

Planning Board Meeting Minutes 08-06-2012

Standish Planning Board
Meeting Minutes
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The meeting was called to order by Chairman Brian Libby at 7:02pm. Present were Alta Harding, Diana Allen, Steve Nesbitt, Bud Benson, Town Planner and Jackie Dyer, Secretary to the Planning Board. Absent was Carol Billington. The first item on the agenda was to approve the July 02, 2012 meeting minutes. Mr. Nesbitt made a motion to approve, seconded by Mrs. Harding. All were in favor. Mr. Libby asked the Board to change the order of the agenda tonight as the two new applications will take less time than the two orders of old business. Mrs. Allen made a motion to change the order, seconded by Mrs. Harding. All in favor.

Frank & Donna Roethel 11 Forrest St, Map 47, Lot 19 Shoreland Zoning Application

Frank Roethel was present to represent himself and his wife Donna. He and his wife want to take a second cottage on the property, demolish it and rebuild one a bit bigger along with a foundation. They have contacted a man named Bud Harris and had him do some calculations on what it would take to renovate the old structure and also they have spoken with an Ed Fitzgerald and had him do calculations on what it would entail to build a whole new structure. Both have told him that it would be pretty much the same as in price and time. They want to bring the ceiling up in the structure, which now has a loft, and use it as an office for his business. They also want to make room for the grandchildren and have been told that they would have to update the current septic system. Mr. Benson had told them to bring a surveyor in, and have him determine the hundred year flood line, he contracted with a Mr. Wayne Wood and then had Dennis Harmon come in and determine the elevation with a basement floor and appropriate distance from the flood line. He said they are basically asking to demolish the existing structure, build a slightly smaller cottage on the same location, under the 30% volume, and modify the septic system. There were no questions from the Board or the public. Mr. Libby told Mr. Roethel that all shoreland zoning applications have a scheduled sitewalk. The Board decided to have the sitewalk on Saturday, August 11, 2012 at 8 a.m. Mr. Nesbitt asked Mr. Roethel to have the septic system staked out, which has already been done.

Christopher & Sandra Ward/97 Wards Cove Road, Map 51, Lot 37 Shoreland Zoning Application

Christopher Ward was present to represent himself and his wife Sandra. He thought his surveyor would be here, but he was supposed to be late, but he felt he could represent himself. They would like to add a foundation to the existing cottage and move the cottage approximately 15 feet to the NW and have it more centered on the lot. They would like to expand the loft and lift the roof up so they could have more room and make this a year round property. Mrs. Harding asked if they would increase this in size, Mr. Ward said they would follow the 30 % rule and are hoping to expand about 15 feet. He feels they are well within the code. A sitewalk was scheduled for Saturday August 11, 2012 at 9:30am.

Paul & Candace Thompson/14 Oak Hill Rd., Map 36, Lot 9 Site Plan Review

Paul Thompson was present to represent himself. Mr. Thompson is proposing to add a mechanical repair garage and one apartment to the property. Mr. Libby said a sitewalk and two workshops were done. Mr. Libby asked for further comments from the Board. Mr. Nesbitt said it looked like the applicant has done everything asked of him and has limited the parking plan and created a connectivity plan as discussed. Mr. Libby and Mr. Nesbitt agreed that the plan looks good. Neal Dow spoke in favor of the plan and feels that it would be a good thing to get more business into Standish Corner, as he remembers a lot of businesses way back. He feels that it would help a lot of people. Dave Thomas also spoke in favor of this project and feels that it would be a great asset. He was impressed with the diligence of the Planning Board in meetings and workshops he has attended. There were no further comments from the Board. A motion was made by Mr. Nesbitt to approve the application seconded by Mrs. Harding. All in favor with the following conditions for approval :

§ 181-73. Standards and conditions for approval.

No preliminary or final site plan shall be approved unless, in the judgment of the Planning Board, the applicant has proven that the plan meets all of the following standards.

A. The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will not create hazards to safety nor will impose a significant burden upon public facilities.

