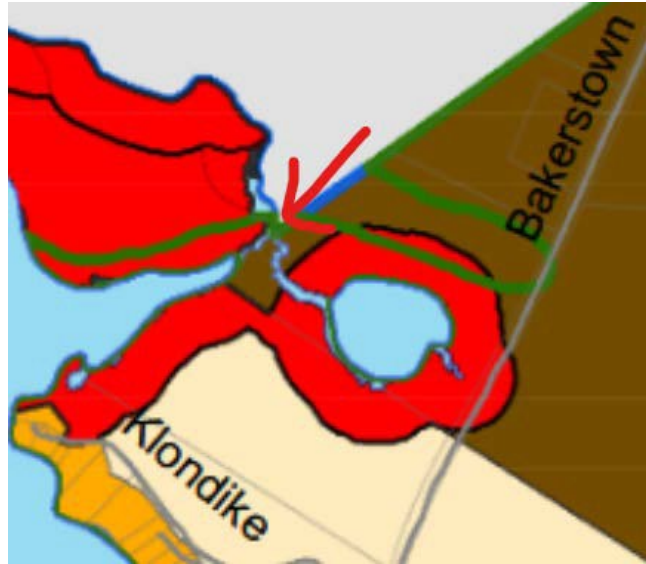
# Proposed 2023 CLUC Amendments

- a. Limited Residential (LR) - 0006-0017, 0006-0017A, 0006-0017B, 0006-0016A, 0006-0016B, 0006-0016C, and 0006-0016.



# Proposed 2023 CLUC Amendments

- i. Mud Pond Map and Lot:
  - a. Resource Protection (RP) - 0015-0008.

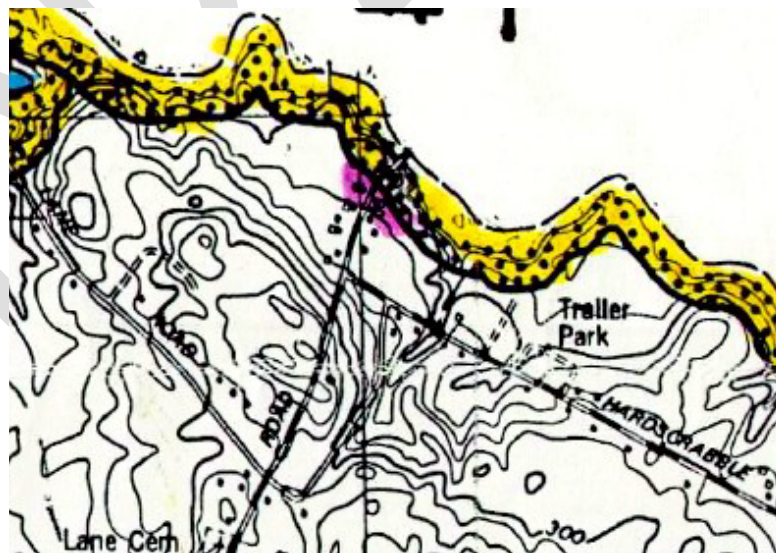
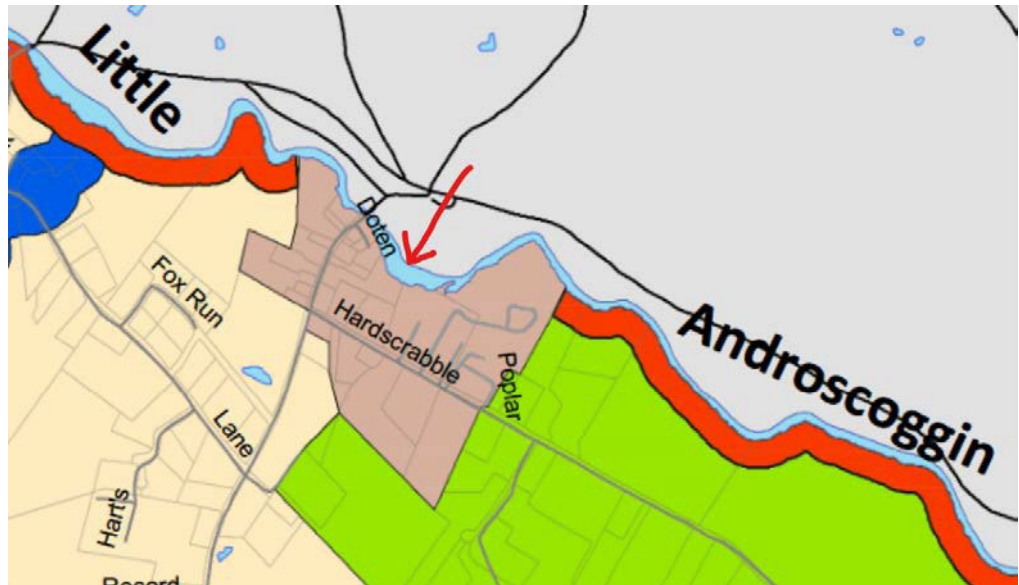




