

**Planning Board Meeting
August 22, 2023 – 7:00 PM
Town Office Conference Room**



Meeting Materials

**Planning Board
Tuesday, August 22, 2023
7:00 PM – Town Office Conference Room**

CALL TO ORDER

MINUTES

July 11, 2023

COMMUNICATIONS

OLD BUSINESS

Formal Site Plan Review – Charles and Sheila Foley – 1220 Maine Street – Map 40 Lot 15

Shoreland Zoning Application – Peter and Jane Savas – 219 Black Island Road – Map 25 Lot 27

NEW BUSINESS

Informational – Rick Varney – 409 Maine Street – Map 6 Lot 46

Findings of Fact and Conclusions of Law for:

Formal Shoreland Zoning Application – Peter and Jane Savas – 219 Black Island Road
– Map 25 Lot 27

Formal Site Plan Application – Tom and Corie Learned – Off Maine Street – Map 10 Lot 52

Formal Site Plan – BD Solar Auburn, LLC - Northwest of Lewiston Junction Road
– Map 4 Lots 16 and 15-1

Minor Subdivision Application – Lawrence Roakes – Knoll Road – Map 13 Lots 33 and 33A

ANY OTHER BUSINESS

ADJOURNMENT

POLAND PLANNING BOARD
MINUTES OF MEETING
July 11, 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 Alternate Member Heather Ryan present. CEO Scott Neal is absent with notice. Alternate Member Heather Ryan is not a voting member for this meeting.

BOARD REORGANIZATION – (The reorganization was done at the end of the meeting.) Current organization list – Chairperson: George Greenwood, Vice Chairperson: James Porter, Secretary: Cheryl Skilling. All members have been in these positions for 2 consecutive years and cannot remain in these positions.

Member Skilling nominated James Porter as Chairperson. Member Gilson seconded the nomination. Discussion: None Vote: 4-yes 0-no 1- abstained (J.P.)

Member Skilling nominated George Greenwood as Vice Chairperson. Member Gilson seconded the nomination. Discussion: None Vote: 4-yes 0-no 1-abstained (G.G.)

Member Skilling nominated Jonathan Gilson as Secretary. Member Porter seconded the motion. Discussion: None Vote: 4-yes 0-no 1-abstained (J.G.)

MINUTES – July 11, 2023 – Member Porter moved to approve the minutes. Member Walker seconded the motion. Discussion: None Vote: 4-yes 0-no 1-abstained (Member Greenwood abstained from voting as he was absent from the July 11th meeting.)

COMMUNICATIONS – None

OLD BUSINESS – Minor Subdivision Application – Lawrence Roakes – Knoll Road – Map 13 Lots 33 and 33A

Stuart Davis of Davis Land Surveying and Larry Roakes presented the project to the Board. The application for a minor subdivision was tabled until the Town Attorney could provide a legal opinion to the Board on whether the CLUC required the road to be paved and, if so, whether the requirement could be waived. The Town Attorney's reading of the CLUC concluded the road did need to be paved and the Board could waive the requirement under Section 814.

After discussing the matter, the consensus of the Board is the road should not have to be paved and to waive the requirement with the following specific conditions: the dwelling units on the road are capped at 14, there can be no satellite roads, it can't be used/connected to another subdivision, and it must remain a dead end road. The road cannot be accepted or maintained by the Town and a note will be added to the plan stating such. The Board feels that paving the road would be an economic hardship for the Applicant and the public health, safety, and welfare will not be compromised, and further

POLAND PLANNING BOARD
MINUTES OF MEETING
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provided that the waivers in question will not have the effect of nullifying the requirements of this Code, nor set an unwarranted precedent.

Member Porter moved to approve the checklist as complete. Member Walker seconded the motion. Discussion: None Vote: 4-yes 1-no (J.G.)

Member Porter moved to approve the Minor Subdivision Application with the following conditions: no public hearing, no site walk, the waiver to not pave the road is approved because it would cause economic hardship to the Applicant, the dwelling units on the road are capped at 14, there can be no satellite roads, the road can't be used/connected to another subdivision, the road must remain a dead end road, the road cannot be accepted or maintained by the Town and a note will be added to the plan stating such. Member Skilling seconded the motion. Discussion: None Vote: 4-yes 1-no (J.G.)

NEW BUSINESS – Informational – Matthew New – 1305 Maine Street – Map 15 Lot 1G
Matt New presented the project to the Board. Mr. New would like to build a car wash but wants to be sure that it is an allowed use in the downtown district. He would also like more information on the process and what the Board is looking for and what they see as hurdles. The consensus of the Board is that it would be allowed under the business primary use even though it isn't specifically listed as an allowed use.

The Board went through the sketch plan and site plan processes, they asked the Applicant about how the car wash water reclamation process works, what he envisions for both parcels of land, and went over some important sections of the CLUC. Mr. New will reach out to the Code Office with more specific questions.

ANY OTHER BUSINESS – None

ADJOURN – Member Gilson moved to adjourn the meeting at 8:11 p.m. Member Skilling seconded the motion. Discussion: None Vote: 5-yes 0-no

Recorded by: Sarah Merrill

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MINUTES OF MEETING
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Planning Board

George Greenwood, Chairperson

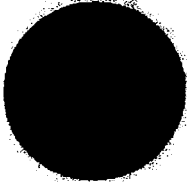
James Porter, Vice Chairperson

Cheryl Skilling, Secretary

James Walker, Member

Jonathan Gilson, Member

Not a Voting Member
Heathe Ryan, Alternate Member



Town of Poland
PLANNING BOARD AGENDA REQUEST

Date of meeting you are requesting to be scheduled for: 8/22/23

Meetings are normally conducted in the Municipal Conference Room at the Town Office from 7:00 to 9:00 pm.

Applicant Information

Applicant's Name: <u>Sheila Foley</u>	Email: <u>sheila.foley@gmail.com</u>
Mailing Address: <u>277 Poland Corner Rd</u>	Map: _____ Lot: _____ Sub-lot: _____
Home Phone: <u>(218) 343-1440</u>	Work Phone: _____ Cell Phone: _____

Project Information

Type of Application: _____ <u>Informational</u> <input checked="" type="checkbox"/> <u>Sketch Plan</u> _____ <u>Site Review</u> _____ <u>Shoreland</u> _____ <u>Subdivision</u>
Property Address/ Road Location for project: <u>1220 Maine St</u>
Map: _____ Lot: _____ Sub-lot: _____ Zoning: _____ Lake Watershed: _____
Description of Project/ Business to be discussed: <u>Poland Provisioning Landscaping</u>

IMPORTANT – READ CAREFULLY

The Code Office **must** receive the original application, plus nine (9) copies, a digital PDF copy on either a cd or USB drive, and appropriate fees by Thursday at 1:00 pm, twelve (12) days before the stated meeting to be put on the meeting agenda.

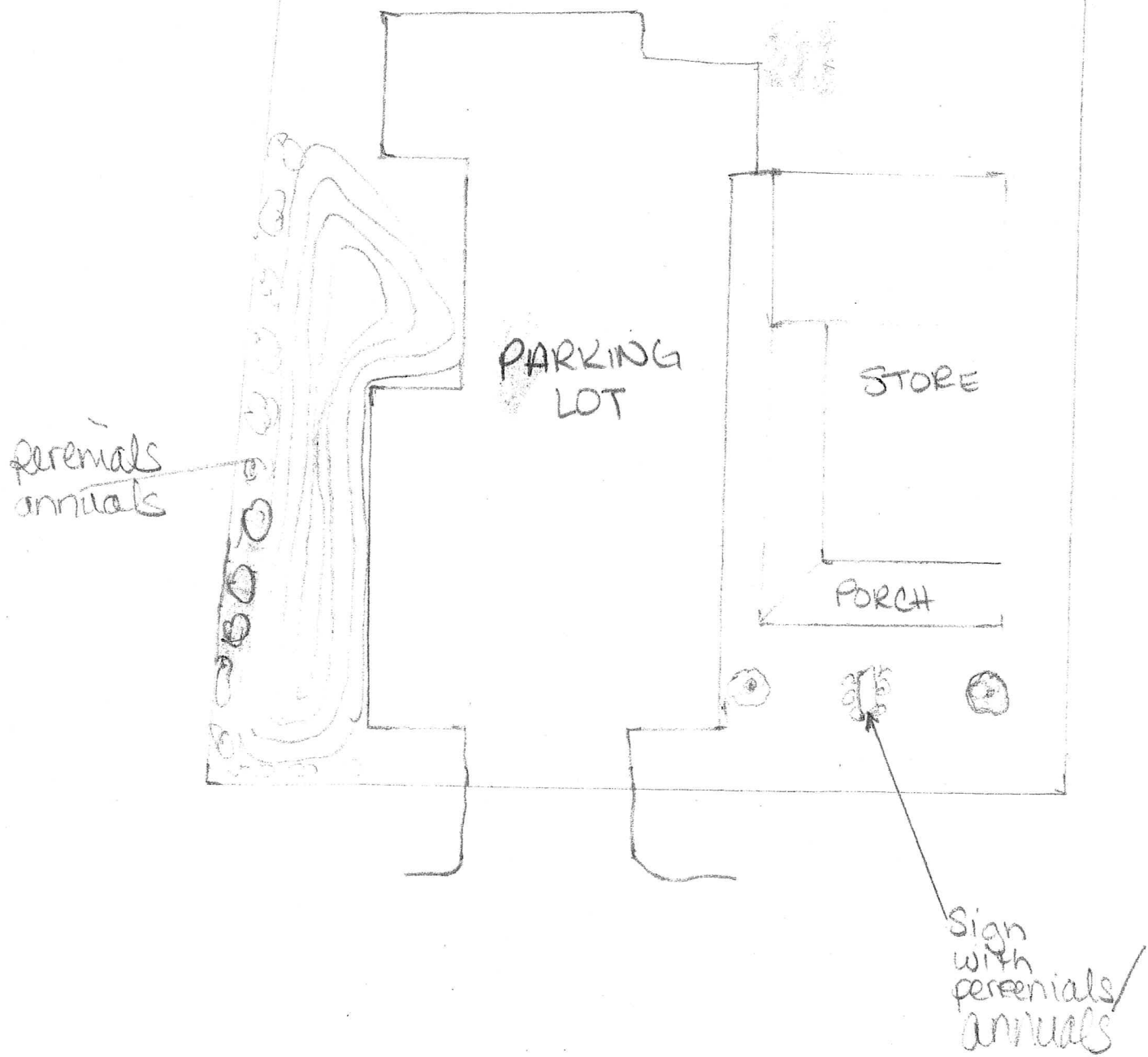
- New business is scheduled on the agenda in the order this office receives completed applications.
- If you want your application reviewed for contents prior to the meeting, it must be in the Code office fourteen (14) days before the meeting.
- Should the Planning Board choose to adjourn before all business is addressed, all remaining business will be tabled until the next available meeting.
- Unfinished business is conducted before new business is addressed.