Mrs. Allen made a motion, seconded by Mrs. Harding that Standard A has been met. All in favor.

B. The bulk location and height of proposed buildings and structures and the proposed uses thereof will not be detrimental or will impose undue burdens on the public facilities. Not applicable

C. The provisions of on-site landscaping and screening do provide adequate protection to neighboring properties from detrimental features of the development. The applicant has added additional shrubbery and trees where needed.

Mr. Nesbitt made a motion seconded by Mrs. Harding that Standard C has been met. All in favor.

D. The site plan adequately provides for the soil and drainage problems that the development will create. It does not create any issues and there is no expansion of the building.

Mr. Nesbitt made a motion seconded by Mrs. Allen that Standard D has been met. All in favor.

E. The provisions for exterior lighting will not create undue hazards to motorists traveling on adjacent public streets nor are inadequate for the safety of occupants or users of the site nor will such lighting damage the value and diminish the usability of adjacent properties. No new lighting being installed other than at the two gable ends, all extra light sources will be concealed.

Mrs. Harding made a motion seconded by Mrs. Allen that Standard E has been met. All in favor.

F. The applicant has provided reasonable evidence of his financial capabilities to complete the development as planned and approved.

Mrs. Allen made a motion seconded by Mrs. Harding that Standard F has been met. All in favor.

G. The proposed development will not create undue fire safety hazards by not providing adequate access to the site or the buildings on the site for emergency vehicles or by failure to meet other fire safety ordinances or laws. The Fire Department shall file a written report with the Planning Board prior to the hearing. We do have a written report from the Fire Inspector. Mr. Thompson has also met with the Fire Chief.

Mr. Nesbitt made a motion seconded by Mrs. Harding that Standard G has been met. All in favor.

H. The proposed development has made adequate provision for sewage disposal.

Not applicable. There is already an existing system and no additions to the building.

I. The proposed site plan will not alter the existing character of the surrounding zoning district or division to the extent that it will become a detriment or potential nuisance to said zoning division or district. This is an existing building with no additions; the applicant has added some new windows that do bring the building into character with other surrounding buildings.

Mrs. Harding made a motion seconded by Mrs. Allen that Standard I has been met. All in favor.

J. The proposed development has made adequate provision for water supply, including an adequate supply of water for fire-protection purposes. There is a hydrant less than 300 feet down the road.

Mrs. Allen made a motion seconded by Mrs. Harding that Standard J has been met. All in favor.

K. No plan shall be approved by the Planning Board as long as the applicant is in default on a previously approved plan.

Mrs. Harding made a motion seconded by Mr. Nesbitt that Standard K has been met. All in favor.

L. Architectural drawings showing exteriors of proposed new nonresidential/commercial buildings in the Village Center District shall be compatible with a Colonial New England design. Such design can be achieved by incorporating features such as, but not limited to, broken rooflines, clapboard siding, steeply pitched roofs, roof overhangs, small pane windows, dormers, window shutters. Not applicable

M. Within the Standish Corner District, the plan must meet all of the following additional standards:

(1) The proposed development complies with the regulating plan and the applicable SCD street frontage type standards within the Standish Corner District.

Mrs. Allen made a motion seconded by Mrs. Harding that Standard M-1 has been met. All in favor.

(2) The proposed development, both public and/or private buildings and landscaping, contributes to the physical definition of rights-of-way as civic spaces within the Standish Corner District.

Mr. Nesbitt made a motion seconded by Mrs. Harding that Standard M-2 has been met. All in favor.

(3) The proposed development adequately accommodates automobiles, while respecting the pedestrian and spatial form of public areas within the Standish Corner District (sidewalk already there, any additional sidewalks are waived)

Mrs. Harding made a motion seconded by Mrs. Allen that Standard M-3 has been met. All in favor.

