

TOWN of *Greenville* MAINE PLANNING BOARD

NOTICE OF DECISION

May 24, 2021

Lake Shore Ventures, LLC
3 Duck Walk Drive
Rockwood, ME 04478

Dear Mr. Allen,

This is to inform you that the Town of Greenville Maine Planning Board (hereinafter Planning Board), at its May 24, 2021 meeting, acted on your Conditional Use Permit Application (hereinafter Application).

Project Description: Lake Shore Ventures, LLC (hereinafter Applicant) propose to partially remove an existing building and construct a new building, which will contain 3 retail establishments on the lower floor, and two lodging rooms and an assembly area on the second floor (hereinafter Use), at 35 Pritham Avenue, Map 22 Lot 58 (hereinafter Property). The Property is currently a commercial property encompassing 21,473 square feet. The proposed Use cannot cover more than 50% of the Property with non-vegetated surfaces, including driveway, walkways, and parking spaces.

Process:

- a) 04/26/2021: Applicant pre-permit meeting with Planning Board. Board will require a Public Hearing.
- b) 05/03/2021: Application received.
- c) 05/03/2021: Application deemed complete by Code Enforcement Officer (hereinafter CEO).
- d) 05/03/2021: Application scheduled for Planning Board review meeting on 5/24/2021.
- e) 05/10/2021: Property abutters sent certified letter, and other property owners within 300' sent letter via first class mail, notifying them that an Application has been received and will be reviewed on 5/24/2021.
- f) 05/12/2021 Public Hearing notices displayed at 7 locations around town.
- g) 05/12/2021 Notice sent to Moosehead Matters to advertise Public Hearing.
- h) 05/24/2021 Planning Board reviews Application and holds a Public Hearing. One property owner sent a letter to CEO stating his opposition to the project. Letter was read. One property owner [husband and wife] within 300' of Property were present at the meeting. Stated their opposition to the height of the proposed project. They were informed the project height is within lawful limits. Two other residents were in attendance and had no comment. Two abutting property owners attended via Zoom and had no comment. One resident attended via Zoom and had no comment. Hearing no further comment or objection, the Planning Board approved the Application 5-0 with conditions listed at the end of this Notice of Decision.

Greenville Planning Board Notice of Decision for Lake Shore Ventures, LLC (5/24/2021)

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Findings of Fact and Conclusions:

1. The Planning Board concludes the owner of the Property is Lake Shore Ventures, LLC.
 2. The Planning Board concludes the Property is located at 35 Pritham Ave. Map 22 Lot 58.
 3. The Planning Board concludes the Applicant has demonstrated a legal interest in the Property by providing a Deed, Book 2628 Page 259.
 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 5-0, the Planning Board concludes the Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant 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. (See Application)
- c) Article V, Land Use Districts and Requirements, Section 4, District Purposes: E-Downtown Districts #1 and #2. The Planning Board concludes the Property is in Downtown District #1.
- d) Article V, Land Use Districts and Requirements, Table V-1, page 8, mixed use of Small Scale Hotel and Retail Sales less than 5,000 square feet. The Planning Board concludes a Conditional Use Permit is required for the Use.
- e) Article V, Land Use Districts and Requirements, Section 12: Downtown Districts #1 and #2 Standards. Applicant will comply, to the greatest extent possible, with all standards.
- f) **Article VI. All Areas: Performance and Design Standards**

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

Findings: Property contains 21,473 square feet, none of which is below the normal high-water line or land beneath a shared road.

Conclusion: The Planning Board concludes the Applicant complies with Article VI, Section 1.

SECTION 2. WATER SUPPLY AND QUALITY.

Findings: Use will utilize existing town sewer. Property is well over 1,000' from any public water supply. Use will utilize existing town water. Letter from Maine Water stating the Use will not be a burden to the system. (See Application)

Conclusion: The Planning Board concludes the Applicant complies with Article VI, Section 2.

SECTION 3. SEWAGE DISPOSAL.