Applicant's Signature: [Signature] Date: 8/10/23

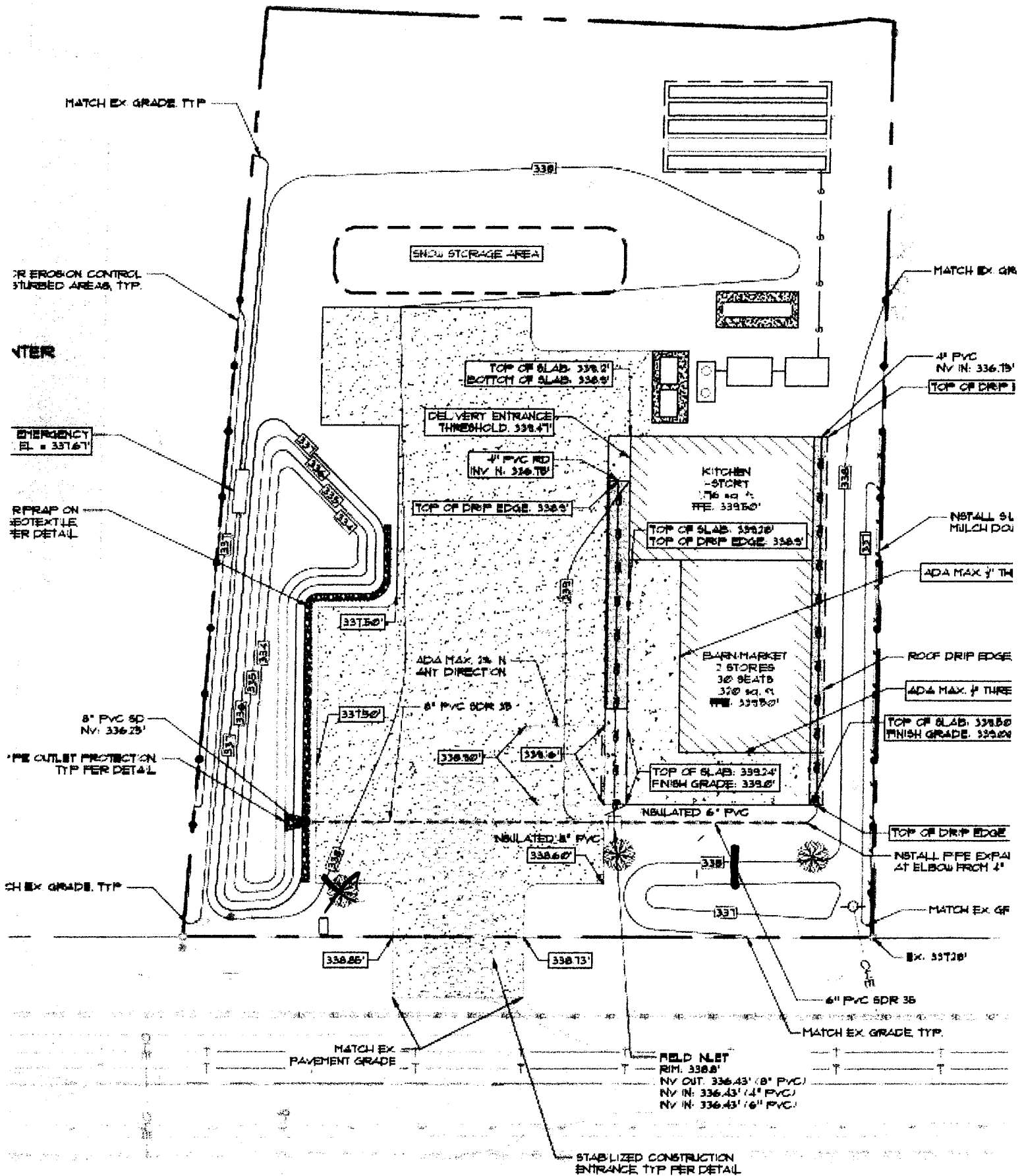
OFFICE USE ONLY

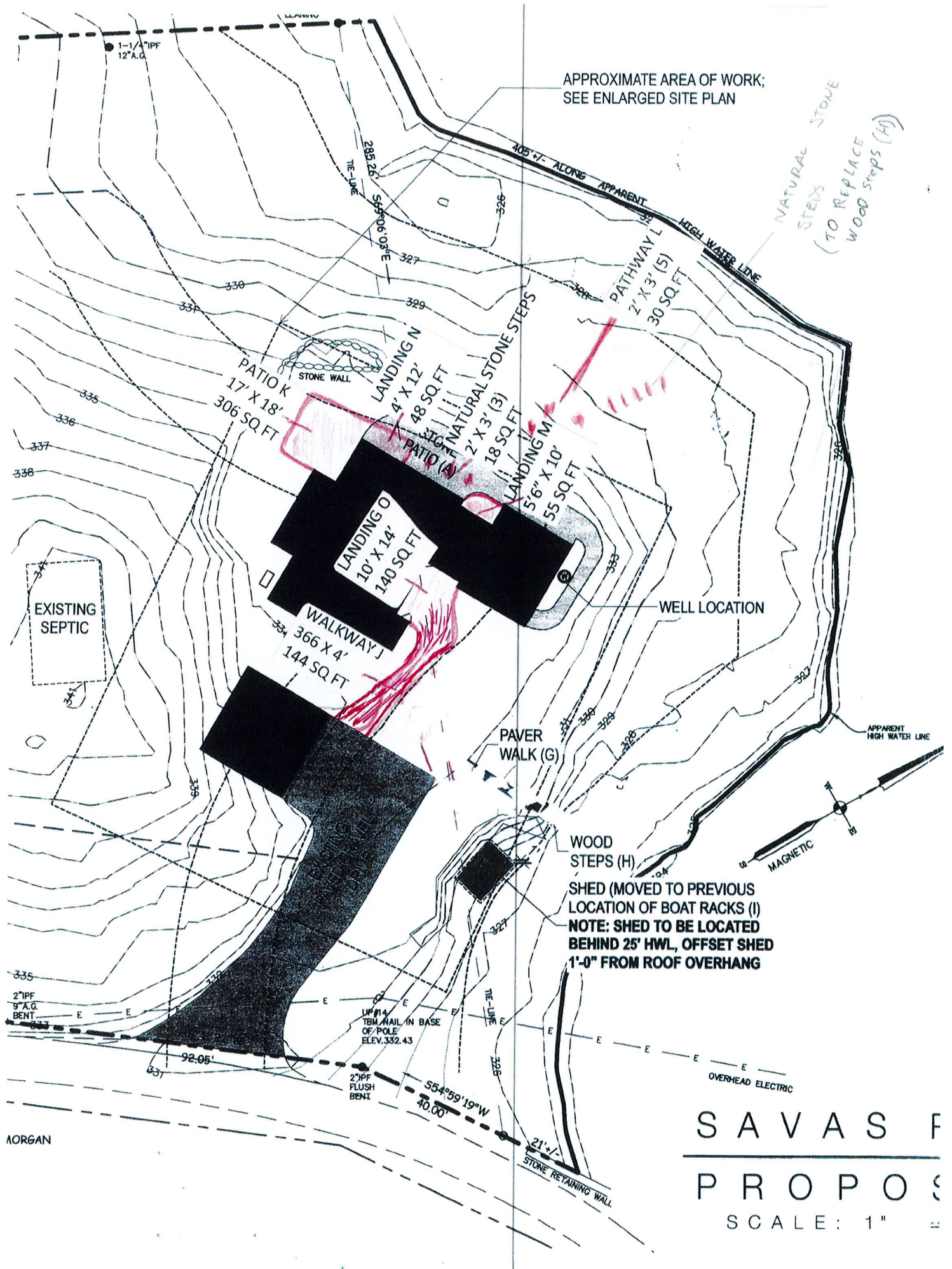
Date: _____ Time: _____ Received By: _____

