

TOWN of *Greenville* MAINE PLANNING BOARD

NOTICE OF DECISION

June 28, 2021

Kim Bates
PO Box 4
West Forks, ME 04985

Dear Ms. Bates,

This is to inform you that the Town of Greenville Maine Planning Board (hereinafter Planning Board), at its June 28, 2021 meeting, acted on your Subdivision Permit Application (hereinafter Application).

Project Description: Kim Bates (hereinafter Applicant) is proposing a 3 lot subdivision on her 12.5 acre lot (hereinafter Activity). Will create two lots of 3 acres and she will retain the 6.5 acre parcel. Property is located on Rum Ridge Road, Map 6, Lot 4A (hereinafter Property).

Process:

- a) 04/26/2021: Applicant pre-permit meeting with Planning Board. Planning Board waived Public Hearing.
- b) 04/26/2021: Application received.
- c) 06/24/2021: Application deemed complete by Code Enforcement Officer (hereinafter CEO).
- d) 06/07/2021: Final plat plan received.
- e) 06/07/2021: Application scheduled for Planning Board review meeting on 06/28/2021.
- f) 06/10//2021: Property abutters sent certified letter notifying them that an Application has been received and will be reviewed on 06/28/2021.
- g) 06/28/2021: Planning Board reviews Application. There were no abutting property owners in attendance in person of via Zoom. CEO did not receive any communication from abutting property owners. Ms. Bates was in attendance at the meeting. Planning Board had a few questions for the Applicant. Hearing no other concerns or questions, the Planning Board reviews 18 items on Permit Review Criteria form. By a vote of 5-0, 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 Kim Bates
2. The Planning Board concludes the Property is located at Rum Ridge Road, Map 6 Lot 4-A.
3. The Planning Board concludes the Applicant has demonstrated a legal interest in the Property by providing a Deed, Book 2759 Page 28.

Greenville Planning Board Notice of Decision for Kim Bates (6/28/2021)

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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 12: Planning Board Review of Subdivisions.

- **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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, 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 5-0, the Planning Board concludes the Activity will meet Criterion 18.

b) Article III, Permitting Requirements and Procedures, Table III-2 Application Requirements for Subdivision Permits. The Planning Board used the above Application Requirements with the exception of lines 17, 19, and lines 22-34, which were waived by the Planning Board. (See Application)

c) Article V, Land Use Districts and Requirements, Section 4, District Purposes: G, Rural District. The Planning Board concludes the Property is in the Rural District.

d) Article VII: Subdivision Performance and Design Standards

SECTION 1. PUBLIC OR PRIVATE ROAD ACCESS TO PROPERTY..

Findings: Property is accessed through Rum Ridge Road and will have this stated in each deed.

Conclusion: The Planning Board concludes the Activity will satisfy Article VII Section 1.

SECTION 2. LOTS AND DENSITY.

Findings: Lots will meet minimum standards, are not odd shaped, nor on shore front.

Conclusion: The Planning Board concludes the Activity will satisfy Article VII Section 2.

SECTION 3. MONUMENTS.

Findings: Subdivision will be marked by suitable monuments by surveyor.

Conclusion: The Planning Board concludes the Activity will satisfy Article VII Section 3.

SECTION 4. WATER SUPPLY AND QUALITY.

Findings: Water supply will be private wells for each lot and drilled at each new owner's expense.

Conclusion: The Planning Board concludes the Activity will satisfy Article VII Section 4.

SECTION 5. SEWAGE DISPOSAL.

Findings: Each new owner will be required to submit a septic design plan signed by Town of Greenville licensed plumbing inspector before any construction may begin.

Conclusion: The Planning Board concludes the Activity will satisfy Article VII Section 5.

SECTION 6. STORMWATER RUNOFF.

Findings and Conclusion: The Planning Board concludes Article VII Section 6 is not applicable.

SECTION 7. SOIL EROSION AND SEDIMENTATION CONTROL.

Findings and Conclusion: The Planning Board concludes Article VII Section 7 is not applicable.

SECTION 8. SOLID WASTE DISPOSAL.

Findings and Conclusion: The Planning Board concludes Article VII Section 8 is not applicable.

SECTION 9. TRAFFIC.

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

SECTION 10. BUFFER AREAS.

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

SECTION 11. CONFORMANCE WITH OTHER LAWS, REGULATIONS.

Findings: Subdivision will conform all laws and regulations.

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

SECTION 12. IMPACT ON NATURAL BEAUTY, AESTHETICS, HISTORIC SITES, WILDLIFE HABITAT, RARE NATURAL AREAS, OR PUBLIC ACCESS TO THE SHORELINE.

Finding and Conclusion: The Planning Board concludes Article VII Section 12 is not applicable.

SECTION 13. FLOODPLAIN MANAGEMENT.

Finding and Conclusion: The Planning Board concludes Article VII Section 13 is not applicable.

SECTION 14. STREET DESIGN AND CONSTRUCTION STANDARDS.

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

SECTION 15. MAINTENANCE REQUIREMENTS OF ROADS AND COMMON AREAS.

Findings: Applicant has stated that road maintenance will be included in each new property deed.

Conclusion: The Planning Board concludes the Activity will satisfy Article VII Section 15.

SECTION 16. FINANCIAL AND TECHNICAL CAPACITY.

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

SECTION 17. CONSTRUCTION PROHIBITED.

Findings: No construction or grading of roads or land can begin without an attested copy of the final plan and recorded in the Registry of Deeds.

Conclusion: An attested copy of the final plan and record of recording in the Piscataquis County Registry of Deeds must be received within 90 days. The Activity will satisfy the requirements of Article VII Section 17.

SECTION 18. PHOSPHORUS CONTROL.

Findings and Conclusion: The Planning Board concludes Article VII 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.

Conditions:

1.) Final signed plat plan must be recorded at the Piscataquis County Registry of Deeds within 90 days. Must deliver at least one copy from the Registry of Deeds to Code Enforcement Officer within 90 days.

Decision:

By a vote of 5-0, the Planning Board concludes that based on the findings of fact, conclusions, and conditions of approval set forth above, Kim Bate's Application has demonstrated that the proposed 3 lot subdivision 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: \$250 - Paid

Dated at Greenville, Maine
June 28, 2021

Sincerely,

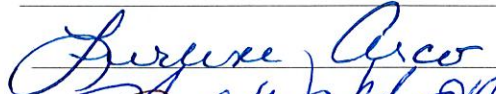

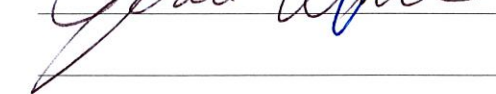
Greenville Planning Board:

John Contreni, Chairperson



Jonathan Boynton

Lurline Arco, Secretary

Noel Wohlforth,

Joanie Withee

Jenny Ward [Alternate]