Findings: Property will utilize existing town sewer. Letter from Moosehead Sanitary stating the Use will not be a burden to the system. (See Application)

Conclusion: The Planning Board concludes the Applicant complies with Article VI, Section 3.

SECTION 4. STORMWATER RUNOFF.

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

Conclusion: The Planning Board will make this part of the Condition of Approval and concludes the Applicant complies with 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. (See Application)

Conclusion: The Planning Board will make this part of the Condition of Approval and concludes the Applicant complies with Article VI, Section 5.

SECTION 6. SOLID WASTE DISPOSAL

Findings: Any trash will be the responsibility of the retail establishments. The residential units will be cleaned by the same staff as the units at Dockside. The assembly area cleaning will be by the catering team as they rent the facility. (See Application)

Conclusion: The Planning Board concludes Applicant complies with Article VI, Section 6.

SECTION 7. TRAFFIC ACCESS, CIRCULATION, AND PARKING.

Findings: Property is an existing retail location. Applicant plan has created at least 7 additional parking spaces, and will create 4 spaces for the renters to park. Access will be on and off street parking along with walking access. (See Application)

Conclusion: The Planning Board concludes the Applicant complies with Article VI, Section 7.

SECTION 8. BUFFER AREAS.

Findings: Property is an existing retail location with no buffer in place. Applicant will create some landscaping. (See Application)

Conclusions: The Planning Board concludes the Applicant complies with 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 Applicant complies with Article, VI Section 11.

SECTION 12. HISTORIC AND ARCHAEOLOGICAL SITES.

Findings: Property is on an existing commercial 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 Applicant will conform to all other laws and regulations.

Conclusion: The Planning Board concludes the Applicant complies with 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 at this time. If any outdoor lighting is required, Applicant will have to adhere to outdoor lighting specifications in this section.

Conclusion: The Planning Board concludes the Applicant complies with 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.

SECTION 1. MINIMUM LOT STANDARDS.

Findings: Lot is 21,473 square feet with town sewer, which is conforming. Maximum lot coverage cannot be more than 50% of non-vegetated surfaces.

Conclusions: The Planning Board concludes the Applicant complies with Article VII, Section 1.

SECTION 2. PRINCIPAL AND ACCESSORY STRUCTURES.

Findings: Structure will be at least 25' from high-water mark. Structure cannot be taller than 35'. Floor elevation will be certified to be at least one foot above 1,030' Floodplain Base Elevation as determined by F.E.M.A. Map 230409 0011 E.

Conclusions: The Planning Board concludes the Applicant complies with Article VII, Section 2.

SECTION 3. PIERS, DOCKS, WHARVES, ETC.

Findings and Conclusions: The Planning Board concludes Article VII, Section 3 is not applicable.

SECTION 4. CAMPGROUNDS.

Findings and Conclusions: The Planning Board concludes Article VII, Section 4 is not applicable.

SECTION 5. INDIVIDUAL PRIVATE CAMPSITES.

Findings and Conclusions: The Planning Board concludes Article VII, Section 5 is not applicable.

SECTION 6. PARKING AREA.

Findings: Parking will be on-street parking. Will be more than 25' from high-water mark.

Conclusions: The Planning Board concludes the Applicant complies with Article VII, Section 6.

SECTION 7. ROADS, DRIVEWAYS, DITCHES, CULVERTS.

Findings: There are no roads, driveways, ditches, or culverts proposed on Property than what already exists.

Conclusions: The Planning Board concludes the Applicant complies with Article VII, Section 7.

SECTION 8. 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 Applicant complies with Article VII, Section 8.

SECTION 9. STORMWATER RUNOFF.

Findings: Refer to Article VI, Section 4 above.

Conclusion: The Planning Board will make this part of the Condition of Approval and concludes the Applicant complies with Article VII, Section 9.

SECTION 10. SEPTIC WASTE DISPOSAL.

Findings: Refer to Article VI, Section 3 above.

Conclusion: The Planning Board concludes the Applicant complies with Article VII, Section 10.