# Proposed 2023 CLUC Amendments

## i. Little Androscoggin River Map and Lots:

- a. Limited Residential (LR) - 0008-0013, 0008-0013-0001, 0042-0017, 0042-0016-017A, 0042-0015, 0042-0011, 0042-0012, 0042-0014, 0042-0013, 0042-0010, 0042-0008, and 0042-0006.



# Proposed 2023 CLUC Amendments

**Article ?.** Shall the ordinance entitled **Poland Comprehensive Land Use Code** Section 508.30.A. – “Downtown Design Standards” be amended, and Section 508.30.E be enacted? *(A copy of the proposed ordinance amendment is available for inspection in the Clerk’s office, as well as on the Town’s web site at [polandtownoffice.org](http://polandtownoffice.org).)*

**508.30 Downtown District Design Standards** - In addition to all other applicable provisions of this ordinance, the following design standards shall apply in the Downtown District and in the Village 4 District <sup>2</sup> to the construction of new non-residential structures, the expansion of existing non-residential structures and the conversion of residential structures to non-residential use.

- A. The following design standards are applicable to all new and expanded non-residential structures and residential structures that are converted to non-residential use. The Applicant shall submit a site plan application that provides details of how they comply with the Downtown District Design standards as required in Section 508.30.E to the Planning Authority (the Planning Board or the Planning Staff (Code Enforcement Officer and Planner). Such plans shall be completed by the Applicant, or qualified designer, or design professional, with architecture or site/building/ landscape design expertise. The Planning Authority shall review the Applicant’s submitted plans and written response to the Downtown Design Standards and approve based on the meeting of the following points system method. If the Planning Authority determines, because of particular circumstances of the property, that a third party review of the Downtown Design Standards would help achieve the purposes of this ordinance, the reviewing authority may require review and endorsement of such plans by the a third party qualified in architecture, site planning or landscape architecture design, or a State of Maine Professional Engineer or Architect to conduct such review, the cost of which shall be borne by the Applicant.

- E. **Point System** – The Planning Authority, (Planning Staff or Planning Board) shall approve the portion of a site Plan application where the Downtown Design Standards are required. For all site plan applications where a new primary structure is proposed requiring Planning Board review, the Applicant shall meet or exceed forty (40) points based on the following point schedule. The Applicant will need to meet a minimal of six (6) points from each or the five categories that apply in the Downtown Design criteria, which are 1.) Building Architecture Design, 2.) Landscaping, 3. Parking Provisions, 4. Pedestrian Accessibility, and 5 Utilitarian Areas.

In cases where the Applicant proposes only partial redevelopment, or building renovation, the Planning Authority, shall require the Applicant to apply only from the category involved with the proposed renovation. The Applicant shall acquire a minimum of 6 points from the selected category(s) that apply. The Planning Authority shall have the final determination of which categories shall be applied to the project, when under partial Downtown District Design standards review.

The Applicant shall submit a written narrative, building plans (profile views), and site plan of the proposed lot and use showing how each of the following point credits, or deductions apply to the proposed development.

The written narrative shall provide a detailed response of how the requested requirements comply with Section 508.30, and give approximate description, locations, and dimensions of each measure and how it meets the applicable score or 1, 2, or 3 points per item or if the design cannot meet certain criteria and loses points where such a penalty is indicated within the scoring criteria. Additionally, the Applicant will need provide the final point tally breakdown on the final site plan approved by the Planning Authority.

