

Standish Planning Board Notice of Decision: Preliminary / Final Subdivision

Project Name/Description: _____.

Pursuant to the provisions of the Town of Standish Subdivision Ordinance, and other Town ordinances, as applicable, and the review standards of 30-A MRSA § 4404, the Standish Planning Board has considered the application of _____, including supportive data, public hearing testimony and related materials in the record. The Planning Board makes the following Findings of Fact and Conclusions of Law for the _____ subdivision.

A. Findings of Fact: The Planning Board makes the following findings of fact with respect the application for preliminary subdivision approval:

1. Applicant Name: _____
2. Applicant's relationship to property: _____
3. Property Location(s), map and lot number(s): _____
4. Summary Description of Proposed Subdivision:
 - Zoning District(s) of Property: _____
 - Proposed number and size of lots: _____
 - Number and Type(s) of structures: _____
 - Number and Type of streets: _____
 - Type(s) of Wastewater Disposal: _____
 - Solid Waste Disposal Method(s): _____
 - Water supply Source(s): _____
 - Other facts specifically related to dimensional requirements or performance standards: _____
5. Waiver Requests, If Any:
 - Submission Requirements: _____
 - Standards: _____
6. Nonconformities present in the Proposal, If Any:
 - Those that are grandfathered: _____
 - Those for which a variance application must be/has been filed: _____
 - Date of filing, if Any: _____
7. Required Approvals (federal, state, local): _____
 - Obtained/Not Yet Obtained: _____
8. Procedures Followed (reference procedure(s) in applicable ordinance(s)):
 - Date Application Received: _____
 - Site Walk Date(s), if Any: _____
 - Date Planning Board Found Application Complete: _____
 - Public Hearing Date(s), if Any: _____
 - Date Planning Board and Applicant Agreed to Extend Application Process: _____

B. Conclusions of Law: The Planning Board makes the following conclusions of law with respect to this preliminary subdivision application, with respect to its conformance

with the Standards of Part II, Chapter 181, Part 3, Articles XVIII and XX of the Standish Town Code and with respect to the statutory subdivision review criteria contained in 30-A M RSA §4404 and incorporated by reference into Part II, Chapter 181, Part III of the Standish Town Code:

Part II, Chapter 181, Part 3, ARTICLE XVIII General Standards

§ 181-89. Planning Board to consider requirements.

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances the burden of proof shall be upon the person proposing the subdivision.

§ 181-90. Conformance to Comprehensive Plan.

Any proposed subdivision shall be in conformity with a Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

Planning Board Conclusion and Rationale: _____

§ 181-91. Preservation of natural and historic features

A. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (10 inches or more), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

Planning Board Conclusion and Rationale: _____

B. Within six months of any grading or construction on any lot, the subdivider shall grade, loam and seed all scarified ground with perennial grasses and shrubs or trees. The composition and preparation of the seedbed and type of seed shall be in accordance with recommendations of the United States Soil Conservation Service for the type of soil and slope on each lot. A copy of this recommendation shall be attached to the final plan for approval.

Planning Board Conclusion and Rationale: _____

§ 181-92. Land not suitable for development.

A. The Board shall not approve such portions of any proposed subdivision that:

(1) Are situated below sea level

(2) Are located within the one-hundred-year frequency floodplain as identified by an authorized federal or state agency or, when such identification is not available, are located on floodplain soils identified and described in the National Cooperative Standard Soil Survey.

(3) Are located on land which must be filled or drained or on land created by diverting a watercourse, except that the Board may grant approval if a central sewage collection and treatment system is provided.

(4) Are determined to be freshwater wetlands, wetlands associated with great ponds or rivers, or forested wetlands.

B. In no instance shall the Board approve any part of a subdivision located on filled wetlands or filled or drained great ponds (natural body of water 10 acres or more in size).

Planning Board Conclusion and Rationale: _____

§ 181-93. Lots

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

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.

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.

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

Planning Board Conclusion and Rationale: _____

§ 181-94. Easements for natural drainage ways

Where a subdivision is traversed by a natural watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will assure that no flooding occurs and all stormwater can be disposed of properly. Such easement or right-of-way shall be not less than 30 feet in width.

