

**Planning Board Meeting
October 13, 2020 – 7:00 PM
Town Office Conference Room**



Meeting Materials

**Planning Board
Tuesday, October 13, 2020
7:00 PM – Town Hall**

CALL TO ORDER

MINUTES

September 22, 2020

COMMUNICATIONS

OLD BUSINESS

NEW BUSINESS

Informational – Timothy and Gregory Morin, Shaker Hill Nursery

Findings of Fact and Conclusions of Law for:

Minor Subdivision Application – Caleb Verrill – Wild Turkey Way – Map 9 Lot 28
Sub-lots 2B and 3

ANY OTHER BUSINESS

ADJOURNMENT

POLAND PLANNING BOARD
MINUTES OF MEETING
September 22, 2020
Approved on _____, 2020

CALL TO ORDER – Chairperson Porter called the meeting to order at 7:00pm with Members Cheryl Skilling, Stephanie Floyd, George Greenwood, Alternate Member Jimmy Walker, CEO Scott Neal, and Sarah Merrill present. Alternate Member Walker is a voting member for this meeting.

MINUTES – September 8, 2020 – Member Greenwood moved to approve the minutes. Member Floyd seconded the motion. Discussion: None Vote: 5-yes 0-no

COMMUNICATIONS – None

OLD BUSINESS – None

NEW BUSINESS – Amended Minor Subdivision Application – Caleb Verrill – Wild Turkey Way/ Over Yonder Way – Map 9 Lot 28 Sub-lots 2B and 3

Caleb Verrill presented the project to the Board. Mr. Verrill is requesting a waiver on the grade of the back lot driveway. The grade is above the 3% grade required of a back lot driveway, but the Town's third party engineer and the Poland Fire Chief have given letters stating they don't have any problems with the higher grade or construction.

Member Greenwood moved to approve the checklist as complete. Alternate Member Walker seconded the motion. Discussion: None Vote: 4-yes 0-no 1-abstained (Member Skilling abstained to avoid a conflict of interest).

Member Greenwood moved to approve the Amended Minor Subdivision Application with the following conditions: the back lot driveway waiver is granted, the public hearing is waived, and the site walk is waived. Member Floyd seconded the motion. Discussion: None Vote: 4-yes 0-no 1-abstained (Member Skilling abstained to avoid a conflict of interest).

Comprehensive Plan Update for the Planning Board

The Board went over the Comprehensive Plan and updated the sections that pertained to them. Ms. Merrill will provide a copy of the updated information to the Town Manager for the Comprehensive Planning Committee.

Findings of Fact and Conclusions of Law for:

Formal Site Plan Review – Flowers of Serenity, LLC – 1484 Maine Street
– Map 15 Lot 18B

Member Greenwood moved to approve the Findings of Fact. Member Floyd seconded the motion. Discussion: None Vote: 5-yes 0-no

POLAND PLANNING BOARD
MINUTES OF MEETING
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Amended Minor Subdivision Application – Mark Lopez – 1484 Maine Street
– Map 15 Lot 18B

Member Greenwood moved to approve the Findings of Fact. Alternate Member Walker seconded the motion. Discussion: None Vote: 5-yes 0-no

ANY OTHER BUSINESS – None

ADJOURN – Member Floyd moved to adjourn the meeting at 8:30 pm. Alternate Member Walker seconded the motion. Discussion: None Vote: 5-yes 0-no

Recorded by: Sarah Merrill

Planning Board

James Porter, Chairperson

George Greenwood, Secretary

Stephane Floyd, Vice Chairperson

Cheryl Skilling, Member

James Walker, Alternate Member

**Town of Poland, Maine
PLANNING BOARD AGENDA REQUEST**

Date of meeting you are requesting to be scheduled for: 10 / 13 / 20 Meetings are normally conducted from 7:00 to 10:00 PM in the Municipal Conference Room at the Town Office
Map 0001 Lot 0007A Sub-lot _____

Applicant's Name: Timothy + Gregory Morin
Mailing Address: 271 Maine St.
Town, State, Zip: Poland, ME 04240
Home Phone: 207-212-8950 Hours: _____
Work Phone: 207-998-5396 Hours: _____

Type of application: _____ Sketch Plan _____ Site Review _____ Shoreland _____ Subdivision _____ ☒ Informational
Road location for project: _____
Zoning: Village 4 Lake Watershed: N/A? Nature of business to be discussed (Brief description): we would like to privately discuss construction of a new retail building at the bottom of our property

IMPORTANT - READ CAREFULLY:

This Office must receive the original application, plus nine (9) copies, a digital PDF copy (on either cd or usb), and appropriate fees by Friday at 1:00 p.m., eleven (11) days before the stated meeting to be put on the upcoming agenda.

- New business is scheduled on the agenda in the order this office receives this form.
- If you want your application reviewed for contents prior to the meeting, it must be in this office 14 days before the meeting.
- Should the 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: Timothy Morin Date: 9 / 14 / 20

OFFICE USE ONLY:
Request Taken By: Sarah Date: 9 / 14 / 2020 Time: 1 : 00 a.m. (p.m.)





Planning Board Office

1231 Maine Street,
Poland, Maine 04274-7328

Findings of Fact & Conclusion of Law

Application Type: Minor Subdivision Amendment Application for Skilling/Verrill subdivision
Owners Name: Wayne Verrill, Cheryl Skilling, Caleb Verrill
Located at: 460 North Raymond Road
Parcel ID: 0009-0028-0002B and 0009-0028-0003
Zoning Districts: Rural Residential 2

Project Description:

The applicant has come to the Planning Board to request a waiver for Table 807.1.IV Max Gradient Within 75' of an Intersection from the Town of Poland Comprehensive Land Use Code (CLUC). The as built gradient of the Back Lot Driveway is more than the required minimum of 3% because of the site conditions.