# Proposed 2023 CLUC Amendments

Points will be determined by the scoring criteria listed below:

## 1. Point Scoring Criteria

### a. Building Architecture Design

- i. Roof pitch requirement – based on % of roof area meeting the requirement. Choose one that applies.

+1 pt. for 50-74% of total roof area meeting pitch recommendations,

+2pts 75-95%, of total roof area meeting pitch recommendations,

+3pts, >95% of total roof area meeting pitch recommendations,

-2 pt. for less than 50% of roof area meeting pitch requirements

- ii. Overall Color = Façade meeting the requirement. Choose one that applies.

+ 1 pt. for 50-74% of total facade meeting color recommendations,

+ 2pt for 75-100% of total facade meeting color recommendations,

-3 pts for use of reflective or obtrusively bright colors for more than 10%

of façade

- iii. Materials requirement based on % of façade area meeting the requirement. Choose one that applies.

+ 1 pt for 50-74% of total facade meeting material recommendations,

+ 2pt for 75-100% of total facade meeting material recommendations

- iv. Architecture – based on % of structure façade meeting the requirement. Choose one that applies.

-1 pts 0-24%,

0 pts- 25-49%,

1pt 50-74%,

2pts 75-95%,

3pts, >95%

- v. Public street view – based on the portion of the front façade that incorporates an architectural feature across the horizontal length. Choose one that applies.

+2 pts for multiple dormers, awnings, cupulas, or architectural projections that break up front street facing façade.

+2 pts for meeting minimum recommendation of architectural feature across a horizontal street front facing length of structure.



# Proposed 2023 CLUC Amendments

+1 pt. for meeting minimum recommendation of architectural feature across a horizontal length of structure not facing the front but visible from public street view.

## b. Landscaping Design

- i. Tree Plantings in the front yard space across road frontage. Choose one that applies.  
+2pts based on street trees planted/retained on count of 1per every 50 ft of street front on property.  
+1 pt. based on street trees planted/retained on count of 1per every 100 ft of street front on property  
+3pts based on street trees planted/retained on count of in excess of 1 per every 50 ft of street front on property  
-2 pts for no planting/retainage of street trees
- ii. Foundation plantings – based on % of foundations horizontal distance – entrance opening meeting the requirements. Choose one that applies.  
-1 pts 0-24%,  
0 pts- 25-49%,  
1pt 50-74%,  
2pts 75-95%,  
3pts, >95%
- iii. Seasonal planters – based on the portion of the building façade horizontal distance facing public street or parking lot meeting the same requirement.  
+2 pt. for (1planter per 50 ft of front facing facade)  
+1 pt. for (1planter per 100 ft of front facing facade)  
Bonus +1 pt. for 1 planter per 100 ft of parking lot facing façade, in in public view.
- iv. Side and rear buffering based on % of required structural setback used for the buffer. Choose one that applies.  
+3pts if all side-yard setback is retained in landscape/natural buffer,  
+2pts if 50-75% side-yard setback is retained in landscape/natural buffer  
+1 pt., if 25-49 % side-yard setback is retained in landscape/natural buffer.  
-2 pts if no buffer at all is retained alongside line.  
+1 pt. Stockade screening fence along entire side to screen from neighbor's view at ground level
- v. Screening outdoor storage. Points based on the materials used. Choose one that applies.  
+3 pts if areas are completely screened using Landscape buffer and traditional fencing from public view  
+2 pts if areas are completely screened using Landscape only or traditional fence material only from public view

# Proposed 2023 CLUC Amendments

+1 pt. if Chain-link black vinyl fence is used to screen/secure storage areas from public view

