

TOWN of *Greenville* MAINE PLANNING BOARD

NOTICE OF DECISION

March 22, 2021

William and Lurline Arco
48 East Rd.
Greenville, ME 04441

Dear Mr. & Mrs. Arco,

This is to inform you that the Town of Greenville Maine Planning Board (hereinafter Planning Board), at its March 22, 2021 meeting, acted on your Conditional Use Permit Application (hereinafter Application).

Project Description: William and Lurline Arco (hereinafter Applicant) propose to establish a firewood processing yard (hereinafter Activity) operated by Joe Richards (hereinafter Operator) at 48 East Road (hereinafter Property). The Property is currently a residential property encompassing 16.33 acres. Existing structures and Activity will not cover more than 30% of the Property.

Process:

- a) 02/22/2021: Applicant pre-permit meeting with Planning Board.
- b) 02/26/2021: Application received.
- c) 03/01/2021: Application deemed complete by Code Enforcement Officer (hereinafter CEO).
- d) 03/01/2021: Application scheduled for Planning Board review meeting on 3/22/2021.
- e) 03/02/2021: Property abutters sent certified letter notifying them that an Application has been received and will be reviewed on 3/22/2021.
- f) 03/22/2021: Planning Board reviews Application. Two property abutters called CEO to voice their approval of the firewood operation. One abutter asked if the Planning Board could put a condition if the Operator changes ownership, they will be required to apply for a new Conditional Use Permit. By a vote of 3-0, the Planning Board approves Application with conditions listed at the end of Notice of Decision.

Findings of Fact and Conclusions:

1. The Planning Board concludes the owner of the Property is William and Lurline Arco.
2. The Planning Board concludes the Property is located at 48 East Road, Map 17 Lot 6.
3. The Planning Board concludes the Applicant has demonstrated a legal interest in the Property by providing a Deed, Book 2524 Page 261.

Greenville Planning Board Notice of Decision for William and Lurline Arco (3/22/2021)

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4. Relevant sections of the Land Use Ordinance for the Town of Greenville Amended 2019:

a) Article III, Permitting Requirements and Procedures, Section 10: Planning Board Review of Conditional Uses and Subdivisions, and Section 11: Planning Board Review of Conditional Uses.

- **Pollution.** The proposed activity shall not result in undue water or air pollution. In making this determination the Board shall consider:
 - a. the elevation of the land above sea level and its relation to the floodplains;
 - b. the nature of soils and sub-soils 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 resources rules and regulations.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 1.

- **Sufficient Water.** The proposed activity shall have sufficient water available for the reasonably foreseeable needs of the proposed development.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 2.

- **Municipal Water Supply.** The proposed activity shall not cause an unreasonable burden on an existing public water supply, if one is to be used.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 3.

- **Erosion.** The proposed activity shall not cause unreasonable soil erosion, erosion or sedimentation to surface waters, or a reduction in the land's capacity to hold water so that dangerous or unhealthy situation results. The best management practices set forth in the "Maine Erosion and Sedimentation Control Handbook for Construction Practices" (Cumberland County Soil and Water Conservation District, Department of Environmental Protection, March 1991, or as revised) shall be used as a guide for compliance with this requirement.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 4.

- **Transportation.** The proposed activity shall not cause unreasonable highway or public road congestion, or unsafe conditions with respect to the use of highways, public roads, sidewalks, parking areas, or loading and unloading areas, existing or proposed. The proposed activity shall not cause unsafe conditions for motor vehicles, bicycles and pedestrians within a development.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 5.

- **Sewage Disposal.** The proposed activity shall provide for adequate sewage waste disposal and shall not cause an unreasonable burden on public services if they are to be utilized.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 6.

- **Municipal Solid Waste Disposal.** The proposed activity shall not cause an unreasonable burden on the town's ability to dispose of solid waste, if Town services are to be utilized.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 7.