(4) If the lot to be developed shall be divided from a greater parcel, access to the parcel, or the "Pioneer Lot" (See conceptual Connectivity Master Plan in § 181-7.1.), shall be from an allowable SCD street frontage type perpendicular to the existing SCD street or arterial. Existing curb cuts are allowed to be continued to be used by existing uses. For new use(s) where the closure of the curb cut is triggered by the conditions of approval, standards contained within Chapter 252 (Streets and Sidewalks) or by Planning Board SUPPLEMENTAL review, the perpendicular SCD street shall be built to the minimum block length and other SCD street frontage type standards and serve both as access to the parking area for the development as well as for parking for the development. The applicant shall build the perpendicular SCD street to the required standards and provide for maintenance of the same until such time that the road is accepted by the Town as a street . Not applicable

(5) Provisions shall be made for phased construction such as conduit extensions and stubs. This information shall be located and noted on the approved site plan recorded in the Cumberland County Registry of Deeds. Not applicable

C) This approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant (either orally or in writing) and that any variation from the plans, proposals, and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Code Enforcement Officer may approve.

Mr. Nesbitt said there were no further conditions and all standards have been met with the application being approved.

Burning Rose Land Dev. /70 Ossipee Trail E/Map 64, Lot 70 Subdivision Amendment/Site Plan Application

Michael York, Sr. and Michael York, Jr. were present to represent themselves. He introduced his father as well. He said that they are proposing an L shaped 28'x60' addition to the building. Mr. Nesbitt asked Mr. York why there are two different style drawings in the new packet and Mr. York told him they are hoping to have both approved as they would like to offer the new tenant options as to which one would work best for them and that both would comply with the fenestration requirements. There is one door that would be removed and they are trying to stay with some architectural structure, which is already there. They have added a dormer over one of the doors and that would make two to keep in conformity with the rest of the building. These drawings show all entrances and if the entrance is under an eave, it would have a dormer over it. Mrs. Harding said that there are two issues, the first being the sub-division and she feels that one hinges on the other. Mr. York said that is correct and they need to be approved for the sub-division amendment first before they can be approved for the site plan. He said without the approval for the sub-division, they have nothing and would not be able to move forward. The lot must be sub-divided before it can meet the standards and the build to line. Mr. York said they are not asking for a site plan review without a subdivision first. Mrs. Harding said this site plan is different and the set backs are different also. Mr. Benson said that he did his memo in the order that the items appear in the code, the sub division first, then the site plan review. Mr. York said they are looking for an amendment on a previously approved subdivision. Mr. Libby said they should start with the subdivision first.

Subdivision Regulations :

§ 181-74. Purpose.

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Standish, the Board shall determine that the criteria set forth in 30A M.R.S.A. § 4401 et seq., have been met.

State of Maine 30A § 4404. Review Criteria

When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:

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

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

The property is not within the FEMA area.

2. Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

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

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

5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed. There are two right of ways into the property and the applicant has put into the plan closing one of those eventually (#7 on plan). The future removal of the curb cut closest to the intersection of Route 25 and Rose Lane shall be granted to the Town of Standish at such time that Rose Lane becomes a town accepted road, provided 10 years have passed from the date of this plan's approval by the Town. Owner of the property shall bear the burden of all improvements. The wording will be changed from "provided 10 years have passed" to "or 10 years have passed." This was discussed in the previously held workshop.

Mr. Nesbitt said there are two rights of ways and the applicant has put on the site plan that right of way #1 would be closed. The future removal of the curb cut closest to the intersection of Rt. 25 and Rose Lane shall be granted to the Town of Standish at such a time when Rose Lane becomes an approved public road through to Rt. 35 and the Board had

talked about changes when approved after 10 years had passed or after the approval of the plans. Mr. Nesbitt said they had never granted a 10 year right of way, but glad that the applicant was willing to remove it. The only thing he has a problem with is that the Town would need to bring a site plan into compliance. Mr. York said that he, the applicant, would be willing to shoulder the burden of the cost for removal himself or by the Town of that entry. He said that Rose Lane and the curb cut closest to Rt. 25 would be granted to the Town of Standish, provided that 10 years had passed, and was approved and accepted by the Town at that time. Mr. York said that they created the subdivision in 2005 and now they want to revise that, but there have been changes in the ordinance, but they need to have time to make the changes they want to make in the infrastructure and get it working. They do not expect the Town to pay for something that will be removed down the road and they will do what they have to do for approval and they will accept it as a condition of approval and have it written on the plan notes as part of the plan as the owner of the property shall bear the burden of its removal. There were no other comments.