POLAND PROVISIONS



Landscape Plan





	EXISTING IMPERVIOUS SURFACE					PROPOSED IMPERVIOUS SURFACE				
	SETBACK FROM HIGH WATER LINE (SF)					SETBACK FROM HIGH WATER LINE (SF)				
	<25'	25'-75'	75'-100'	>100'	TOTAL	<25'	25'-75'	75'-100'	>100'	TOTAL
HOUSE	0	163	1391	754	2308	0	163	1391	754	2308
GARAGE	0	0	359	234	593	0	0	359	234	593
DRIVEWAY	0	1960	1158	25	3143	0	1260	740	25	2025
SHED	65	37	0	0	102	0	102	0	0	102
EXISTING WALKWAYS/ PATIOS										
(A) STONE PATIO	0	324	380	0	704	0	0	0	0	0
(B) STONE WALK	0	139	0	0	139	0	0	0	0	0
(C) STONE PATIO	0	139	0	0	139	0	0	0	0	0
(D) STONE STEPS	0	9	0	0	9	0	0	0	0	0
(E) FIRE PIT	0	3.4	0	0	3.4	0	0	0	0	0
(F) STONE WALK	0	38	0	0	38	0	0	0	0	0
(G) PAVER WALK	0	44	0	0	44	0	0	0	0	0
(H) WOOD STEPS	4	18	0	0	22	0	0	0	0	0
(I) BOAT RACKS	21	31	0	0	52	0	0	0	0	0
(J) WALKWAY	0	0	0	0	0	0	0	144	0	144
(K) PATIO	0	0	0	0	0	0	0	306	0	306
(L) PATHWAY	0	0	0	0	0	0	30	0	0	30
(M) LANDING	0	0	0	0	0	0	0	55	0	55
(N) LANDING	0	0	0	0	0	0	0	48	0	48
(O) LANDING	0	0	0	0	0	0	0	0	140	140
NATURAL STONE STEPS	0	0	0	0	0	0	22	0	0	22
NATURAL STONE STEPS	0	0	0	0	0	0	0	18	0	18
TOTAL WALKWAYS/ PATIOS	25	745.4	380	0	1150.4	0	52	571	140	763
TOTAL IMPERVIOUS SURFACE	90	2905.4	3288	1013	7296.4	0	1577	3061	1153	5791
% OF 8849 SF LOT					8.20%					6.50%

1. STONE PATIO (A) TO BE ELIMINATED (-704 SF)

2. STONE WALK (B) TO BE ELIMINATED (-139 SF)

3. STONE PATIO (C) TO BE ELIMINATED (-139 SF)

4. STONE STEPS (D) TO BE ELIMINATED (-9 SF)

5. FIREPIT (E) TO BE ELIMINATED (-3.4 SF)

6. STONE WALK (F) TO BE ELIMINATED (-38 SF)

7. PAVER WALK (G) TO BE ELIMINATED (-44 SF)

8. WOOD STEPS (H) TO BE ELIMINATED (-22 SF)

8.A NATURAL STONE STEPS WILL BE IN PLACE OF WOOD STEPS (H)

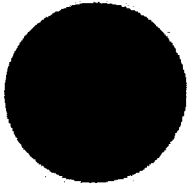
9. BOAT RACKS (I) TO BE ELIMINATED

9.A SHED WILL BE MOVED BEHIND THE 25' SETBACK IN PLACE OF BOAT RACKS (I)

10. RETAIN DRIVEWAY SUFFICIENT FOR CARS TO ACCESS GARAGE

10.A REMOVE PAVED DRIVE BETWEEN GARAGE AND HOUSE (+/- 1,120 SF)

11. WALKWAY (J) WILL BE LOCATED WITH 144 SF BETWEEN THE 75' TO 100' SF SETBACK



Town of Poland
PLANNING BOARD AGENDA REQUEST

Date of meeting you are requesting to be scheduled for: 8 / 22 / 23

Meetings are normally conducted in the Municipal Conference Room at the Town Office from 7:00 to 9:00 pm.

Applicant Information

Applicant's Name: <u>Rick Varney</u>		Email: <u>rickvarney64@gmail.com</u>	
Mailing Address: <u>4 Palm Dr. Norway Me 04268</u>		Map: _____	Lot: _____ Sub-lot: _____
Home Phone: <u>207 743 8668</u>	Work Phone: _____	Cell Phone: <u>910 725 9502</u>	

Project Information

Type of Application: <input checked="" type="checkbox"/> Informational <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Site Review <input type="checkbox"/> Shoreland <input type="checkbox"/> Subdivision	
Property Address/ Road Location for project: <u>409 Main St Poland Me.</u>	
Map: <u>6</u> Lot: <u>46</u> Sub-lot: _____	Zoning: _____ Lake Watershed: _____
Description of Project/ Business to be discussed: _____	

IMPORTANT – READ CAREFULLY

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Applicant's Signature: Glen V. Tangray Date: 8-8-23

OFFICE USE ONLY

Date: 8-8-23 Time: 10:30 am Received By: SEM

City

1

409 Maine St.

Poland Maine

Presenter - Rick Varney

Property- 409 Maine St.

Seeking information and to clarify approval needed from the City of Poland regarding Comprehensive Land Use Code.

Proposed; Renovation - restoration and preservation of large 2560 sq feet single family dwelling. My Intention is to divide this 2 story, residential building- which has 6 bedrooms and 4 bathrooms - into a 2 unit bldg. There will be one unit on each level. The 2 units will both have 3 bedrooms and 2 bathrooms.

The first floor unit proposal includes only cosmetic improvement with updates and structural repairs as indicated.

The second floor unit proposal will require addition of a kitchen, plus cosmetic and structural improvements- engineering drafts to be sought from approved firms including: Summit Geoengineering et Al.

The existing attached in-law apartment will remain as is. Cosmetic improvements only are planned as needed.

Advice is sought from City of Poland regarding connection to municipal water and sewer. Advice also is sought for planned parking space increases, and any fire right of way requirement's.



Town of Poland, Maine

[Home](#) [Contact](#)[Admin](#)

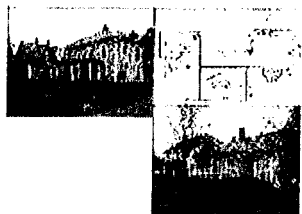
Last Updated 07/13/2021

[Back to List](#)

Map/Lot 0006-0046
Account 609
Location 409 MAINE ST.
Owner AUTUMN INC.
18 HINES ROAD
POLAND ME 04274

Assessment

Land	52,800
Building	190,200
Taxable	243,000

**Property Information**

Type	Residential
Acreage	1.80

Zone	Residential
Neighborhood	Table 3
Street Type	Paved
Topography	Rolling
Utilities	Drilled Well
Utilities	& Septic System

Land

Description	Type	Units	Value
Baselot (Fract)	Fractional Acreage	1.80	34,770
Site Improvement 2	Improvements	1.00	18,000
		1.80	52,800

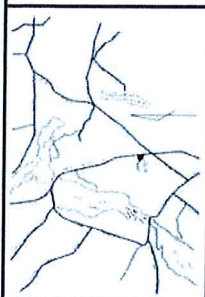
Building

Value	107,871
Year Built	1920
Area	2560
Rooms	15
Bedrooms	6
Full Baths	3 + 1/2 bath
Type	1.5 Story
Area	768
Type	Basement Unfin
Area	768
Type	Open Porch
Area	180
Type	Open Porch
Area	101
Type	1 Story
Area	720
Type	Garage
Area	900
Type	Shed
Area	240