- **Aesthetic, Cultural and Natural Values.** The proposed activity to the maximum extent possible shall not have an undue adverse effect on the scenic or natural beauty of the area; aesthetics; archaeological and historic sites; spawning grounds, fish, aquatic life, bird or other wildlife

habitat; significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the Town; rare and irreplaceable natural areas; or any public rights for physical or visual access to the shoreline. The proposed activity, to the maximum extent possible, shall conserve shore cover.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 8.

- **Ordinances and Plans.** The proposed activity shall conform with all applicable ordinances, and the Comprehensive Plan. In making this determination, the Planning Board may interpret these ordinances and plans.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 9.

- **Financial and Technical Capacity.** The applicant shall have adequate financial resources and technical capacity to meet the standards and criteria of this Ordinance.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 10.

- **Groundwater.** The proposed activity shall not alone, or in conjunction with existing activities, affect the quality or quantity of ground water.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 11.

- **Flood Areas.** The proposed activity shall not adversely affect floodplain areas as depicted on the Federal Emergency Management Agency Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and the proposal shall conform to the applicable requirements of the Town of Greenville Floodplain Management Ordinance.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 12.

- **Freshwater Wetlands.** The proposed activity shall not have an undue adverse impact on freshwater wetlands.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 13.

- **Water Bodies.** The proposed activity shall not have an undue adverse impact on any water body such as a lake, pond, river, or stream.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 14.

- **Stormwater.** The proposed activity shall provide for adequate stormwater management. The best management practices set forth in the "Stormwater Management for Maine" (Department of Environmental Protection, State of Maine, January 2006, or as revised) shall be used as a guide for compliance with this requirement.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 15.

- **Adjacent Land Uses.** The proposed activity shall not have a significant detrimental effect on adjacent land uses or properties that might be affected by waste, noise, glare, fumes, smoke, dust, odors, or other effects.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 16.

- **Financial Burden on Town.** The proposed activity shall not cause an unreasonable financial burden on the Town for provisions of public services and facilities.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 17.

- **Harmonious Fit.** Development site designs shall relate harmoniously to Greenville’s traditional land uses and landscape to ensure there will be no undue adverse effect on existing uses, scenic character, and the natural and historic resources likely to be affected by the proposal. The community’s unique characteristics shall not be compromised by standardized or franchise designs, or overpowered by very large structures.

By a vote of 3-0, the Planning Board concludes the Activity will meet Criterion 18.

- b) Article III, Permitting Requirements and Procedures, Table III-I Application Requirements For Conditional Use Permits. The Planning Board used the above Application Requirements with the exception of lines 6,7,10,12,13,14, and 15 which were waived by the Planning Board. (See Application)
- c) Article V, Land Use Districts and Requirements, Section 4, District Purposes: I, Rural Development 2. The Planning Board concludes the Property is in Rural Development District 2.
- d) Article V, Land Use Districts and Requirements, Table V-1, page 12, Natural Resource Based Industries. The Planning Board concludes a Conditional Use Permit is required for the Activity.
- e) **Article VI. All Areas: Performance and Design Standards**

SECTION 1. LAND NOT TO BE INCLUDED IN THE CALCULATION OF LOT AREA.

Findings: Property is 16.33 acres. More than enough land for the proposed Activity and existing structures to meet the standard of no more than 30% land coverage.

Conclusion: The Planning Board concludes Article VI Section 1 is not applicable.

SECTION 2. WATER SUPPLY AND QUALITY.

Findings and Conclusion: Activity will not utilize any public or private water. Activity will not harm any public or private water. This section was waived by the Planning Board. (Found in Application)

Conclusion: The Planning Board concludes Article VI Section 2 is not applicable.

SECTION 3. SEWAGE DISPOSAL.

Findings: Activity will not utilize any public or private sewage. This section was waived by the Planning Board. (Found in Application)

Conclusion: The Planning Board concludes Article VI Section 3 is not applicable.