Bonus +1 pt. if entire perimeter of stored area is enclosed

## c. Parking Provisions

- i. Minimization of parking ares. Points are based on the parking required per Town ordinance vs. parking designed per demand. Choose one that applies.  
+2 pts for onsite parking spaces provided, meeting minimal ordinance requirements but not exceeding the requirement, unless providing parking spaces available for shared parking with abutting or close proximity properties.  
+1 Pt for parking for onsite parking spaces provided, meeting minimal requirements but no more than 20% increase above based on approved parking demand.
- ii. Shared parking arrangement. Choose one that applies.  
+ 1pt for every 10 spaces shared with another abutting property parking lot, (max of 3pts allowed)
- iii. Designed with internal islands. Choose one that applies.  
+ 1pt for every 200 SF of area in green/landscaped island (1 parking space equivalent) -3 points max
- iv. Limiting front yard parking. Choose one that applies.  
+2pts when no more than 50 % of onsite parking is located behind structure front wall/façade,  
+3 pts when all parking is totally behind the structure front/wall façade.
- v. Stormwater best management practices designs. Choose one that applies.  
+ 1 pt. if treatment measure is used to collect sediment/forebay  
+1 pt. if 50 % of paved area is treated with DEP approved best management practices (vegetative buffer/ infiltration/ pond)  
+2 pts if 80% of paved area is treated with an approved best management practice, or the site has acquired a Maine DEP Stormwater Management Permit meeting Chapter 500 standards (Phosphorus or TSS)

## d. Pedestrian Access

- i. Entrances. Choose if it applies.  
+1pt for direct access / walking route from parking lot to access door with pavement. concrete or brick or hard surface equivalent.
- ii. Interconnectivity. Choose those that apply.  
+ 2 pt. for interconnectivity of pedestrian paths, walks, trails to the adjoining property.

# Proposed 2023 CLUC Amendments

+1 pt. for construction of an internal site access for pedestrian use to a public sidewalk.

+ 3 pts for providing funding for offsite construction of public sidewalk, crosswalks, or path/trail for public use. Such improvement shall meet a value equal to the length of installing a sidewalk along the project's street frontage. Such offsite improvement shall be determined to have a direct public benefit for safe pedestrian connection to the subject property or provides other pedestrian improvements to the immediate Downtown District the project resides, and which advances sidewalk connectivity for the public. In such cases the applicant shall provide an engineer's cost estimate demonstrating the equivalent value for the offsite improvement for Planning Board approval.

iii. Sidewalks and Walkways. Choose those that apply.

+ 1 pt. for use of private sidewalk or walkways along min. portion of side and or front of structure (overall access length must be equal to ½ building front façade length.

+2 pts for use of private sidewalk or walkways along min. portion of side and or front of structure (overall access length must be equal to building front façade length.

+3 pts for construction of public sidewalk or walk for public use along street front.

iv. Safety and Security. Choose those that apply.

+1 pt. for use of security measure installed for a public accessed or entrance area

+ 1 pt. for security measure installed to cover parking lot

v. Bicycle Access. Choose if it applies.

+2 pt. for installation of onsite bicycle rack, or location to secure patron bicycles

e. Utilitarian Areas

i. Utility installation minimization. Choose one that applies.

+3pt for installing new underground utilities to serve primary structure, or for converting existing overhead services to be placed underground.

- 1pt for construction proposing overhead utilities.

ii. Solar or alternative energy provisions. Choose those that apply.

+1pt for using solar device to provide power for onsite operations

+ 2 pt. for installation of solar panels on roof top conforming to Building Architecture pitch

+2 for installation of Solar panels on property, such it is located behind the structure or in rear yard

+2 for other alternative energy provisions which are screened at ground level from public view (geothermal, heat pumps, wind)

# Proposed 2023 CLUC Amendments

- iii. Loading docks. Choose one that applies.
    - +2 pt. for locating loading dock to the rear facing wall of the structure or that it is behind sidewall of structure
    - +1 pt. for loading dock to be located at the rear side of structure/ or projects out from building side.
  - iv. Street Lights. Choose those that apply.
    - + 2 pt. for use of full cutoff with LED or equivalent light fixture
    - +1 pt. for use if avg light poles heights are less than 25ft height AGL
    - + 1pt for utilization of timers/dimmers to reduce light levels after hours of operation.
  - v. Dumpsters/Compactors/Generators. Choose those that apply.
    - + 2 pts to locate trash removal facilities to rear of property and fully screen with both allowed fencing materials and landscaping from public and neighbor view
    - + 1 pt. to locate trash removal facilities to rear of property and fully screen with allowed fencing materials from public and neighbor view
    - +1 for fully enclosed backup generator sources that meet provide noise reduction measures or meets noise standards
2. Alternate Means of Calculation - In cases where the Planning Authority determines that listed items of the points system is inadequate to evaluate a specific feature or item, for the purposes of meeting the intent of the Downtown Design Standards, or otherwise determines that due to unique circumstances of the property, that other provisions can be offered, the Planning Authority may assess and assign a separate point value not to exceed 2-pts based on comparability with a particular standard section in the Downtown Districts