6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized. Meets requirements

7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized. Meets requirements

8. Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. No issues with this item.

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

Mr. Nesbitt was concerned that in the future the applicant would be able to build on the corner of Lot 1-B and Mr. York told him that they would be able to build on that corner of Rt. 24 and Rose Lane to the build to line. Mr. York said that the ordinance did not say anything about size of a building and they could build on that corner if they wanted to and he felt they had complied. Mr. Nesbitt said he felt that the subdivision would be taking away from the local ordinances comprehensive plans and taking away from the Standish Corner District. Mr. Benson said there are a number of items that he did not comment on, but thought the Board might want to run down through. Mrs. Harding wanted to know what would happen to the right of way when something was built on that corner and what would happen to the upper parking lot? Would it disappear or would someone else be forced to build elsewhere? She said that a right of way cannot be obstructed and would it be gone? Mr. York said that it's impossible to paint every scenario in the transfer or development of land and it would be far reaching for the Board to deny this development. Mr. York felt that the development of his plan is to profit from this as commercial entity and they are not going to throw property away and if he can develop and make money, that is what he wants to do. He feels that the right of way could be amended, the property could be built on, he might have to come back to the Board at some point, but feels that he is complying now with what he needs to. Mrs. Harding said that she feels that Mr. York is dividing the property to try and manipulate the code so he can build exactly what he wants and not have to build to the build-to line. She said that if he sells the property tomorrow, he has a 10 year window that he can keep the right of way without having to remove it and it would be forcing someone else to build to the build to line and they would be the one that would have to build the sidewalks. She feels the division of the lot is wrong and manipulative. Mr. York said he takes

offense to that and he feels that he has done everything to comply. Mrs. Harding said that when Mr. York came to the Board initially, there was no talk about subdivision, only building an addition. She feels the plan looks good, but does the Board force everyone to put in a sidewalk. Mike York, Jr. feels that they have complied with the code and not tried to manipulate it. Mrs. Harding said that the building hasn't changed much only carving out a lot with very little road frontage and two right of ways which will make the lot useless to build on for 10 years. Mike York, Jr. said they feel they are complying with the rules. Mrs. Harding said that she has read a lot of State of Maine rules that would not allow this to happen. Mr. Nesbitt said they are only trying to subdivide their property, an amendment to the subdivision, and the Board has to look at the regulations and does this application meet the standards? There have been a lot of discussions and he said that if this meets the standards, then they should be able to move forward. Mr. Nesbitt said that there will always be an easement to a parking lot or if they decide to, they can develop it themselves. Mr. Libby said at any point and time they can come back and make an amendment to develop that part of the property. Mr. York said at some point and time, in maybe 20 years ago, they may be back and revisiting this property again. He said that he is not sure what will happen. Mr. York feels that he is doing nothing wrong or illegal. Mr. Libby feels that at this point and time they need to determine if he is in compliance. He feels that the decision is to create something that will benefit the applicant as well as the Town. He feels that Mr. York should be able to move forward with this plan and if it meets the standards, then they need to move forward. The corner will always have an easement to the parking lot.

10. Financial and technical capacity. The sub divider has adequate financial and technical capacity to meet the standards of this section.

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

12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; I-1-6.

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

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

15. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9.

16. Storm water. The proposed subdivision will provide for adequate storm water management.

17. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1; (addressed in Shoreland Zoning)

18. Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision. NA

19. Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. Mr. Benson said this has no effect on the municipality.