SECTION 4. STORMWATER RUNOFF.

Findings: The Applicant shall ensure any stormwater the Activity creates on the Property flows towards existing stormwater infrastructure on site. No stormwater shall find its way onto neighboring properties. Should any excess stormwater runoff occur, Applicant shall institute Best Management Practices and adhere to this section for guidance and remedy.

Conclusion: The Planning Board will make this part of the Condition of Approval and concludes the Activity will satisfy the requirements of Article VI Section 4.

SECTION 5. EROSION AND SEDIMENTATION CONTROL.

Findings: The Applicant shall institute Best Management Practices and will adhere to the guidelines found in this section for remedy, if any erosion or sedimentation control is required.

Conclusion: The Planning Board will make this part of the Condition of Approval and concludes the Activity will satisfy the requirements of Article VI Section 5.

SECTION 6. SOLID WASTE DISPOSAL

Findings: Activity will not generate any solid waste.

Conclusion: The Planning Board concludes Article VI Section 6 is not applicable.

SECTION 7. TRAFFIC ACCESS, CIRCULATION, AND PARKING.

Findings: Activity will utilize existing entrance. Applicant has stated that in the Spring of 2021 the end of the driveway that connects to East Road will be dug out and gravel applied to contain the spread of mud and dirt onto East Road. Applicant will be required to monitor the Property to assure that mud is not brought onto East Road.

Conclusion: The Planning Board will make this part of the Condition of Approval and concludes the Activity will satisfy the requirements of Article VI Section 7.

SECTION 8. BUFFER AREAS.

Findings: Activity is in an existing field and Applicant will maintain current buffer.

Conclusions: The Planning Board concludes the Activity will satisfy the requirements of Article VI Section 8.

SECTION 9. RECREATIONAL FACILITIES, PARKS AND RECREATION, CAMPGROUNDS, INDIVIDUAL PRIVATE CAMPSITES, AND USE OF RECREATIONAL TRAILERS.

Findings and Conclusion: The Planning Board concludes Article VI Section 9 is not applicable.

SECTION 10. HOME OCCUPATIONS.

Findings and Conclusion: The Planning Board concludes Article VI Section 10 is not applicable.

SECTION 11. SIGNS.

Findings: Any future signs will have to be permitted through CEO and adhere to standards in this section.

Conclusion: The Planning Board concludes the Activity will satisfy Article VI Section 11.

SECTION 12. HISTORIC AND ARCHAEOLOGICAL SITES.

Findings: Activity will be is on an existing residential property. There will be no earthwork conducted.

Conclusion: The Planning Board concludes Article VI Section 12 is not applicable.

SECTION 13. CONFORMANCE WITH OTHER LAWS, REGULATIONS.

Findings: The Activity will conform to all other laws and regulations.

Conclusion: The Planning Board concludes the Activity will satisfy the requirements of Article VI Section 13.

SECTION 14. CLUSTER DEVELOPMENT; RESIDENTIAL AND NON-RESIDENTIAL.

Findings and Conclusion: The Planning Board concludes Article VI Section 14 is not applicable.

SECTION 15. RESERVATION, DEDICATION, AND MAINTENANCE OF COMMON OPEN SPACE AND FACILITIES.

Findings and Conclusion: The Planning Board concludes Article VI Section 15 is not applicable.

SECTION 16. MANUFACTURED HOUSING.

Findings and Conclusion: The Planning Board concludes Article VI Section 16 is not applicable.

SECTION 17. OUTDOOR LIGHTING.

Findings: Applicant proposes no outdoor lighting. If any outdoor lighting is required, Applicant and Operator will have to adhere to outdoor lighting specifications in this section.

Conclusion: The Planning Board concludes the Activity will satisfy the requirements of Article VI Section 17.

SECTION 18. ADULT BUSINESS ESTABLISHMENTS.

Findings and Conclusion: The Planning Board concludes Article VI Section 18 is not applicable.