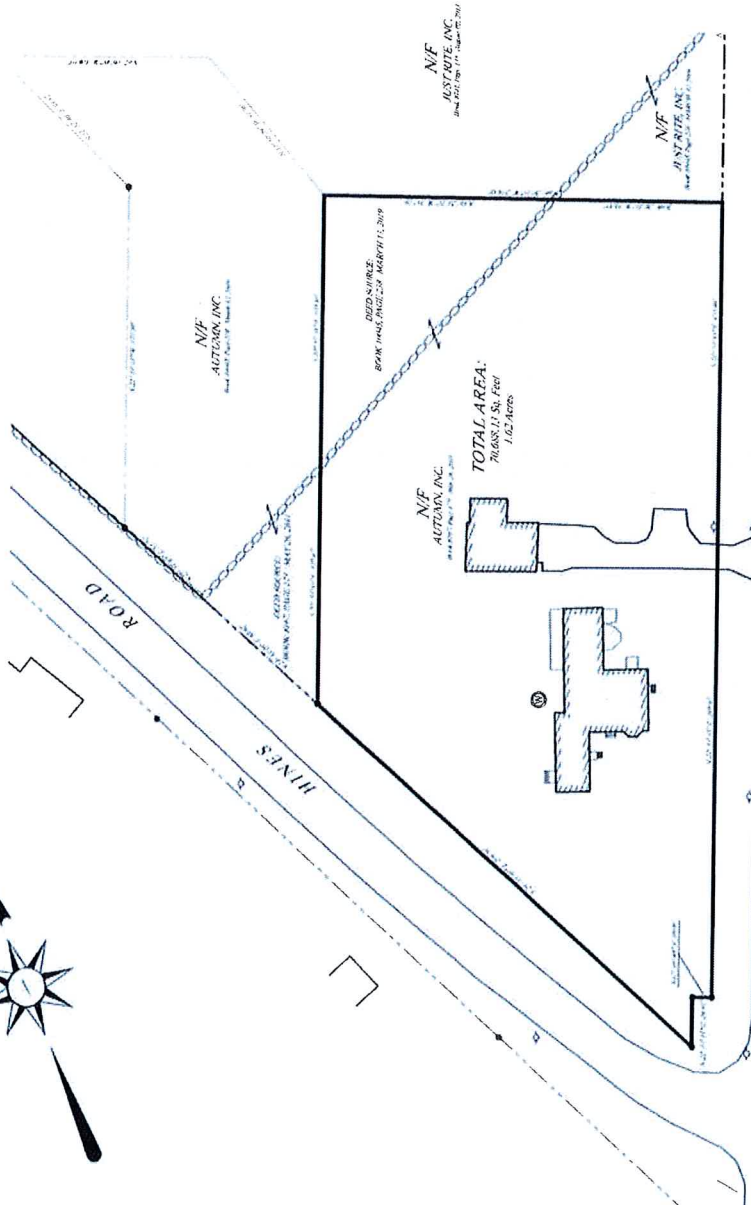
3460 sq ft.

Tax Detail as of 07/11/2021

Year	Mil Rate	Original	Remaining
2021	14.98	3,640.14	3,769.79
2020	14.98	3,667.10	4,158.27
2019	14.98	3,640.14	0.00
2018	14.74	3,580.94	0.00
2017	14.39	3,495.91	0.00
2016	14.2	3,449.75	0.00
2015	14	3,401.16	0.00
2014	13.65	3,316.13	0.00
2013	13.65	3,316.13	0.00
2012	13.4	3,121.40	0.00
		34,628.80	7,928.06



2006.06.24 22:25:27



STATE ROUTE 26 — MAINE STREET



DEAN L. DUNFORD

LEGEND:

1.            

NOTES:

The authors also express their appreciation to the following individuals who assisted them in the collection of data:

REFERENCES:

PLANT OF PROPERTY - MOJAVE SPRINGS - FOR UHLM RUCKER & SONS
MADE BY L. JORDAN DATED MARCH 7, 1902. (AMBERLAND COUNTY)
PAGE NO. 16

PLACING IN DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP
DATED JULY 28, 1906 - DO NOT FILE AND USE NOTES ON THESE PLANS ARE
PRELIMINARY AND ON FILE # 1171 ABOUT 16 STATE IRVING STATION.
GENERAL MANUSCRIPTS

OWNER OF RECORD:

AUTUMN, INC.
BOOK #167, PAGE 175 MAY 26, 2011
BOOK 10645, PAGE 276 MARCH 17, 2019

GRAPHIC SCALE

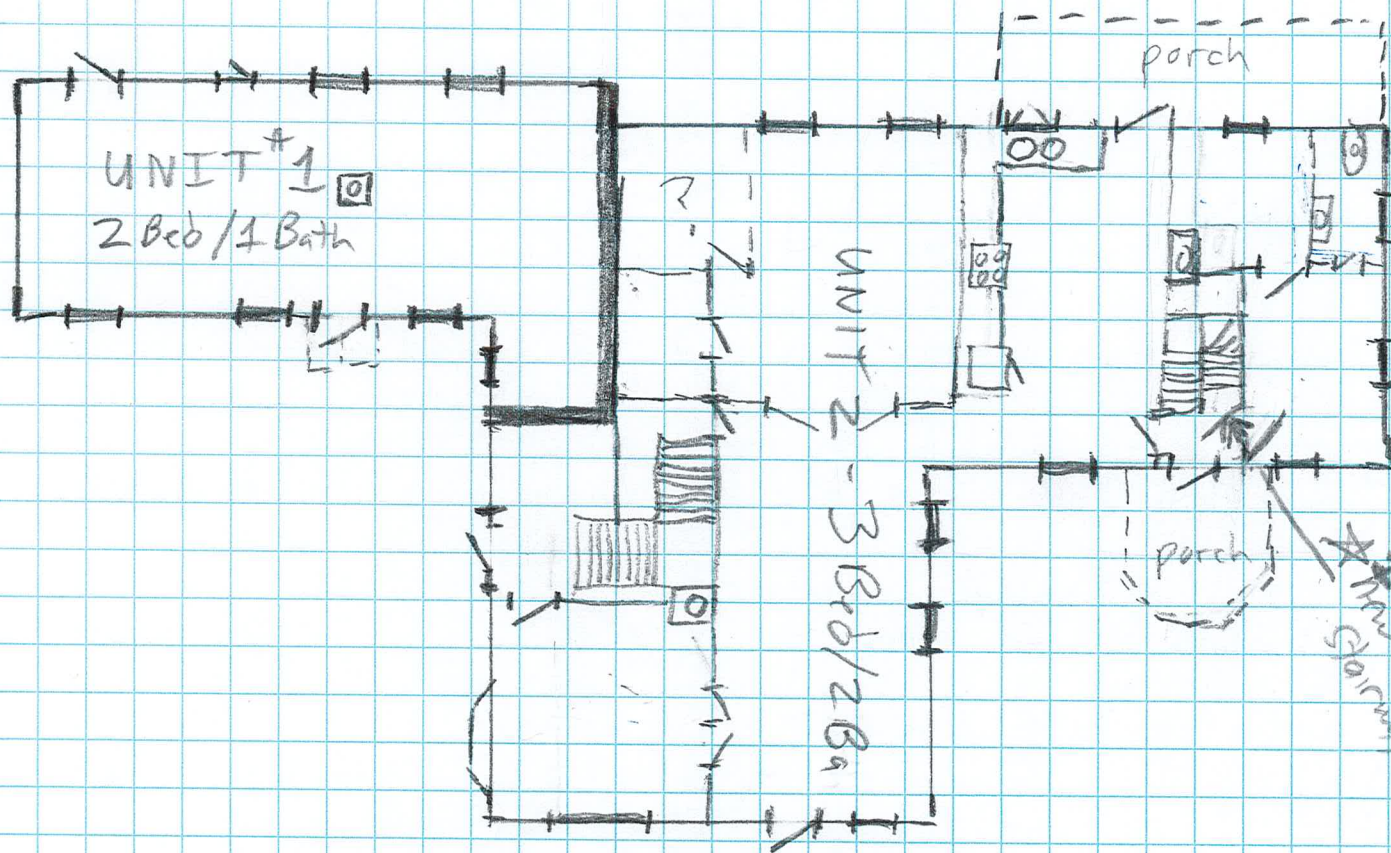


PLAN OF PROPERTY

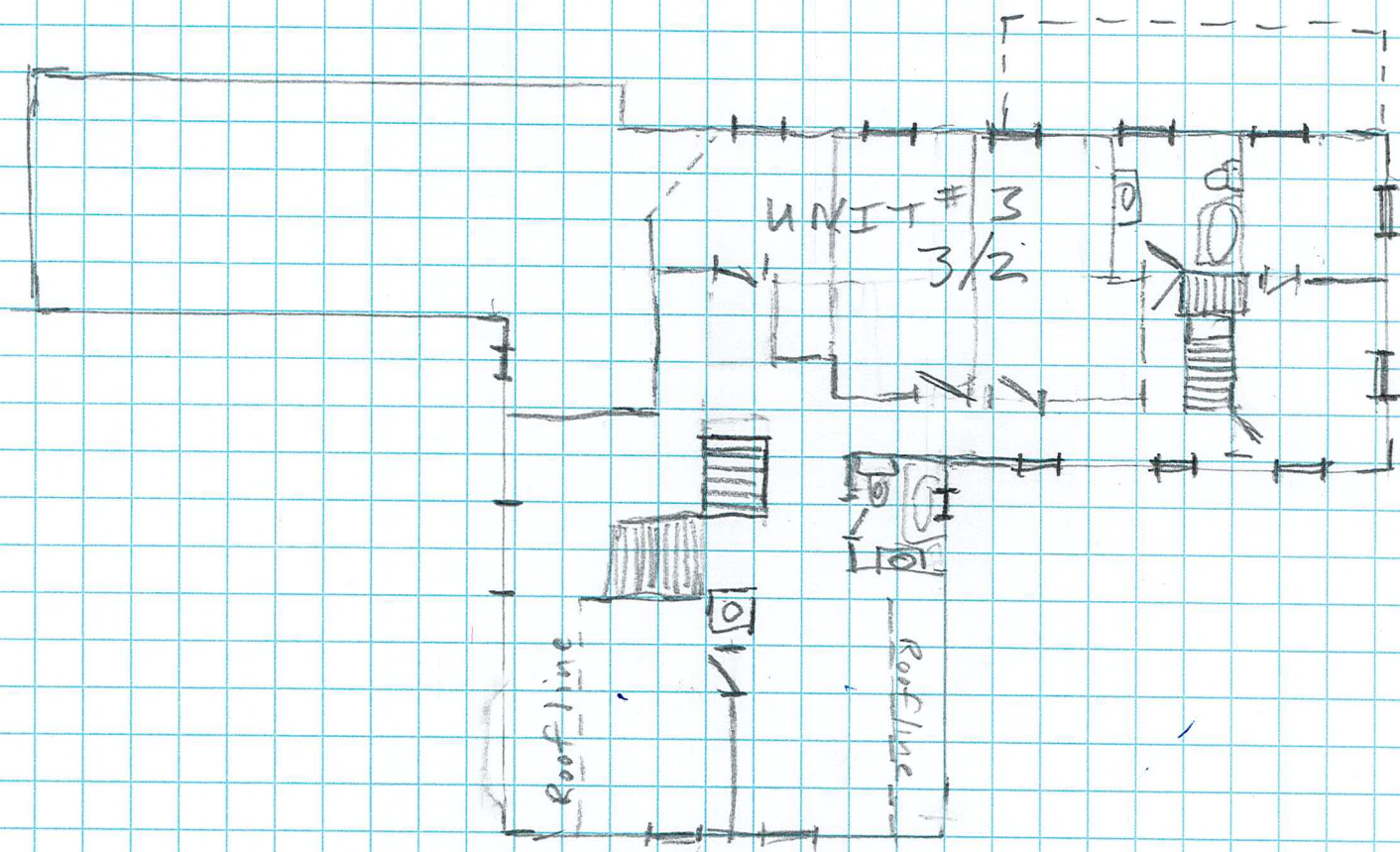
AUTUMN, INC.