SECTION 11. ESSENTIAL SERVICES.

Findings and Conclusions: The Planning Board concludes Article VII, Section 11 is not applicable.

SECTION 12. MINERAL EXPLORATION AND EXTRACTION.

Findings and Conclusions: The Planning Board concludes Article VII, Section 12 is not applicable.

SECTION 13. AGRICULTURE.

Findings and Conclusions: The Planning Board concludes Article VII, Section 13 is not applicable.

SECTION 14. CLEARING OR REMOVAL OF VEGETATION FOR ACTIVITIES OTHER THAN TIMBER HARVESTING.

Findings and Conclusions: Existing retail commercial property. No trees or brush to remove. The Planning Board concludes Article VII, Section 14 is not applicable.

SECTION 15. HAZARD TREES, DEAD, TREES, AND STORM-DAMAGED TREES.

Findings and Conclusions: The Planning Board concludes Article VII, Section 15 is not applicable.

SECTION 16. EXEMPTIONS TO SECTION 14.

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

SECTION 17. REVEGETATION REQUIREMENTS.

Findings and Conclusions: The Planning Board concludes Article VII, Section 17 is not applicable.

SECTION 18. 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. (See Application)

Conclusion: The Planning Board will make this part of the Condition of Approval and concludes the Applicant complies with Article VII, Section 18.

SECTION 19. SOILS.

Findings: Property is on an existing retail commercial site. There will be no digging of soil per Maine D.E.P. requirement.

Conclusion: The Planning Board concludes the Applicant complies with Article VII, Section 19.

SECTION 20. WATER QUALITY:

Findings: Refer to Article VI, Section 2 above.

Conclusions: The Planning Board concludes the Applicant complies with Article VII, Section 20.

SECTION 21. ARCHAEOLOGICAL SITES.

Findings and Conclusions: The Planning Board concludes Article VII, Section 21 is not applicable.

SECTION 22. BEACH CONSTRUCTION.

Findings and Conclusions: The Planning Board concludes Article VII, Section 22 is not applicable.

SECTION 23. CRITICAL WATERSHED SHORELAND OVERLAY DISTRICTS.

Findings and Conclusion: The Planning Board concludes Article VII, Section 23 is not applicable because the Property is not located in the Critical Watershed District.

ARTICLE VIII. SUBDIVISIONS: PERFORMANCE STANDARDS AND REQUIREMENTS.

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

Conditions:

- 1) Applicant must apply for and receive all State and/or Federal permits, including but not limited to Maine D.E.P. Permit and Maine Fire Marshal approval.
- 2) Outdoor lighting was not proposed in Application. Any outdoor lighting will adhere to standards found in Land Use Ordinance For The Town of Greenville, Amended 2019.
- 3) Exterior signs were not proposed in Application. Any exterior signs will be permitted by CEO and will adhere to standards found in Land Use Ordinance for the Town of Greenville, Amended 2019.
- 4) Storm Water Runoff: Applicant shall institute Best Management Practices found in Land Use Ordinance For The Town of Greenville, Amended 2019, and adhere to the guidelines found in Article VI, Section 4 for guidance and remedy.
- 5) Erosion and Sedimentation Control: The Applicant shall institute Best Management Practices found in Land Use Ordinance For The Town of Greenville, Amended 2019, and will adhere to the guidelines found in Article VI, Section 5 for remedy, if any erosion or sedimentation control is required.
- 6) Certified "as built" finished floor elevation report is required.
- 7) Upon legal review, construction must begin within one year of permit approval and must be completed, on the exterior, within 2 years after commencement of construction.

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, Lake Shore Venture LLC's application has demonstrated that the proposed mixed use retail/lodging/assembly area building will conform with the requirements of the Land Use Ordinance for the Town of Greenville, Amended 2019.

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 May 24, 2021

Sincerely,

Greenville Planning Board:

John Contreni, Chairperson

Jonathan Boynton, Secretary

Lurline Arco

Noel Wohlforth,

Joanie Withee

Jenny Ward [Alternate]








