

Town of Stockton Springs

Planning Board

November 6, 2019

Minutes

1. Roll Call: Call to Order: Establishment of Quorum

Present: Bill Cosmano, Mac Smith, Chris Poulin, Wes Olmstead.

Also Present: John Larson – Code Enforcement Officer.

Mr. Cosmano called the meeting to order at 6:30 p.m.

2. Election of Officers

Mr. Poulin was nominated for Stockton Springs Planning Board Chair, Mr. Olmstead as Vice Chair, and Mr. Smith as Secretary. There were no further nominations.

Motion was made, seconded and passed unanimously to approve Mr. Poulin as Chair, Mr. Olmstead as Vice Chair, and Mr. Smith as Secretary.

3. Adjustments to the Agenda

There were no adjustments to the agenda.

4. Approval of Minutes

Motion was made, seconded and passed unanimously to approve the minutes of the October 2, 2019 meeting as presented.

5. Board E-Mail and Regular Mail Correspondence (Standard Agenda Item)

There was no correspondence for discussion.

6. Public Hearing

Mr. Cosmano opened the Public Hearing for the Green Valley Subdivision application at 6:33 p.m. No one spoke. Mr. Cosmano closed the Public Hearing at 6:34 p.m.

31 7. Old Business
32 Eric N. Peddle and Rebecca D. Steeves
33 Amendment to existing subdivision – Green Valley Subdivision
34 Tax Map R2 Lot 19C-1

35 Findings of Fact

36 Mr. Poulin recused himself because he is an abutter to the property.

37 The Section 9 review was completed.

38 **1. Pollution.** The proposed subdivision will not result in undue water or air pollution. In
39 making this determination, it shall at least consider:

- 40 A. The elevation of the land above sea level and its relation to the flood plains;
- 41 B. The nature of soils and sub soils and their ability to adequately support waste water;
- 42 C. The slope of the land and its effect on effluents;
- 43 D. The availability of streams for disposal of effluents; and
- 44 E. The applicable state and local health and water resources rules and regulations.

45 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find that**
46 **the criteria for this section had been met based on the fact the proposed lots to be**
47 **created contain ten plus acres each and brook is center of flood zone and no road**
48 **construction, addition of two lots to subdivision will not result in undue water or air**
49 **pollution.**

50 **2. Sufficient Water.** The proposed subdivision has sufficient water available for the
51 foreseeable needs of the subdivision.

52 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find that**
53 **the criteria for this section had been met based on information provided on original**
54 **subdivision plan and the fact that wells on abutting properties are in existence, the**
55 **proposed subdivision has sufficient water available.**

56 **3. Municipal water supply.** The proposed subdivision will not cause an unreasonable
57 burden on an existing water supply, if one is to be used.

58
59 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find that**
60 **the criteria for this section was not applicable as no public water supply available.**

61 _____

64 **4. Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction
65 in the land’s capacity to hold water so that a dangerous or unhealthy condition results.
66

67 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find that**
68 **the criteria for this section had been met based on the fact there is no new road**
69 **construction, the addition of two lots will not cause unreasonable soil erosion.**

70 **5. Traffic.** The proposed subdivision will not cause unreasonable highway or public road
71 congestion or unsafe conditions with respect to the use of the highways or public roads
72 existing and proposed and, if the proposed subdivision requires driveways or entrances
73 onto a state or state aid highway located outside the urban compact area of a urban
74 compact municipality as defined by Title 23, section 754, the Department of
75 Transportation has provided documentation indicating that the driveway or entrances
76 conform to Title 23, section 704 and any rules adopted under that section.
77

78 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find that**
79 **the criteria for this section had been met based on the fact that the addition of two**
80 **lots with more than 300 feet of frontage on Green Valley Road will not cause**
81 **unreasonable highway or public road congestion or unsafe conditions.**

82 **6. Sewage disposal.** The proposed subdivision will provide for adequate sewage waste
83 disposal and will not cause an unreasonable burden on municipal services if they are
84 utilized.
85

86 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find that**
87 **the criteria for this section had been met based on information provided on original**
88 **subdivision plan, the addition of two lots will provide for adequate sewage disposal**
89 **and will not cause an unreasonable burden on municipal services if they are utilized.**

90 **7. Municipal solid waste disposal.** The proposed subdivision will not cause an
91 unreasonable burden on the municipality’s ability to dispose of solid waste, if
92 municipal services are to be utilized.
93

94 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find that**
95 **the criteria for this section had been met based on the municipality’s ability to**
96 **dispose of solid waste, the addition of two lots and pay per bag will not cause an**
97 **unreasonable burden.**

98 **8. Aesthetic, cultural and natural values.** The proposed subdivision will not have an
99 undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic
100 sites, significant wildlife habitat identified by the Department of Inland fisheries and
101 Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights
102 of way for physical or visual access to the shoreline.
103

106 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find**
107 **that the criteria for this section had been met based on that this is an amended**
108 **subdivision plan and no historic sites, significant wildlife habitat, or rare and**
109 **irreplaceable natural areas, will not have and undue adverse impact of scenic or**
110 **natural beauty of the area.**

111
112 **9. Conformity with local ordinances and plans.** The proposed subdivision conforms to
113 a duly adopted subdivision regulation or ordinance, comprehensive plan, development
114 plan or land use plan, if any. In making this determination, the municipal reviewing
115 authority may interpret these ordinance and plans.