ARTICLE VII. SHORELAND OVERLAY DISTRICT AND RESOURCE PROTECTION DISTRICT STANDARDS.

Findings and Conclusion: The Planning Board concludes Article VII is not applicable because the Activity will not be in a Shoreland Overlay or Resource Protection District.

ARTICLE VIII. SUBDIVISIONS: PERFORMANCE STANDARDS AND REQUIREMENTS.

Findings and Conclusion: The Planning Board concludes Article VIII is not applicable because the Activity is not a subdivision.

Conditions:

- 1) **STORMWATER RUNOFF:** The Applicant shall ensure any stormwater the Activity creates on the Property flows towards existing stormwater infrastructure on site. No stormwater shall find its way onto neighboring properties. Should any excess stormwater runoff occur, Applicant shall institute Best Management Practices and adhere to Article VI. Section 4 for guidance and remedy
- 2) **EROSION AND SEDIMENTATION CONTROL:** The Applicant shall institute Best Management Practices and will adhere to the guidelines found in Article VI. Section 5 for remedy, if any erosion or sedimentation control is required.
- 3) **TRAFFIC ACCESS, CIRCULATION, AND PARKING:** Activity will utilize existing entrance. Applicant has stated that in the Spring of 2021, the end of the driveway that connects to East Road, will be dug out and gravel applied to contain the spread of mud and dirt onto East Road. Applicant will be required to monitor the Property to assure that mud and other debris is not transferred onto East Road.
- 4) **SIGNS:** Applicant did not propose any new signs, however, any future signs will have to be permitted through CEO and adhere to standards in Article VI. Section 11.
- 5) **OUTDOOR LIGHTING:** Applicant did not propose any outdoor lighting, however, if any outdoor lighting is required, Applicant and Operator shall adhere to outdoor lighting specifications in Article VI. Section 17.
- 6) **HOURS OF OPERATION:** Operator will limit hours of operation from 7am – 8pm EST. seven days per week.

Decision:

By a vote of 3-0, the Planning Board concludes that based on the findings of fact, conclusions, and conditions of approval set forth above, William and Lurline Arco's application has demonstrated that the proposed firewood processing operation will conform with the requirements of the Land Use Ordinance for the Town of Greenville.

A variance/administrative appeal may be requested from the Board of Appeals. An appeal may be made by filing with the Board of Appeals at the office of the Town Clerk. The cost of an appeal is \$100, based on Article II, § 3 of the Land Use Ordinance for the Town of Greenville 2019.

FEE: \$100 - Paid

Dated at Greenville, Maine
March 22, 2021

Sincerely,

Greenville Planning Board:

John Contreni, Chairperson _____

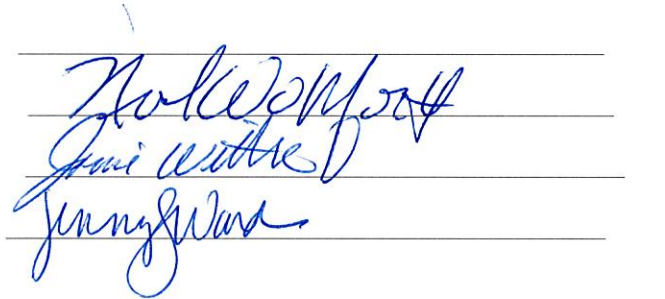
Jonathan Boynton, Secretary _____

Lurline Arco _____

Noel Wohlforth, _____

Joanie Withee _____

Jenny Ward [Alternate] _____



Handwritten signatures in blue ink over horizontal lines. From top to bottom: a signature that appears to be 'John Contreni', a signature that appears to be 'Jonathan Boynton', a signature that appears to be 'Lurline Arco', a signature that appears to be 'Noel Wohlforth', a signature that appears to be 'Joanie Withee', and a signature that appears to be 'Jenny Ward'.

Permit # 21-22