JKL LAND SURVEYING
2010 NORTH AVENUE, SUITE 100, JACKSONVILLE, FL 32202
TEL: 904.766.1234 FAX: 904.766.1235
WWW.JKL-SURVEYING.COM

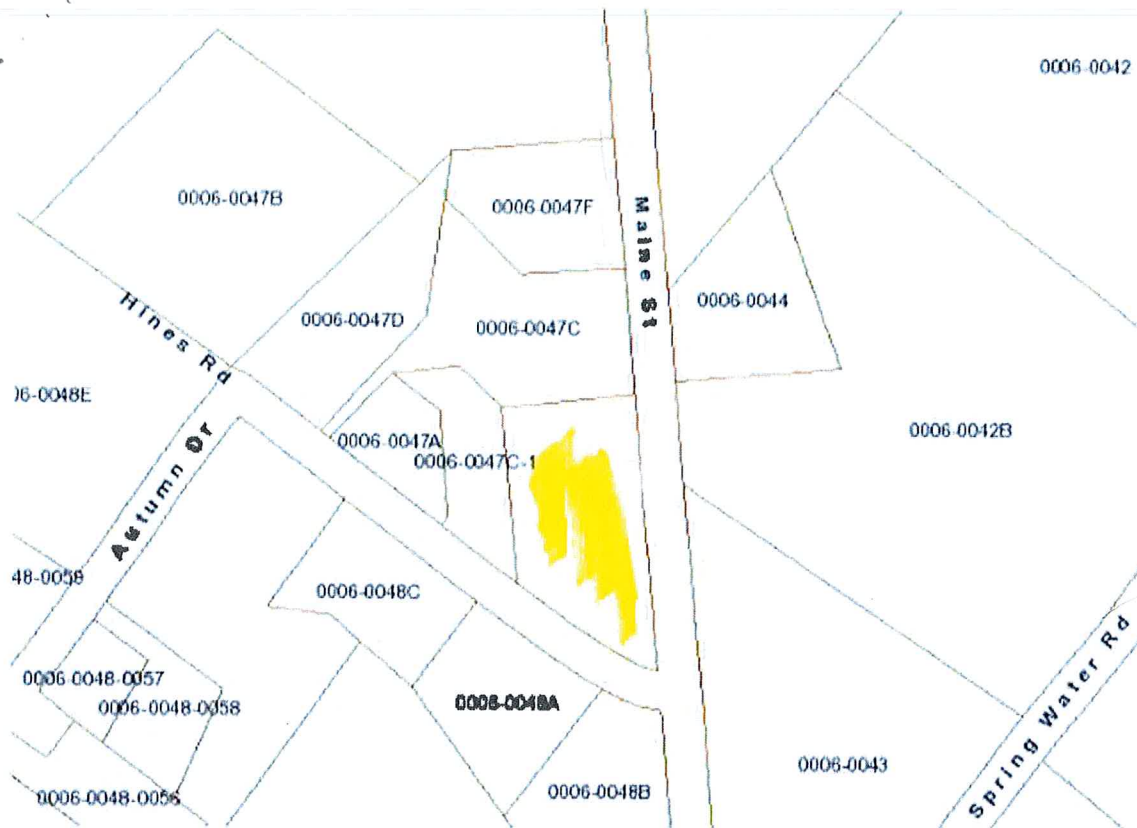
MODA: 65 119 1422 2291 N2 14827 126-00111
 40502-1-2010
 PROVIDING "DISCRETION" FOR THE FUTURE



1st floor



2nd floor





Planning Board Office

1231 Maine Street,
Poland, Maine 04274-7328

Findings of Fact & Conclusion of Law

Date: April 25, 2023

Application Type: Formal Shoreland Zoning Application

Owners Name: Jane and Peter Savas (360 Newbury St. Unit 509, Boston, MA 02115)

Located at: 219 Black Island Rd.

Parcel ID: 0025-0027

Zoning Districts: Rural Residential 1 and Limited Residential

Project Description:

On April 25, 2023, Mr. and Mrs. Savas submitted a Formal Shoreland Zoning Application to remove and reconfigure the existing patios and walkways. The existing patio coverage of 1,150.4 square feet will be brought down to 763 square feet. The previously approved lot coverage of 7.3% will go down to 6.5%. All proposed walkways will be installed outside the 75' shoreland setback.

303.2.G. In addition to the standards contained elsewhere in Comprehensive Land Use Code (CLUC), the Planning Board shall consider the following in the Shoreland Area as defined:

1. Will maintain safe and healthful conditions.

The proposed building will not interfere with the general health or safety of any neighbors. Based on this information the Board finds that this criterion will be met.

2. Will not result in water pollution, erosion, or sedimentation to surface waters.

Based on the plan submitted the Board finds that the issues of water pollution, erosion, or sedimentation to surface waters have been properly addressed. Based on this information the Board finds that this criterion will be met.

3. Will adequately provide for disposal of all wastewater.

No changes in the current subsurface waste have been proposed; therefore, the Board finds that this section is not applicable.

4. Will not have an adverse impact on spawning grounds, fish, aquatic life, birds, or other wildlife habitat.

The structure is located completely on land and will not have an impact on the spawning grounds, fish, aquatic life, birds, or other wildlife habitat. Based on this information the Board finds this criterion will be met.

5. Will conserve shore cover and visual, as well as actual, points of access to inland waters.

The Applicant is proposing to revegetate all disturbed areas. Based on this information above and in the record the Board finds that this criterion will be met.

6. Will protect archaeological and historic resources as designated in the Town of Poland Comprehensive Plan

The parcel and abutting parcels do not appear to be associated with any archaeological or historic resources as designated in the Comprehensive Plan. Therefore, the Board finds that this section is not applicable.

7. Will avoid problems associated with floodplain development and use.

The structure associated with this application has a finished floor level that is one foot above base flood elevation. Based on this information above and in the record the Board finds that this criterion will be met.

504.3 Nonconforming Structures

504.3. A. Expansions of Nonconforming Structures

The Applicant is proposing to replace the existing structure; therefore, the Board finds that this section is not applicable.

504.3. B. Relocation of Nonconforming Structures

The Applicant has not proposed to relocate the structure. They have proposed replacing the existing patios; therefore, the Board finds that this section is not applicable.

507.3.C. Reconstruction or Replacement of Nonconforming Structures

The Board must determine if the proposed structure meets the setbacks to the greatest practical extent. The Board considered the size of the lot, the slope of the land, the potential for soil erosion, the location of other similar structures on the adjacent property, the location of the existing rain gardens and underdrainage, the location of the existing septic system, and the type and amount of vegetation that may need to be removed if the structure would be relocated. The Applicant has proposed to replace the existing patios covering 1,150.4 square feet and replacing them with 763 square feet of patios. The proposed new patio area will be located outside the 75' shoreland setback. Based on this information above and in the record the Board finds that this criterion will be met.

504.3. D. Change of Use of a Nonconforming Structure

This application is not for a change of use of the existing nonconforming structure; therefore, the Board finds that this section is not applicable.

504.3. E. Planning Board Special Review for a Legal Nonconforming Single-Family Dwelling Located in a Shoreland Zoning District

Setback reductions were not applied for, and the newly relocated patios will be no closer to the resource than the existing structure was permitted to be. Based on this information the Board finds that this criterion will be met.

508.27 Shoreland Zoning Standards

508.27.B. Principal and Accessory Structures

Chapter 5 §504.3 provides the performance standards for relocation and/or reconstruction of nonconforming structures. The Applicant has not proposed any new accessory structures; therefore, the Board finds that this section is not applicable.

508.27.C. Multiple Principal Structures

This application does not include multiple principal structures; therefore, the Board finds that this section is not applicable.

508.27.D. Piers, Docks, Wharves, Bridges, and Other Structures and Uses

This application does not include any piers, docks, wharves, bridges, or similar structures; therefore, the Board finds that this section is not applicable.