116
117 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find**
118 **that the criteria for this section had been met based on the fact that the proposed**
119 **amendment to original subdivision conforms to Town of Stockton Springs**
120 **Subdivision Ordinance.**

121
122 **10. Financial and technical capacity.** The sub-divider has adequate financial and
123 technical capacity to meet the standards of this section.

124
125 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find**
126 **that the criteria for this section had been met based on the fact that there are no**
127 **new development costs, the developer has met this requirement.**

128
129 **11. Surface waters; outstanding river segments.** Whenever situated entirely or partially
130 within the watershed of any pond or lake or within 250 feet of any wetland, great pond
131 or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed
132 subdivision will not adversely affect the quality of that body of water or unreasonably
133 affect the shoreline of that body of water.

134 A. When lots in a subdivision have frontage on an outstanding river segment, the
135 proposed subdivision plan must require principal structures to have a combined lot
136 shore frontage and setback from the normal high-water mark of 500 feet.

137 (1) To avoid circumventing the intent of this provision, whenever a proposed
138 subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the
139 proposed subdivision shall reviewed as if lot lines extended to the shore.

140

145 (2) The frontage and set-back provisions of this paragraph do not apply either
146 within areas zoned as general development or its equivalent under shoreland zoning,
147 Title 38, chapter 3, subchapter I, article 2-B, or within areas designed by ordinance as
148 densely developed. The determination of which areas are densely developed must be
149 based on a finding that existing development met the definitional requirements of
150 section 4401, subsection 1, on September 23, 1983.

151 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find**
152 **that the criteria for this section was not applicable as no portion of subdivision is**
153 **located in watershed of any pond or lake or within 250 feet of any wetland, great**
154 **pond or river as defined in Title 38, chapter 3, subchapter I.**

- 155 **12. Ground Water.** The proposed subdivision will not, alone or in conjunction with
156 existing activities, adversely, affect the quality or quantity of ground water.

157
158 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find**
159 **that the criteria for this section had been met based on the fact there is no new**
160 **road construction and retention of natural buffers, the subdivision will not**
161 **adversely affect quality or quantity of ground water.**

- 162
163 **13. Flood Areas.** Based on the Federal Emergency Management Agency’s Flood Boundary
164 and Floodway Maps and Flood Insurance Rate Maps, and information presented by the
165 applicant whether the subdivision is in a flood-prone area. If the subdivision, or any
166 part of it, is in such an area, the sub-divider shall determine the 100-year flood
167 elevation and flood hazard boundaries within subdivision. The proposed subdivision
168 plan must include a condition of plan approval requiring that the principal structures in
169 the subdivision will be constructed with their lowest floor, including the basement, at
170 least one foot above the 100-year flood elevation.

171
172 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find**
173 **that the criteria for this section had been met because pat of this amended**
174 **subdivision plan is located in the Flood Zone and structures shall be are**
175 **constructed with their lowest floor, including the basement, at least one foot above**
176 **the 100-year flood elevation;**

- 177
178 **14. Freshwater Wetlands.** All freshwater wetlands within the proposed subdivision have
179 been identified on any maps submitted as part of the application, regardless of the size
180 of these wetlands. Any mapping of freshwater wetlands may be done with the help of
181 local soil and water conservation district.

229 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find that**
230 **the criteria for this section had been met because no roads or public ways cross into**
231 **adjoining municipality.**

232 **20. Lands Subject to Liquidation Harvesting.** Timber on the parcel being subdivided has
233 not been harvested in violation of rules adopted pursuant to Title 12, section 8869,
234 subsection 14. If a violation of rules adopted by the Maine Forest Service to
235 substantially eliminate liquidation harvesting has occurred, the municipal reviewing
236 authority must determine prior to granting approval for the subdivision that 5 years
237 have elapsed from the date the landowner under whose ownership the harvest occurred
238 acquired the parcel. A municipal reviewing authority may request technical assistance
239 from the Department of Conservation, Bureau of Forestry to determine whether a rule
240 violation has occurred, or the municipal reviewing authority may accept a
241 determination certified by a forester licensed pursuant to Title 32, chapter 76.

242
243 **Motion was made, seconded and passed 3-0-1, with Mr. Poulin recused, to find**
244 **that the criteria for this section was not applicable because no harvest has taken**
245 **place in past five years as defined in Title 12, section 8869, subsection 14.**

246
247 **Motion was, made, seconded and passed 3-0-1, with Mr. Poulin recused, to**
248 **approve the application of Eric Peddle and Rebecca Steeves to amend the Green**
249 **Valley Subdivision as presented on final plan submitted.**

250 **7. New Business**

251 Nathan Russell – Site Plan Review

252 6 Unit Motel – Cabins

253 Tax Map R3 Lot 93 R2 Zone

254 Mr. Russell made his presentation for his application.

255 Mr. Smith recused himself because he is an abutter to the site.

256 **Motion was made, seconded and passed 3-0-1, with Mr. Smith recused, to find**
257 **the application complete.**

258 A public hearing was scheduled for December 4 at 6:30 p.m. before the Section 9
259 review.

260

262

263

264

265 8. Other Business

266 **Motion was made, seconded and passed unanimously to change the Stockton**
267 **Springs Planning Board meeting time to 6:00 p.m. starting with the January**
268 **2020 meeting.**

269 9. Adjournment

270 **Motion was made, seconded and passed unanimously to adjourn the meeting.**

271 The meeting was adjourned at 7:43 p.m.

272

273 Draft – Planning Board

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