Mr. Nesbitt feels that Mr. York has complied with what has been asked of him and feels that he is amendable. He said he has no objection to the sub-division at this time and he feels that when they had the workshop, it is designed to help the applicant and the Board and also the Town. He said there are many ways to do things and he feels Mr. York should be able to move forward with this plan. Mr. Benson felt the Board should move forward to 181-93.Lots.

181-93. Lots.

Lots shall meet or exceed the minimum requirements of the Standish Zoning Ordinance.

Mr. Benson said this plan requires a build to line along 8rod road and Rt.25 and should envelope the whole lot.

There is a slight twist to this lot ,the legend and the plan need to show the required build to line parallel to Rt.25 and along 8 rod road. Mr. York will have the plan amended to show what is required(a solid type line)for the internal set back lines and the build to lines .This should be a solid, unbroken line.

B. The depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.

The final plan is to be amended that there will be shared parking in the future if there is to be further future development. There is adequate off street parking with the addition of the new building.

C. Double-frontage lots and reverse-frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet, across which there shall be no right of access, shall be provided along the lines of lots abutting such a traffic artery or other disadvantageous use. NA

D. Side lot lines shall be substantially at right angles or radial to street lines.

Mr. Nesbitt said this is not a squared lot ,this is not quite there. Mr. York said this leaves the road at an approximate 90 degree angle, except of the corner of Rose Lane, which is an established point. Mr. Nesbitt said that where the lot is being cut out is more forming towards the desired parking lot spaces. Mr. York said it leaves the SCD street at a right angle. Mr. Nesbitt said it's his opinion that this meets the standards.

181-94 Easements for natural drainage ways. Not an issue

181-96 Street trees, esplanades and open spaces. Street trees, esplanades and open green spaces may be required at the discretion of the Planning Board and if subdivision is located in the Standish Corner District, shall be as required by the SCD street frontage type standards. Where such improvements are required, they shall be incorporated in the final plan and executed by the subdivider as construction of the subdivision progresses.

[Amended 6-7-2011] .

The applicant is proposing to put in trees or a berm on the other lot. Lot 1-B is considered part of the site plan .Mr. York said that this was a previously approved plan for a subdivision and those improvements will be made as part of the site plan with mutually agreed upon easements .Maybe additional easements need to be added to the site plan for further approval Mr. Benson said that many of these items will be addressed on the site plan.. Mr. Nesbitt said that they need to approve the subdivision, with a condition, before they approve the site plan, and there are things the Board is talking about here that will be discussed on the site plan. Mr. York said if the sub division is not approved, then the site plan is useless. They need the subdivision approved before the site plan. Mr. Benson said that Lot #1 is part of the site plan and the right of way.

B. The developer or subdivider shall maintain control of open space(s) and be responsible for their maintenance until development sufficient to support a neighborhood association has taken place or, alternatively, the space has been accepted by the Town.

181-97 Required Improvements(Interior roads) Not an issue(the Board feels that the amendment to the subdivision should not require the applicant to add sidewalks, etc.) No new interior roads are being created.

A. The Planning Board shall require that any lot in a subdivision have its required frontage and access on an interior road constructed in accordance with applicable standards in Chapter 252 and when located within the Standish Corner District, per the applicable SCD street frontage type standards. [Amended 6-7-2011]

B. One, and only one, access onto an existing Town or state maintained way shall be approved or allowed for access for all lots in a subdivision with a dead-end road length less than the maximum allowed as specified in § 181-102 below. The Planning Board shall only approve or allow a maximum of two accesses to an existing Town or state maintained way when the proposed newly built street exceeds the maximum allowed for dead-end streets as specified in § 181-102 below.

C. The creation of private way(s) to provide frontage and/or access to any lot in a subdivision is expressly prohibited. Driveways of any type or private way(s) providing frontage and/or access to any lot in a subdivision which directly access an existing Town or state maintained way are expressly prohibited.

Mr. Libby said this is not a private way, but a right of way .Mr. York said that the Town main encourages the shared use of entrances. The curb cut shown will be closed at a point and time. Mr. Benson said that right of way #3 actually references the conceptual connectivity plan.