508.27.E. Individual Private Campsites

This application does not include any individual private campsites; therefore, the Board finds that this section is not applicable.

508.27.F. Parking Areas

There are no proposed parking areas with this application nor is the parcel located in the Resource Protection Shoreland Zoning District; therefore, the Board finds that this section is not applicable.

508.27.G. Roads and Driveways

There are no proposed driveway changes with this application nor is the parcel located in the Resource Protection Shoreland Zoning District; therefore, the Board finds that this section is not applicable.

508.27.H. Storm Water Runoff

The phosphorus calculation form submitted with a previous application shows the required 30 points. Based on this information and in the record the Board finds that this criterion will be met.

508.27.I. Essential Services

The Applicant is not proposing to install any new electrical poles, transmission lines, satellite dishes, generators, hydrants etc.; therefore, the Board finds that this section is not applicable.

508.27.J. Mineral Exploration and Excavation Permits

The application is not for mineral exploration or any other mining or gravel pit operations; therefore, the Board finds that this section is not applicable.

508.27.K. Agriculture

The Applicant is not proposing any livestock grazing areas, manure stockpiles, or any agriculture activities within the parcel; therefore, the Board finds that this section is not applicable.

508.27.M. Clearing or Removal of Vegetation for Development Other Than Timber Harvesting or Individual Private Campsites

Any proposed removal of vegetation will be permitted by the Code Enforcement Office and a replanting plan will be needed. Based on this information the Board finds that this criterion will be met.

Conclusion

- The application checklist was approved as complete on April 25, 2023, at which time the Board voted to waive the requirement for a site walk and public hearing.
- The Applicant has provided the Board with a Deed (Book 5666, Page 196) showing reasonable right, title, or interest in the property.
- The Board has concluded that they have the jurisdiction to review the application under Chapter 5 §504.3 (Nonconforming Structures).

Therefore, the Town of Poland Planning Board hereby approves (5-0) with the following conditions, the application for Jane and Peter Savas to remove and reconfigure the existing patios and walkways, as described in the application dated April 25, 2023, and the approved site plan received on August 4, 2023, and the above findings of facts.

Conditions of Approval

- Soil Erosion Control and Stormwater Management Measures shall be in place prior to construction. The Code Enforcement Officer may require additional measures to be taken.
- Soil disturbance during the period March 1st to May 1st is prohibited.
- Any disturbed soil shall be revegetated immediately upon completion of construction and any disturbed soils within 100-ft. of the high-water mark shall be revegetated per the approved plan.
- This approval will expire twelve (12) months from the date of 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.
- A certified person in erosion control practices by the Maine Department of Environmental Protection must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion.
- The Applicant has agreed to follow the recommendations by Androscoggin County Soil and Water Conservation District regarding pre and post storm water, erosion, and phosphorus issues within the parcel.
- Plan approval is also conditioned upon compliance by the Applicant with the plans and specifications which have been received by the 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 Board in the course of its deliberations.
- 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.
- The new site plan must be recorded with the Androscoggin County Registry of Deeds within 90 days of approval.
- The Applicant must provide a detailed site plan showing the locations of the new patios and update the application to reflect those changes.

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: April 25, 2023
Poland Planning Board

George Greenwood, Chairman

James Porter, Vice Chairman

Cheryl Skilling, Secretary

James Walker, Member

Jonathan Gilson, Member



Planning Board Office

1231 Maine Street,
Poland, Maine 04274-7328

Findings of Fact & Conclusion of Law

Application Type: Formal Site Plan

Owners Name: Tom and Corie Learned, 1143 Maine St. Poland, Maine 04274

Located at: Philip Way

Parcel ID: 0010-0052

Zoning District: Downtown.

509.8 SUBMISSIONS

The Planning Board voted on May 23, 2023, that the application for a backlot driveway to create the needed frontage for two new backlots of 5.47 acres and 7.47 acres with the remaining 14.24 acres merged with parcel 0010-0055, included all the mandatory submissions requirements for the site plan application. Based on this information and the information in the record the Planning Board finds that these criteria will be met.

509.9 SITE PLAN REVIEW STANDARDS

A. Preservation of Landscape:

The Applicant has proposed a backlot driveway to create frontage for a new 5.47 acre and 7.47 acre lot with the remaining 14.24 acres merged with parcel 0010-0055. The backlot will be served by Philip Way, an existing right of way. 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 backlot 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 backlot driveway will be used to access the backlots for future residential homes. 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 accessed from Philip Way off Whalesback Drive. Based on this information and in the record the Planning Board finds that this criterion will be met.

F. Surface Water:

The Applicant has submitted a plan showing no wetlands; therefore, the Planning Board finds that this section is not applicable.

G. Conservation, Erosion, and Sediment Control:

Erosion control will be required as part of the building permit. 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 Range Pond 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 backlot driveway and hammerhead create sufficient access to the backlot. Based on this information and in the record the Planning Board finds that this criterion will be met.

N. Municipal Services:

No Town department has 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 – Backlot Driveways; therefore, the Planning Board finds that this section is not applicable.

P. Ground Water:

The parcel is 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 backlot 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 backlot 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 backlot 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 onsite 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 backlot driveway is a permitted use in the Downtown 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.

Conclusion

- The Planning Board reviewed the Site Plan application on May 23, 2023, at which time the Planning Board deemed the application as complete 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 10781 Page 84) 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 4-0, hereby approves with the following conditions the application for Tom and Corie Learned to create a backlot driveway as described in the application dated May 23, 2023, the site new plan dated June 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.
- The abutting property owner has no rights to the backlot driveway.
- The remaining 14.24 acres of parcel 0010-0052 will be merged with parcel 0010-0055.

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: May 23, 2023
Poland Planning Board

George Greenwood, Chairman

James Porter, Vice Chairman

Absent with Notice

Cheryl Skilling, Secretary

James Walker, Member

Jonathan Gilson, Member



Planning Board Office

1231 Maine Street,
Poland, Maine 04274-7328

Findings of Fact & Conclusion of Law

Application Type: Reapproval of Site Plan

(Original Application approved: 3/22/22-approvals lapsed) New application dated May 30, 2023.

Owners Name: BD Solar Auburn, LLC

Located at: Lewiston Junction Road

Parcel ID: 0004-0016

Zoning Districts: General Purpose-32 (G-3)

SITE PLAN REVIEW STANDARDS

A. Preservation of Landscape:

This application to reapprove a lapsed approved site plan to install a 14.6 MW solar farm disturbing 42.6-acres on a 124.6acre site located in both the City of Auburn and the Town of Poland. The site is currently undeveloped that is primarily wooded with wetlands and open meadow. The clearing will be limited to the area needed for the installation of the solar panels and to prevent any shading of the panels. The ground slopes 0 to 8% and drains to the southeast. The topography will not be significantly altered with the installation of the solar array. Approximately 42 wooded acres will be cleared and converted to meadow. The meadow will be mowed no more than twice a year to maintain the meadow buffer standards established by the Department of Environmental Protection. Approximately 1.42 acres of new impervious surfaces will be created from the development of an access road and the installation of concrete pads for equipment and the support system for the panels.

There are no scenic vistas defined in the Comprehensive Plan associated with this property and the proposed area is not located on slopes exceeding twenty (20%) percent with this application. Clearing on the site is limited to the solar arrays and trees that would shade the array. The access to the site is from an adjacent property in the City of Augusta. Based on this information above and in the record the Planning Board (Board) finds that the standards of this section will be met.

B. Relation of Proposed Buildings to Environment:

There are no new buildings proposed with this application; therefore, the Board finds that this section is not applicable.

C. Compatibility with Residential Areas:

Once construction is completed, traffic to the site will be limited to maintenance. The system can be monitored remotely. The solar arrays will be visually buffered by surrounding woodland. The panels are designed to absorb, not reflect light. Noise is limited to inverters and converters which will be below the allowable 55 dba (see details in Section S). Based on this information above and in the record the Board finds that the standards of this section will be met.

D. Vehicular Access:

This project is situated on the Poland – Auburn border. Access to the site will be from Auburn. The road will be 20 feet wide including a travel lane and shoulders and will follow existing grades as much as possible. The amended

plan reduces the length of the access within the Town of Poland by 600+ feet. The terminus will be constructed to Town standards for a hammerhead terminus. All other details from the original 2020 plan approval will remain applicable to the design. Based on this information and in the record the Board finds that the standards of this section will be met.

E. Access to Routes 11, 26, 121 and 122:

The site will not have access from Routes 11, 26, 121 and 122; therefore, this section does not apply.

F. Surface Water:

Overall drainage patterns on the site will remain the same in pre- and post-development conditions. Meadow buffers will prevent erosion and will provide some treatment of stormwater. A Stormwater Permit-by-Rule must be issued by the Maine Department of Environmental Protection. Wetlands were delineated in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual. Vernal pools identification was completed in accordance with the MAWS vernal pool survey protocol. Based on this information and in the record, the Board finds that the standards of this section will be met.