Planning Board Conclusion and Rationale: _____

§ 181-95. Utilities

The size, type and location of public utilities, such as streetlights, electricity, telephones, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with local practice.

Planning Board Conclusion and Rationale: _____

§ 181-96. Street trees, esplanades and open spaces

A. Street trees, esplanades and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be incorporated in the final plan and executed by the subdivider as construction of the subdivision progresses.

Planning Board Conclusion and Rationale: _____

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.

Planning Board Conclusion and Rationale: _____

§ 181-97. Required improvements

The following are required improvements: monuments, street signs, streets, storm drainage and curbs and sidewalks, where required.

Planning Board Conclusion and Rationale: _____

§ 181-97.1. Interior roads. [Added 6-1-1999 by Order No. 43-99]

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.

Planning Board Conclusion and Rationale: _____

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.

Planning Board Conclusion and Rationale: _____

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.

Planning Board Conclusion and Rationale: _____

§ 181-98. Separate sewage disposal sites

Any lot which shall be used as or which shall be available for use as the site of a single or multiple dwelling or as the site of a mobile home shall have two separate sewage disposal sites. If the first soils test reads as a medium-large sewage disposal system or larger, the second soils test pit shall be located a minimum of 120 feet from the first soils test pit.

Planning Board Conclusion and Rationale: _____

§ 181-99. Municipal consultant fees

The applicant will be assessed fees to cover 100% of the costs incurred by the town related to independent geotechnical, hydraulic, engineering, planning, legal and similar professional consulting services. Such consultants shall be limited to reasonable and necessary review and shall be assessed only to recover costs directly associated with the expedient review of the application when the required information exceeds the expertise of the town staff. Such fees must be paid prior to final approval.

Planning Board Conclusion and Rationale: _____

Article XX Miscellaneous Provisions (applicable only if waivers

§ 181-108. Variances and waivers.

A. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Part 3 or where there are special circumstances of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan or the Zoning Ordinance. This Subsection A shall not apply to the street design standards described in Article XIX, § 181-101, Subsection B; the roadway construction material standards described in § 181-104; and the responsibility of the developer regarding streets described in § 181-105.

Planning Board Conclusion and Rationale: _____

B. Where the Planning Board finds that, due to special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions. This Subsection B shall not apply to the street design standards described in Article XIX, § 181-101, Subsection B; the roadway construction material standards described in § 181-104; and the responsibility of the developer regarding streets described in § 181-105.

Planning Board Conclusion and Rationale: _____

C. In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

Planning Board Conclusion and Rationale: _____

§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 subsoils 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;*

Planning Board Conclusion and Rationale: _____

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

Planning Board Conclusion and Rationale: _____

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

Planning Board Conclusion and Rationale: _____

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;*

Planning Board Conclusion and Rationale: _____

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 and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;*

Planning Board Conclusion and Rationale: _____

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;*
 Planning Board Conclusion and Rationale: _____

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;*
 Planning Board Conclusion and Rationale: _____

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;*
 Planning Board Conclusion and Rationale: _____

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;*
 Planning Board Conclusion and Rationale: _____

10. Financial and technical capacity. *The subdivider has adequate financial and technical capacity to meet the standards of this section;*
 Planning Board Conclusion and Rationale: _____

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.*

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

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

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

Planning Board Conclusion and Rationale: _____

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

Planning Board Conclusion and Rationale: _____

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;*

Planning Board Conclusion and Rationale: _____

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;*

Planning Board Conclusion and Rationale: _____

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;*

Planning Board Conclusion and Rationale: _____

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

Planning Board Conclusion and Rationale: _____

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;*

Planning Board Conclusion and Rationale: _____

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; and*

Planning Board Conclusion and Rationale: _____

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.*

Planning Board Conclusion and Rationale: _____

C. Decision: Whereas the Planning Board has completed its preliminary subdivision review process as set forth in Part II, Chapter 181, Part 3 of the Standish Subdivision