This concludes the subdivision standards of approval. Mr. Libby asked if there were any comments from the public. Mr. Dave Thomas spoke and said that he had witnessed the process and feels that it's very technical and complicated, and there are many new things and he felt the process was incredible with everyone working back and forth and together to try and meet the design standards. He felt there was tremendous effort and wanted to thank everyone as a member of the public and as a member of the comprehensive plan. Mr. Dennis Swett spoke next and wanted to say he would appreciate it if the Board would vote to approve on the merit of the application and the plan. Mr. Nesbitt made a motion to approve the subdivision amendment with two added conditions of approval: The relative build to lines be addressed on the plan as discussed earlier with the approval of the Town Planner Mr. Benson.

The following site plan is approved in conjunction.

Mrs. Allen seconded the motion and all were in favor.

The relative build to lines be addressed on the plan as discussed earlier with the Town Planner, Mr. Benson and the following site plan is also approved in conjunction. Mrs. Allen seconded the motion. All in favor and the application was approved.

Mr. Libby asked for a discussion as to whether the plan triggers a supplemental Planning Board review. Mr. Nesbitt felt that the plan does meet the Standards and doesn't trigger a supplemental review. Mr. Benson said there are two ways to look at this plan. This new building is being placed on one part of the lot. Mr. York said they are not being required to meet any certain point, but they are voluntarily willing to do what is needed. Mrs. Harding said she felt the build to line does come into play and needs to be considered. Mr. York is willing to build a wall or put in buffering where needed. Mr. York, Jr. wondered if Standard D needed to be voted upon separately. Mr. Benson said that right-of-way #1 is part of the site plan review but is a right of way attached to the lot. The Board may not be requiring Mr. York to do buffering and screening, but he is volunteering to do so. Mrs. Harding said he would have to put in any plantings to separate the parking lot from the road. Mr. Benson said that if Mr. York was required to put in a wall or anything, this would trigger a supplemental review. Mr. Nesbitt said he feels the application meets the relative build to line and that does not trigger a supplemental review for the above 6 standards. He feels the applicant has incorporated some of those compliances into the application and have added those through the workshop. These have been added in the workshop and previous discussions. Mr. Nesbitt made a motion, seconded by Mrs. Harding that the site plan meets the relative build to line. All in favor.

(d) On Town Center, Town Avenue and Town Main SCD street frontage types, applicants for developments that do not meet the applicable SCD street frontage type minimum SCD street frontage required build-to-line must demonstrate compliance with the following standards:

[1] The proposed new building is placed on the lot to the minimum setback on one side of the lot frontage so as to accommodate future parcel subdivision and/or building development on the remainder of the parcel

[2] Identification on the site plan to which side setback the parcel building shall be placed, the size of the building, the location of parking, the location of driveway egress and how remaining frontage shall be subdivided (if applicable) and how remaining frontage shall be treated to maintain a building wall or permanently screen parking the required distance from the required build-to-line.

[3] If off-street parking, located at the applicable SCD street frontage type parking setback line, is clearly visible from the SCD street then it shall be adequately screened by landscaping treatment or else the construction of a SCD street wall (20 to 40 inches in height along the required build-to-line) shall be required.

[4] If off-street parking is the long-term design for the remaining required build-to-line SCD street frontage, then all existing curb cuts shall be closed, and one shared driveway to the parking area shall be built, and 30% of the parking shall be shared, and after business hours 100% of the parking shall be shared, except parking spaces designated for dwelling units

[5] If the parcel abuts adjacent developable land or existing SCD streets or right-of-way, then the access drive shall be built to the allowable SCD street frontage type to encourage future development and connectivity.