G. Conservation, Erosion and Sediment Control:

The solar array area will be cleared, stumped and grubbed and seeded to become a meadow. An Erosion and Sedimentation Plan was submitted to protect the land from eroding and sedimentation build-up. That Plan was reviewed and approved by James Seymour, PE. A Site Location Permit Application and Stormwater Permit-by-Rule from the Maine Department of Environmental Protection has been approved. The Maine Department of Agriculture, Conservation, and Forestry noted that Swamp Oaks may be present in the area. A survey was done and no Swamp Oaks were found. Based on this information and in the record the Board finds that the standards of this section will be met.

H. Phosphorus Export:

The parcel is located in the Little Androscoggin River watershed not a great pond watershed; therefore, the Board finds that this section is not applicable.

I. Site Conditions:

The applicant has stated that the contractor will make sure the construction will be kept in a clean and safe manner as described in the 509.9.1 General Review Standards. Based on this information and in the record the Board finds that the standards of this section will be met.

J. Signs:

Required safety and warning signs are all that will be used for this project; therefore, the Board finds that this section is not applicable.

K. Special Features:

No special features are proposed with this project; therefore, the Board finds that this section is not applicable.

L. Exterior Lighting:

This application does not include any new exterior lighting; therefore, the Board finds that this section is not applicable.

M. Emergency Vehicle Access:

A Knox Box will be installed at the gate for emergency personnel to get access to the site. The applicant will coordinate accessibility to the site with local emergency personnel. Based on this information and in the record the Board finds that the standards of this section will be met.

N. Municipal Services:

The internal road will be maintained by the applicant. No new public infrastructure is being built. Based on this information and in the record the Board finds that the standards of this criteria will be met.

O. Water Supply:

No water service is required for this use; therefore, this standard is not applicable.

P. Ground Water:

No fuels, chemicals, flammable or hazardous materials will be used or stored on the site; therefore, this standard is not applicable.

Q. Air Emissions:

The solar arrays will have no point or non-point source air pollution; therefore, the standards of this section are not applicable.

R. Odor Control:

The solar arrays do not generate any odors; therefore, the standards of this section are met.

S. Noise

Noise will be produced by the inverters and converters necessary for a solar array. This equipment will be located several hundred feet from the property lines. Technical data has been submitted by the applicant showing the level of sound created by each piece of equipment. All of the equipment meets the established level of sound for the Town of Poland at the property line. Based on this information, the standards of this section have been met.

T. Sewage Disposal

No subsurface wastewater disposal system will be installed on the site; therefore, the Board finds that this section is not applicable.

U. Waste Disposal

No waste will be generated at this site. Pine Tree Waste Services, in a letter dated October 14, 2019, states that they have the capacity to dispose of construction debris and cardboard generated during construction. The end site of this material will be Casella Recycling. Based on this information above and in the record the Board finds that the standards of this criteria will be met.

V. Buffer Areas

The plan includes maintaining mature vegetation along the road to buffer the visual impact of the solar arrays. The applicant must provide evidence of the restrictive stormwater treatment buffer deed recordings prior to construction start. Additionally due to the Town of Poland adopting a Solar Energy Systems Ordinance the applicant shall comply with the required buffers for the rear property with the Railroad.

The Planning Board agreed to reduce the maximum extent of the buffer reduction to 50 feet from 75 feet. The applicant as a condition of approval will need to adjust and rest a few panel arrays to comply with the setback as waived. Based on this information above and in the record the Board finds that the standards of this section will be met as a part of a written condition.

W. Adequate Financial and Technical Capacity

In a letter dated November 8, 2018, Nicolas Holman, Director of BNRG Renewables Ltd (BNRG), states that they will be providing development funding for this project. BNRG has funded renewable energy projects in the US, Great Britain, Ireland, Bulgaria and Greece. (The 2018 letter had expired terms within, however, Mr. Sean Thies, PE had verbally stated the revised financial agreement was in place, and the Planning Board requested a written copy, be provided for the Town records.)

Sean Thies, PE, Senior Project Manager, CES, Inc. has over 20 years of site design experience. The applicant has demonstrated that they have highly experienced staff working on this project and that the assembled team has the financial and technical capacity to complete the project.

Additionally, the Planning Board determined that as a condition of approval that evidence of this decommissioning bond for the entire project has been executed and appropriate values have been provided and, in a form, acceptable to the Town prior to any construction activity commencing. Based on this information and in the record the Board finds that the standards of this section will be met.

X. Conformance with the Comprehensive Plan

The solar array is in conformance with the Comprehensive Plan, and complies with the Poland CLUC Chapter 16, Solar Energy Systems, and is a permitted use within the G-3 Zoning district. Based on this information and in the record the Board finds that the standards of this section will be met.

Conclusion

- The Site Plan application was heard and approved on June 27, 2023, at which time the Board approved the site plan application, and found that the application checklist was complete, and voted to not conduct a site walk nor hold a public hearing. This application was originally approved in March 2022, but had lapsed in March 2023, but the Planning Board found much of the design was relevant, and could comply with newly adopted Chapter 16; Solar Energy Systems ordinance within the Poland CLUC, with conditions as noted below.

Therefore, the Town of Poland Planning Board hereby approves the Formal Amended Site Plan by 4-0 vote, (Greenwood absent), for BD Solar Auburn, LLC for the installation of a solar farm as described in the application with revisions dated through May 30, 2023 and per the above findings of facts.

Conditions of Approval:

1. The applicant shall provide third party inspections of the construction of the site access road, culvert and drainage infrastructure, and erosion control measures for the site construction and assure compliance and recording of the deed for the proposed stormwater buffers per the approved plan and Maine DEP approvals. Stormwater reports of work progress and compliance shall be submitted to the Town on a regular basis during construction, and at the completion of the project.
2. The applicant shall revise the solar panel alignment and provide plan that clearly indicates that the solar panels and or arrays are set at the waived setback distance of 50 feet from any external rear property line. No construction activities shall be commenced until such time that the code Officer can verify the plan has correct updated setbacks from all abutting property owners.
3. The applicant shall provide evidence that an approved bond in an amount of \$294,990.87 has been fully executed and is in place for the decommissioning value of the site. Due to the project site construction taking place over two municipalities, at a minimum, the bond for the portion of work over Town of Poland land, shall be provided to the Code Enforcement Office prior to any construction activity commencing.
4. The applicant shall provide the Town a written copy of their most recent Financial agreement since the prior submitted agreement had expired. The representative for BD Solar, had verbally stated a revised agreement was in place, and the Town wished to have an updated written copy on file.

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: June 27, 2023
Poland Planning Board

George Greenwood Chairman

James Porter, Vice Chairman

Cheryl Skilling, Secretary

James G Walker, Member

Jonathon Gilson, Member



Planning Board Office

1231 Maine Street,
Poland, Maine 04274-7328

Findings of Fact & Conclusion of Law

Application Type: Subdivision Application for Knoll Road Subdivision

Owners Name: Lawrence Roakes
Located at: 16 Rocky Road, Otisfield, ME 04270
Parcel ID: 0013-0033 & 0013-33A
Zoning Districts: Village 3

Date of Plan Approval: July 11, 2023

I. Project Description and Background

This project states it is a minor subdivision but appears to qualify as a Major Subdivision Application as it proposes to contain more than four lots or dwelling units. The applicant proposes to amend the three-lot Knoll Road Subdivision approved June 2022 and recorded in the Androscoggin County Registry of Deeds (ACRD) Plan Book 54 Page 57 to provide an additional three-lots identified as Phase 2 Lot 4, 5, and 6 on the application materials. The proposed lots front Knoll Road, an existing 20-foot-wide gravel private way constructed to access Lots 1, 2, and 3. The project is set on multiple parcels owned by Lawrence Roakes or his estate, totaling ± 26.8 acres in the Village 3 zoning district. The amended subdivision plan entitled "Proposed Subdivision Plan 3 Lot Minor Subdivision of TM 13-33 & 33A, Knoll Road, Poland, Maine" was submitted for review on June 13, 2023 by Davis Land Surveying, LLC. No public hearing or site walk was held, and the Town received no written or verbal opposition to the development.

At the June 27, 2023 meeting, the Planning Board discussed the Knoll Road surface treatment – whether the road should be paved or remain gravel. The consensus of the Board was that the road should be paved, but clarification from the Town Attorney was requested. Subsequently, the Town Attorney provided a legal opinion to the Board that concluded the road did need to be paved, but the Board could waive the requirement under Section 814.

At the July 11, 2023 meeting, the Planning Board further discussed the road surface treatment and the consensus is the road should not have to be paved, and to waive the requirement with the conditions. The Board feels that paving the road would be an economic hardship for the Applicant and the public health, safety, and welfare will not be compromised, and further provided that the waivers in question will not have the effect of nullifying the requirements of the Code, nor set an unwarranted precedent.

The Board voted 4-1 to approve the Minor Subdivision Application with conditions.

The project application was reviewed to meet the performance standards in Section 610, 612, and 613 of Poland Comprehensive Land Use Code (CLUC) and was limited to those portions of the Plan that are proposed to be changed. Title 30A MRSA Section 4407(1) requires the book and page number of the original Plan to appear on the revised Plan when it is recorded at the AACD. In reviewing the proposed amended Subdivision, the Board has reviewed the application for conformance with the following performance standards and make findings that each has been met as part of the approval of an Amended Subdivision Plan.

612.1 Pollution: The proposed amended Subdivision will not discharge waste water into a water body and proposed subsurface wastewater systems have been considered for the proposed lots. Discharges of storm water shall be treated to remove contaminants that could enter into surface water bodies by use of retained tree buffers.