# Proposed 2023 CLUC Amendments

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## Planning Board Office

1231 Maine Street,  
Poland, Maine 04274-7328

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### **Findings of Fact & Conclusion of Law**

**Application Type:** Formal Site Plan

**Owners Name:** Timothy and Amanda McAlister (26 Trout Run New Gloucester, Maine 04260)

**Located at:** Kinney Woods Lane

**Parcel ID:** 0010-0082-0005E

**Zoning District:** Farm and Forest.

#### **509.8 SUBMISSIONS**

The Planning Board voted on February 14, 2023, that the application for a back lot driveway to create the needed frontage on a 34 acre parcel included all the mandatory submissions requirements for the site plan application. Based on this information and in the record the Planning Board finds that this criterion will be met.

#### **509.9 SITE PLAN REVIEW STANDARDS**

##### **A. Preservation of Landscape:**

The Applicant has proposed a back lot driveway to create frontage for an existing 34 acre parcel. The back lot will be served by an existing right of way. There are no environmentally sensitive areas shown on the plan. Based on this information above and in the record the Planning Board finds that this criterion will be met.

##### **B. Relation of Proposed Buildings to Environment:**

The Applicant has proposed the back lot driveway only. There are no proposed buildings. Based on this information above and in the record the Planning Board finds that this criterion will be met.

##### **C. Compatibility with Residential Areas:**

The proposed back lot driveway will be used to access the back lot for a future residential home. There is ample parking located on the lot for the proposed use and the proposal will not create any unsightly views, noise, odor, or lighting pollution. Based on this information above and in the record the Planning Board finds that this criterion will be met.

**D. Vehicular Access:**

This parcel does not appear to contain more than five hundred (500') feet of street frontage on a single street and consists of more than ten (10) acres; therefore, a conceptual access master plan is not required. Based on this information and in the record the Planning Board finds that this criterion will be met.

**E. Access to Route:**

The new backlot driveway will be added to the existing right of way from Kinney Lane. Based on this information and in the record the Planning Board finds that this criterion will be met.

**F. Surface Water:**

The Applicant has requested a waiver for the storm water; therefore, the Planning Board finds that this section is not applicable.

**G. Conservation, Erosion and Sediment Control:**

The Applicant has requested a waiver for the erosion and sedimentation control plan. Erosion control will be a condition of the permit and inspected by Code Enforcement. Based on this information and in the record the Planning Board finds that this criterion will be met.

**H. Phosphorus Export:**

The parcel is in the Tripp Lake watershed. The Applicant has proposed a phosphorus management plan using the Phosphorus Calculation Form limiting the clearing to 15,000 square feet. Based on this information and in the record the Planning Board finds that this criterion will be met.

**I. Site Conditions:**

The Applicant will keep the site maintained and free from debris. Based on this information and in the record the Planning Board finds that this criterion will be met.

**J. Signs:**

There are no signs proposed on this application; therefore, the Planning Board finds that this section is not applicable.

**K. Special Features:**

The Applicant is not proposing to install any new mechanical equipment. Based on this information and in the record the Planning Board finds that this criterion will be met.

**L. Exterior Lighting:**

The Applicant is not proposing to install any new exterior lighting. Based on this information and in the record the Planning Board finds that this criterion will be met.

**M. Emergency Vehicle Access:**

The proposed back lot driveway and hammerhead create sufficient access to the back lot. Based on this information and in the record the Planning Board finds that this criterion will be met.



**N. Municipal Services:**

All Town departments have not disclosed any concerns with the application as it stands. Based on this information and in the record the Planning Board finds that this criterion will be met.