[6] If off-street parking is the long-term plan for the remaining required build-to-line frontage, the required SCD streetscape for the existing SCD street frontage type shall be installed at the time of construction.

e) If a proposed building on a Town Main SCD street frontage type is greater than 50 linear feet along the applicable minimum SCD street frontage, the applicant shall demonstrate compliance with the following standards:

e) If a proposed building on a Town Main SCD street frontage type is greater than 50 linear feet along the applicable

minimum SCD street frontage, the applicant shall demonstrate compliance with the following standards:
[1] All existing curb cuts shall be removed, and one shared driveway shall be created.

[2] The applicable SCD street frontage type building standards shall be met and the building configuration shall be articulated into more than one form using changes in architectural features such as dormers, materials or fenestration.

[3] The SCD streetscape required by the applicable SCD street frontage type shall be installed and maintained at the time of construction at the expense of the developer.

Mr. Nesbitt said the applicant meets the build to line requirements. There was no further discussion. There were no further comments from the public. Mr. Benson said that the other thing missing on the plan was the clear labeling of right of way 2 and 3 as part of the conceptual connectivity plan. Mr. York said they can amend the right of ways to say conceptual right of ways. Mr. Nesbitt said they will address that late in the conditions of approval. Mr. Nesbitt would like to move the application forward, and suggested they go to the Site Plan conditions of Approval with any comments from the public. Then he would like to vote the application is complete and move to the Conditions of Approval. Mr. Nesbitt made a motion that the application is complete seconded by Mrs. Harding. All in favor.

§ 181-73. Conditions for approval. [Amended 12-9-2003 by Order No. 194-03; 10-10-2006 by Order No. 89-06; 10-10-2006 by Order No. 90-06]

No preliminary or final site plan shall be approved unless, in the judgment of the Planning Board, the applicant has proven that all of the following conditions are found to exist regarding said plan:

The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will not create hazards to safety nor will impose a significant burden upon public facilities.

Mr. Nesbitt made a motion, seconded by Mrs. Allen that Standard A is met. All in favor. A parking table needs to be added to the plan as well as "the future removal of the curb cut closest to the intersection of Rt.25 and Rose Lane shall be granted to the Town of Standish at such time that Rose Lane becomes a town accepted road, or 10 years have passed from the date of this plans approval by the Town. Owner of the property will bear the burden of all improvements."

B. The bulk location and height of proposed buildings and structures and the proposed uses thereof will not be detrimental or will impose undue burdens on the public facilities.

Mrs. Allen made a motion seconded by Mr. Nesbitt that Standard B has been met. All in favor.

C. The provisions of on-site landscaping and screening do provide adequate protection to neighboring properties from detrimental features of the development.

Mr. Nesbitt made a motion seconded by Mrs. Allen that Standard C has been met. All in favor. An amendment adding a garden bed will be added to the final plan with varying heights of 24" of average plant height during the growing season. This garden bed will fall between the two existing trees just beyond the edge of the pavement.

D. The site plan adequately provides for the soil and drainage problems that the development will create. Mr. York said a provision will be added to the plan saying "all site work to be performed in accordance with Best Management Practice Standards described in the "Maine Erosion and Sediment Control Handbook for Construction "published by the Cumberland County Soil and Water Conservation District and the DEP.

Mrs. Harding made a motion seconded by Mr. Nesbitt that Standard D has been met. All in favor.

E. The provisions for exterior lighting will not create undue hazards to motorists traveling on adjacent public streets nor are inadequate for the safety of occupants or users of the site nor will such lighting damage the value and diminish the usability of adjacent properties.

Mrs. Allen made a motion seconded by Mrs. Harding that Standard E has been met with an amendment to the final plan that all lighting must be concealed source, installed on the building. The parking lot must be lit and not conflict with street lighting. Mr. York feels that he will have better lighting than what he has today. All in favor.

F. The applicant has provided reasonable evidence of his financial capabilities to complete the development as planned and approved.

Mr. Nesbitt made a motion seconded by Mrs. Allen that Standard F has been met. All in favor.

G. The proposed development will not create undue fire safety hazards by not providing adequate access to the site or the buildings on the site for emergency vehicles or by failure to meet other fire safety ordinances or laws. The Fire Department shall file a written report with the Planning Board prior to the hearing.

