July 24, 2017

Harpswell Planning Board
Notice of Decision and Findings of Fact and Conclusions of Law
Proposed Demolition of Mitchell Field Pier
Site Plan Review – Town of Harpswell

Property Owner(s): Town of Harpswell
Property Address: Harpswell Neck Road
Tax Map #: 13 Lot #: 4

Applicant(s): Town of Harpswell **Phone**: 207-833-5771
Address: 263 Mountain Road, Harpswell

Overview of the Proposal

The applicant owns the property known as Mitchell Field. The property is located on the west side of Harpswell Neck Road. The parcel is shown on Tax Map 13 as Lot 4. Mitchell Field is located in the Shoreland Residential (SR) Zone and the Mitchell Field Marine Business District (MFMBD) of the Shoreland Zoning Ordinance and the Interior Zone of the Basic Land Use Ordinance. The portion of the property within 250' of the HAT line south of the causeway is zoned SR while the land along the shoreland north of the causeway and extending inland is in the MFMBD. The balance of the parcel is located in the Interior Zone. The parcel contains approximately 119 acres with over 2500' of shore frontage. The property is improved with a number of buildings (see existing conditions plan).

The applicant proposes to demolish the existing former Navy pier at the end of the causeway. The Town will hire a contractor for this work. The contract will allow the contractor to bring some or all of the demolition materials ashore and store and process them on a portion of the "lower meadow" and to remove them from the site via truck. The Town estimates that demolition of the pier and removal of the material from the site could take up to eighteen months. At the end of the project the site will be restored except for the gravel transfer road which may be left in place to facilitate future access to the marine business district and the waterfront. In addition some rock material may be retained by the Town and stored on-site for future use.

The proposed work area is located within the Mitchell Field Marine Business District and the Interior Zone. Therefore the application is required to meet the applicable provisions of the two zoning districts as well as the site plan review approval standards. Many of these standards are redundant.

The Planning Board considered the application at its meeting on July 19, 2017. Barney Baker of Baker Design Consultants, the Town's representative, presented information on the history of the pier, the proposed demolition project, and the projects compliance with the applicable standards of the three ordinances. There was no public comment on the application.

Findings of Fact

The improvement of this property is subject to the applicable standards of Section 11 of the Basic Land Use Ordinance, Section 15 of the Shoreland Zoning Ordinance, and Section 15 of the Site Plan Review Ordinance. There is significant overlap in the three sets of requirements.

Basic Land Use Ordinance

The Planning Board made the following Findings of Fact with respect to the application's compliance with the applicable standards of Section 11:

11.1. Minimum Lot Standards

OTHER AREAS OF TOWN[2]

	AREAS LOCATED OUTSIDE OF A SUBDIVISION	AREAS LOCATED WITHIN A SUBDIVISION[4]
MIN. LOT SIZE (S.F.) PER DWELLING UNIT	40,000	80,000
ROAD FRONTAGE (FT)	150[3]	150[5]
PROPERTY LINE SETBACK (FT)	See Section 11.3.1	See Section 11.3.1
ROAD SETBACK (FT)	See Section 11.3.1	See Section 11.3.1
STRUCTURE HEIGHT (FT)	32	32

1. For nonresidential uses in the Shoreland Zone, see Section 15.1 of the Shoreland Zoning Ordinance and the Site Plan Review Ordinance.
2. Nonresidential development in these areas is governed by the Site Plan Review Ordinance.
3. For any road serving more than two (2) lots or dwelling units, the road must comply with the requirements of the Town of Harpswell Road Ordinance. For any lot to which access is only by one (1) or more roads terminating at the lot, no minimum road frontage is required provided that access to any development on the lot is wide enough to accommodate emergency vehicles but in no event less than twelve (12) feet in width.

4. The minimum lot size and road frontage requirements may be reduced for lots in subdivisions developed in accordance with the Flexible Lot Size Subdivision provisions of the Subdivision Ordinance.

5. The frontage requirement for lots on a hammerhead or T-shaped turnaround for dead end roads in a subdivision may be reduced to fifty (50) feet where no future road is either feasible or provided for on the subdivision plan, provided that all of the requirements of the Town of Harpswell Road Ordinance are met.

The Planning Board voted 5-0 to find that *the lot size and road frontage requirements are met since the parcel has approximately 119 acres with almost 300 feet of road frontage on the Harpswell Neck Road.*

11.1.1 Impermeable Surface Area

11.1.1. The total area covered by all structures, driveways, parking lots, and other impermeable surfaces shall not exceed twenty percent (20%) of the total area of the lot with the following exceptions:

11.1.1.1. Lots in Flexible Lot Size subdivisions that have a lot area of less than 40,000 square feet may have up to 7,500 square feet of impermeable surface.