**O. Water Supply:**

Water supply is not a requirement of section 509.11 Back Lot Driveways; therefore, the Planning Board finds that this section is not applicable.

**P. Ground Water:**

The parcel is not located in an aquifer overlay district and there is no proposed above or below ground fuel storage; therefore, the Planning Board finds that this section is not applicable.

**Q. Air Emissions:**

The proposed back lot driveway will not create any dust, ash, smoke, or other particulate matter and will meet or exceed the standards set by the MDEP. Based on this information and in the record the Planning Board finds that this criterion will be met.

**R. Odor Control:**

The proposed back lot driveway will not produce any offensive or harmful odors. Based on this information and in the record the Planning Board finds that this criterion will be met.

**S. Noise:**

The Applicant has stated that the proposed back lot driveway will meet the Town and MDEP'S minimum noise standards. Based on this information and in the record the Planning Board finds that this criterion will be met.

**T. Sewage Disposal**

The Applicant will provide an HHE-200 for the new home prior to construction. Based on this information and in the record the Planning Board finds that this criterion will be met.

**U. Waste Disposal**

The Applicant is proposing no visible on-site waste disposal. Based on this information and in the record the Planning Board finds that this criterion will be met.

**V. Buffer Areas**

Existing buffers will remain in place. Based on this information and in the record the Planning Board finds that this criterion will be met.

**W. Adequate Financial and Technical Capacity**

The question of financial and technical capacity was not addressed in this application; therefore, the Planning Board finds that this section is not applicable.

**X. Conformance with the Comprehensive Plan**

The back lot driveway is a permitted use in the Farm and Forest zoning district and will be in conformance with the Comprehensive Plan. Based on this information and in the record the Planning Board finds that this criterion will be met.

## **509.11 Back Lots and Back Lot Driveways**

### **D. Originate from a Paved Street:**

Kinney Woods Lane is a private gravel road. The Planning Board has granted a waiver for the back lot driveway to originate from a paved street. Based on this information and in the record the Planning Board finds that this criterion will be met.

### **Conclusion**

- The Planning Board reviewed the Site Plan application on February 14, 2023, at which time the Planning Board deemed the application as completed and decided to not hold a public hearing or site walk for the application.
- The Applicant has provided the Planning Board with a deed (Book 11004 Page 35) showing reasonable right, title, or interest in the property.
- The Planning Board has concluded that they have the jurisdiction to review the application under Ch. 5 §509.2.A.3, (New uses of existing structures or land or existing uses that require Site Plan Review)

Therefore, the Town of Poland Planning Board by a vote 5-0 hereby approves with the following conditions the application for Timothy and Amanda McAlister to create a back lot driveway as described in the application dated January 20, 2023, the site plan dated January 23, 2023, and the above findings of facts.

### **Conditions of Approval:**

- Plan approval is also conditioned upon compliance by the Applicant with the plans and specifications which have been received by the Planning Board in connection with the development proposal as well as with any oral or written commitments regarding the project which were specifically made by the Applicant to the Planning Board in the course of its deliberations.
- This approval will expire twelve (12) months from the date of Planning Board approval if the project or the use has not been started within this allotted time.
- Building/use permits shall be obtained prior to the start of construction/use.
- The Applicant must apply for and obtain all applicable permits for the proposed development under the Natural Resources Protection Act, Title 38 M.R.S.A. section 480-C, the Site Location of Development Act, the Erosion and Sedimentation Control law, Title 38 M.R.S.A. section 420-C, the Stormwater Management Law, the Federal Clean Waters Act as delegated to the State of Maine, and all other applicable state and federal laws regulating the use or development of land.

Pursuant to Section 304.5.B of the CLUC anyone aggrieved of this decision may file a written appeal within Thirty (30) Days of date of this decision in accordance with Rule 80-B of the Maine Rules of Civil Procedure.

**Date Approved: February 14, 2023**  
**Poland Planning Board**

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George Greenwood, Chairman

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James Porter, Vice Chairman

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Cheryl Skilling, Secretary

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James Walker, Member

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Jonathan Gilson, Member

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