Mrs. Allen made a motion seconded by Mr. Nesbitt that Standard G has been met. All in favor.

H. The proposed development has made adequate provision for sewage disposal.

Mr. York said he has an adequate system in place, but will add additional septic system if needed, he will be meeting with the CEO for finalizing this..

Mr. Nesbitt made a motion seconded by Mrs. Allen that Standard H has been met. All in favor.

I. The proposed site plan will not alter the existing character of the surrounding zoning district or division to the extent that it will become a detriment or potential nuisance to said zoning division or district. Mr. York meets the fenestration requirements. Applicant wishes to have both renderings approved. Two gables will be added, one above each door. Mrs. Harding said the roof looked much lower than what the drawing showed. Mr. York said they were doing everything safety wise. The roof is higher than it appears on the 3D drawing. Mr. Nesbitt made a motion seconded by Mrs. Allen that Standard I has been met with both renditions (Opt. 1 and Opt.2). All in favor.

J. The proposed development has made adequate provision for water supply, including an adequate supply of water for fire-protection purposes.

Mr. Nesbitt made a motion seconded by Mrs. Allen that Standard J has been met. All in favor.

K. No plan shall be approved by the Planning Board as long as the applicant is in default on a previously approved plan.

Mrs. Allen made a motion seconded by Mr. Nesbitt that Standard K has been met. All in favor.

L. Architectural drawings showing exteriors of proposed new nonresidential/commercial buildings in the Village Center District shall be compatible with a Colonial New England design. Such design can be achieved by incorporating features such as, but not limited to, broken rooflines, clapboard siding, steeply pitched roofs, roof overhangs, small pane windows, dormers, window shutters. NA

M. Within the Standish Corner District, the plan must meet all of the following additional standards:

(1) The proposed development complies with the regulating plan and the applicable SCD street frontage type standards within the Standish Corner District.

Mr. Nesbitt made a motion seconded by Mrs. Allen that Standard M-1 has been met. All in favor.

(2) The proposed development, both public and/or private buildings and landscaping, contributes to the physical definition of rights-of-way as civic spaces within the Standish Corner District.

Mr. Nesbitt made a motion seconded by Mrs. Harding that Standard M-2 is been met with an amendment "subdivision" to be added to the final plan. All in favor.

(3) The proposed development adequately accommodates automobiles, while respecting the pedestrian and spatial form of public areas within the Standish Corner District.

Mrs. Allen made a motion seconded by Mr. Nesbitt that Standard M-3 has been met (the plans show no sidewalk) with the addition that the applicant will not have to install any sidewalks. This property does fall within where the Town Council wanted sidewalks, but it would lead to nowhere. No sidewalk will be required. All in favor.

(4) If the lot to be developed shall be divided from a greater parcel, access to the parcel, or the "Pioneer Lot" (See conceptual Connectivity Master Plan in § 181-7.1.), shall be from an allowable SCD street frontage type perpendicular to the existing SCD street or arterial. Existing curb cuts are allowed to be continued to be used by existing uses. For new use(s) where the closure of the curb cut is triggered by the conditions of approval, standards contained within Chapter 252 (Streets and Sidewalks) or by Planning Board SUPPLEMENTAL review, the perpendicular SCD street shall be built to the minimum block length and other SCD street frontage type standards and serve both as access to the parking area for the development as well as for parking for the development. The applicant shall build the perpendicular SCD street to the required standards and provide for maintenance of the same until such time that the road is accepted by the Town as a street.

Mr. Nesbitt made a motion seconded by Mrs. Harding that Standard M-4 has been met with the condition of labeling right of ways 2 and 3 with conceptual connectivity. All in favor.

M-5 and M-6 were non applicable. The application is approved with the following:

Standard Condition of Approval.

This approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant (either orally or in writing) and that any variation from the plans, proposals, and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Code Enforcement Officer may approve. The Board gave final approval to this plan.

Meeting was adjourned at 9:38 PM