The original application presented by Wayne Wood of Wayne Wood & Co. proposed a three lot subdivision that required an amendment to the Hanscom and Wood Subdivision as recorded in plan book 28 page 55 by dividing lots 2 and 3. The Plan of Land/ Proposed Division dated August 2019 created two new lots with frontage on Wild Tukey Way and the remaining land of lot 3 will continue to have frontage on the North Raymond Rd..

The project application was reviewed to meet the performance standards in Section 612 of the CLUC and are intended to clarify and expand upon the criteria for approval found within the Subdivision Statute (Title 30-A, M.R.S.A. Section 4404) and carry out the purposes of the CLUC and the Town of Poland Comprehensive Plan. In reviewing a proposed 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 a Final Plan. Compliance with the design guidelines of Section 613 shall be considered to be evidence of meeting the appropriate performance standards.

612 Performance Standards

612.1 Pollution: The proposed Subdivision will not discharge wastewater 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 to discharge 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, water supply shall be from individual wells and such wells have been sited to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination. The design of and permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface wastewater disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules. A letter from Goodwin Well & Water stated that existing ground water should be sufficient in both quantity and quality.

612.3 Impact on Existing Water Supplies: In meeting the standards of Section 612.2., the proposed Subdivision will not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of those system components.

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

612.5 Traffic Conditions: The proposed subdivision does not propose any roads only driveways; therefore, due to the proposed low daily trip volume from the lot development vehicular access to the Subdivision and within the Subdivision will be conducted in a manner as to: 1. Safeguard against hazards to traffic and pedestrians in existing streets and within the Subdivision; 2. Avoid traffic congestion on any street; and 3. Provide safe and convenient circulation on public streets and within the Subdivision. Adequate provisions for fire and emergency service could be provided from the existing public street, North Raymond Road and the private road Wild Turkey Way.

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 Department of Human Services licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. With evidence to certify in writing that each lot has one passing test pit which meet the requirements for a new system represents an area large enough to a disposal area on soils which meet the State of Maine Subsurface Wastewater Disposal Rules.

612.7 Solid Waste: The additional solid waste from the proposed Subdivision does not exceed the capacity of the Municipal Solid Waste given the relative low output from the 2 new 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 shows no impact to any of the above items.

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 Rural Residential 2 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 use 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 dwellings 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: 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.

612.15 River, Stream, or Brook: There are no rivers, streams, or brooks within or abutting the Subdivision shall be identified on the Plan.

612.16 Storm Water Management: Storm Water Management was waived by the Board Adequate provisions will be made for the management of the quantity and quality of all storm water generated within the Subdivision, through incorporation of Best Management Practices 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.

612.17 Phosphorus Impacts on Great Ponds: The Applicant requested a waiver for Phosphorous Impacts. That waiver was granted by the Board.

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 with respect to the use of existing public roads in an adjacent Municipality in which part of the Subdivision is located.

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 nearby to the project. The back lot driveway was inspected by the Fire Chief and was sufficient for the emergency vehicles tested.

613.2 Traffic Conditions: The Subdivision does not abut an arterial street, nor has frontage on two (2) or more streets, the access to the lots shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians unless other factors make it not practical.

613.3 Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline A. Preservation of Natural Beauty and Aesthetics: There are no wildlife habitats, rare natural areas, or public access to a shoreline; therefore, these guidelines do not apply.

613.4 Storm Water Management Design Guidelines: Design of Best Management Practices are substantially equivalent to those described in the Storm Water Management for Maine: Best. Due to the limited soil disturbance for access no pipe or culverts will be required.

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

613.6 Lots: The side lines of the lot are generally perpendicular to the street. The proposed parcels which 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. Any future division shall constitute a revision to the Plan and shall require approval from the Board, subject to the criteria of the State Subdivision Statute, the standards of this Code and conditions placed on the original approval.

613.7 Utilities: There are no proposed roads for the subdivision and the lots shall be serviced from existing public utilities available along their street frontage.

613.8 Monuments A. No road monuments are required and all other Subdivision boundary corners and angle points, as well as all lot boundary corners, and angle points are to be marked by suitable monuments or use of natural stonewalls 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 due to its limited size.

613.10 Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services: The guideline does not apply.

613.11 Agricultural Land Buffers: The guideline does not apply.

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

Conclusion

Therefore, the Town of Poland Planning Board hereby approves the subdivision amendment by a vote of 4 yes, 0, no, 1 abstention held on September 27, 2020, with the following conditions, for the waiver to the Minor Subdivision Amendment Plan application for Wayne Verrill, Cheryl Skilling, and Caleb Verrill proposed Minor Subdivision Amendment development as described in the application approved and in this Findings of Fact.

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 Board in the course of its deliberations.
- Except in the case of a Phased Development Plan, failure to complete substantial construction of the Subdivision within five (5) years of the date of approval and signing of the Plan shall render the Plan null and void. Upon determining that a Subdivision's approval has expired under this Paragraph, the Board shall have a notice placed in the Androscoggin County Registry of Deeds to that effect.
- Any Subdivision not recorded in the Registry of Deeds within ninety (90) days of the date upon which the Plan is approved and signed by the Board shall become null and void.
- 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: September 22, 2020

Poland Planning Board

James Porter, Chairperson

George Greenwood, Member

Cheryl Skilling, Member

Stephanie Floyd, Vice Chairperson

James Walker, Alternate Member