612.2 Sufficient Water: The proposed Subdivision is not within the area of a public water supply; the proposed water supply shall be from individual wells. Proposed wells have been sited to prevent infiltration of surface water, and sited to avoid contamination from subsurface wastewater disposal systems. The design of and permit placement of wells, and subsurface wastewater disposal areas, are in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules and per Town requirements meeting NFPA 1141 and 1142 since a public water source is not available.

612.3 Impact on Existing Water Supplies: - In meeting the standards of Section 612.2, the proposed amended Subdivision will not generate a demand on the source, treatment facilities, or distribution system of the servicing water company or district as it is served by private water systems

612.4 Soil Erosion: The proposed amended Subdivision will prevent soil erosion from entering water bodies, and adjacent properties following the procedures outlined in the submitted Erosion and Sedimentation Control Plan to be implemented during the site preparation, construction, and clean-up stages. Topsoil stripping shall be considered part of the Subdivision and shall not be removed from the site except for surplus topsoil from roads, driveways, and building excavations.

612.5 Traffic Conditions: The project proposes to utilize an existing private gravel road (Knoll Road) and due to the proposed low daily trip volume from the lot development, no concerns for traffic congestion are anticipated.

612.6 Sewage Disposal: The development will provide private subsurface wastewater disposal systems and has provided evidence of site suitability for subsurface sewage disposal prepared by a State of Maine licensed Site Evaluator. All individual lot septic designs will be in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. With evidence that each lot has one passing test pit which meet the requirements for a new septic system and provides a practical location for a disposal area, the criterion is met.

612.7 Solid Waste: The additional solid waste from the proposed Subdivision does not exceeds the capacity of the Municipal Solid Waste Program given the relative low output from the 3 single family lots.

612.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline: The Plan shall, by conditions of approval on the Final Plan and deed restrictions, limit the clearing of trees to those areas designated on the Subdivision Plan. Preservation of the forest land and limit tree clearing will promote the natural buffers and wildlife habitat and allow for road stormwater runoff to be adequate treated for phosphorus export.

612.9 Conformance with Zoning and Other Land Use Standards: All lots meet the minimum dimensional requirements of Chapter 5, Land Zoning Standards, for the Village 3 zoning district in which they are located. The proposed Subdivision meets all applicable performance standards or design criteria from Chapter 5.

612.10 Financial and Technical Capacity: The applicant has adequate financial resources to construct the proposed improvements and meet the criteria of Title 30-A, M.R.S.A. Section 4404 and the standards of this Code. The applicant will employ qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed Subdivision.

612.11 Impact on Water Quality or Shoreline: The property is not located along a shore so there is no cutting or removal of vegetation along water bodies that could increase water temperature or result in shoreline erosion or sedimentation of water bodies.

612.12 Impact on Ground Water Quality or Quantity: The Subdivision will not adversely affect the quality or quantity of ground water. Based on the low number of single-family dwelling lots proposed, no hydrogeological study for nitrate plums or adverse groundwater impacts was required.

612.13 Floodplain Management: No part of the proposed Subdivision is located in a Special Flood Hazard Area as identified by the Federal Emergency Management Agency.

612.14 Identification of Freshwater Wetlands: Some freshwater wetlands were identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, (published by the United States Army Corps of Engineers and as amended) on the site project limits. None of those wetlands identified, were impacted from the proposed development.

612.15 River, Stream, or Brook: There are no rivers, streams, or brooks within or abutting the Subdivision, therefore, none are identified on the Plan.

612.16 Storm Water Management: Adequate provisions were made for the management of the quantity and quality of all storm water generated within the Subdivision. The project has acquired approval for Stormwater Management Law permit for the entire development of the proposed Knoll Road which takes into account future phases yet approved by the Town. Runoff treatment was addressed through incorporation of

Wooded Buffers equivalent to those described in the Stormwater Management for Maine: Best Management Practices, (published by the Maine Department of Environmental Protection, 2015 and as amended), and in conformance with the policies of the Town of Poland Comprehensive Plan. The stormwater design mitigates downstream impacts to both Tripp Pond and Thompson Lake.

612.17 Phosphorus Impacts on Great Ponds: The Subdivision is within the watershed of a Thompson Lake and Tripp Pond and through their MDEP Stormwater Law Permit discussed above, provides following the Phosphorus Standards in accordance with as published by the Maine Department of Environmental Protection. Allowed parcel levels for phosphorus export for the site project are 0/32 lbs./ac./yr. for Tripp Pond and 0.87 lbs./ac./yr. for Thompson Lake, With appropriate treatment measures the phosphorus level for the design condition are 0.32 lbs./ac./yr. and 0.66 lbs./ac./yr. respectively for Tripp Pond and Thompson Lake, which meet or exceed quality requirements. All buffer areas were located downslope of developed areas and shall be placed in restrictive deeds and also will be marked by permanent markers/pins in the field.

612.18 Impact on Adjoining Municipality: – The proposed Subdivision does not cross the boundary into an adjacent Municipality, the Subdivision will not cause unreasonable traffic congestion or unsafe conditions over existing public roads in an adjacent Municipality.

613 DESIGN GUIDELINES

613.1 Sufficient Water A. Fire Protection: No public roads were proposed, and no public water lines or existing fire protection services are near to the project. The applicant stated the Town of Poland Fire Chief has reviewed the proposed fire suppression measures, a dry hydrant within 3,500 feet of the proposed subdivision, and it is sufficient for Phase 1 and Phase 2 of the project.

613.2 Traffic Conditions: The Subdivision does not access off an arterial street, nor has frontage on two (2) or more streets, the access to the lots in Phase 2 shall be provided off the 20-foot wide private gravel street, Knoll Road.

613.3 Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline A.

Preservation of Natural Beauty and Aesthetics: The project is located in the Village 3 District as defined in Chapter 5, Land Zoning Standards. The proposed Subdivision will include preservation measures and buffers to retain the character of the existing woods.

613.4 Storm Water Management Design Guidelines: Design of Best Management Practices are compliant to those described in the Storm Water Management Law Permit as was issued by the Maine DEP for the project.

613.5 Impact on Water Quality or Shoreline – The project is not in close proximity nor abuts a great pond or has shoreline frontages. Thereby the guideline does not apply.

613.6 Lots: The side lines of the lot are generally perpendicular to the street. The proposed parcel widths do not provide more than twice the required minimum lot size and are laid

out in such a manner as to not provide for or preclude future division. Deed restrictions and conditions of approval on the Plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the approved Plan. Any modification shall require approval from the Board, subject to the criteria of the State Subdivision Statute, or to the standards of this Poland CLUC, and/or conditions placed on the original approval.

613.7 Utilities: The existing private road for the subdivision and the lots shall be serviced from existing public utilities available along their street frontage.

613.8 Monuments. Road monuments are required at all lot boundary corners and angle points with the road right of way. All external lot boundary corners and angle points, are also to be marked by suitable irons/monuments, as required by the Maine Board of Registration of Land Surveyors.

613.9 Cluster Developments: The project did not provide a plan for considering cluster development.

613.10 Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services: The development retained tree buffers preservation. Since the number of new lots being proposed met a minor Subdivision, and not a cluster development, so the guideline does not apply.

613.11 Agricultural Land Buffers: The proposed amended Subdivision will abut agricultural land for potential tree cutting, a buffer of unimproved natural vegetation of a minimum of 50 feet will be provided between the right of way and end of Knolls Road along the southern side. The rear of the parcel will mostly be retained in woodlands for stormwater buffers.

613.12 Buffers for Non-residential Subdivisions: The guideline does not apply.

Conclusion

THEREFORE, the Town of Poland Planning Board hereby approves by a 4-1 vote held on July 11, 2023, with the following conditions, for the Amended Minor Subdivision Plan application for Lawrence Roakes, and the Knoll Road Subdivision project consisting of construction of 3 additional residential lots. The proposed Subdivision development is as described in the application approved and in this Findings of Fact.

Conditions of Approval

1. The subdivision plan should have a series of notes describing the lots to be approved, and any additional lots will require an amended plan to be approved prior to issuance of permits for any additional lots. In particular, it shall state that prior to each phase the applicant shall be required to provide performance bond for any portion of the required lot frontages that are not constructed to Town Standards for a private road as approved on the final plans.

2. The existing gravel road is approved for access because it would cause an economic hardship to the Applicant. The dwelling units on the road are capped at 14. There can be no satellite roads. The road can't be used/connected to another subdivision. The road must remain a dead-end road. The road cannot be accepted or maintained by the Town and a note will be added to the plan stating such.
3. All requirements and conditions as required by the issued Maine Department of Environmental Protection Stormwater Management Law permit for the parcel and entire private road, shall apply to the project road construction, drainage improvements, and for maintenance of the stormwater treatment measures, once completed.
4. The Amended Subdivision Plan shall indicate that is the revision of a previously approved and recorded plan and shall show the title of the Subdivision and the book and page on which the original plan is recorded in the Androscoggin County Registry of Deeds, as required by 30A MRSA §4407(1).

Date of Subdivision Approval: July 11, 2023

Poland Planning Board

James Porter, Chairperson

Cheryl Skilling

George Greenwood, Vice Chairperson

James Walker

Jon Gilson