11.1.1.2. Lots with a principal residential use utilizing green infrastructure and low impact development (LID) techniques may have up to twenty-five (25%) percent impermeable surface.

11.1.1.3. Lots with a principal nonresidential use utilizing green infrastructure and low impact development (LID) techniques may have up to fifty (50%) percent impermeable surface.

The Planning Board voted 5-0 to find that *this standard is met based on the following findings:*

The laydown area and haul roads will be gravel. The laydown area will be restored and revegetated at the end of the demolition project. The gravel haul road through the laydown area may remain at the conclusion of the project to provide access to the marine business district and waterfront. The new permanent impermeable surface area within the Interior Zone will be less than 20% of the lot area

11.3.1. Setback. All principal structures and expansions of existing principal structures shall be set back at least forty (40) feet from the edge of the traveled way and at least twenty (20) feet from all lot lines; provided, however, that if more than one (1) traveled way abuts a lot, the dwelling need only be set back from the traveled way that serves as access to the driveway for the lot. All accessory structures shall be set back at least twenty (20) feet from all lot lines or the edge of a traveled way, whichever is more restrictive. If the location of a property line along a traveled way is unknown, the

setback for accessory structures shall be forty (40) feet from the edge of the traveled way.

The Planning Board voted 5-0 to find that *this standard is met since there will be no permanent structures erected as part of the project.*

11.3.2. Height of Structures. All principal and accessory structures shall not exceed thirty-two (32) feet in height. All expansions of principal and accessory structures that increase the footprint of the structure shall not exceed thirty-two (32) feet in height. For any principal or accessory structure existing as of March 10, 2007 that lawfully exceeds thirty-two (32) feet in height, such structure may be expanded without the need for a variance provided that (a) the expansion does not increase the footprint of the structure; and (b) the expansion does not exceed the greatest height of the existing structure. Expansions of nonconforming structures must comply with all other expansion limitations of this Ordinance. The CEO shall review any proposed expansion of a structure and shall determine, in writing, whether the requirements of this subsection are met prior to the issuance of any permit. This subsection does not apply to structures having no floor area, such as transmission towers, windmills, antennas and similar structures.

The Planning Board voted 5-0 to find that *this standard is met since there will be no permanent structures erected as part of the project.*

11.4. Subsurface Waste Disposal

11.4.1. All subsurface wastewater disposal systems shall be permitted and installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and to minimize adverse impacts on ground water quality.

11.4.2. All new, replacement, renovated, or expanded structures or uses generating waste, shall provide evidence of the type specified in Section 13.3.4 that an adequate wastewater disposal system can be constructed or that an adequate wastewater disposal system already exists.

11.4.3. Existing Use - Continuation of Use. The use of any legal system that exists on the effective date of this Ordinance, or which had previously been approved for installation, may be continued without change except as may be specifically covered by the Maine State Plumbing Code or deemed necessary by the plumbing inspector, for the general safety and welfare of the occupants and the public.

11.4.4. Change in Use - It shall be unlawful to make any change in the use of any system, or to erect, enlarge, or change the use of a structure that uses an existing system without the approval of the plumbing inspector and certification that such change does not result in any hazard to public health, safety, and welfare.

11.4.5. The minimum setback for new subsurface wastewater disposal fields shall be not less than one hundred (100) horizontal feet from the maximum high water line of a perennial water body. The minimum setback distance from the water body for new subsurface wastewater disposal fields shall not be reduced by variance.

11.4.6. Replacement systems shall meet the standards for replacement systems as contained in the Maine Subsurface Wastewater Disposal Rules.

11.4.7. The owner of the proposed system may locate the system or components partially on property not owned or controlled by the owner of the system, provided that the owner of the property where the system is to be located executes an easement in perpetuity for the construction, operation, replacement, and maintenance of the system, giving the system's owner authorization to cross any land or right-of-way between the two parcels. The easement shall be filed and cross-referenced in the Registry of Deeds and the Code Enforcement Office prior to issuance of a disposal system permit. The easement shall provide sufficient buffer around the disposal field and fill material extensions for future replacement and maintenance of the system.

The Planning Board voted 5-0 to find that *this standard is met since there will not be permanent disposal facilities installed as part of the project. The contractor will be required to provide temporary facilities for the workers during the project'*

11.6. Storm Water Runoff

11.6.1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Where possible, green infrastructure and low impact development (LID) techniques (rain gardens, infiltration planters, bioswales), as well as existing natural runoff control features (berms, swales, terraces, and wooded areas) shall be retained in order to reduce runoff and encourage infiltration of stormwater.

11.6.2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

The Planning Board voted 5-0 to find that *this standard is met since the contractor will be required to follow Best Management Practices to manage stormwater runoff.*

11.11. Water Quality Protection. No activity shall deposit on or into the ground or discharge to the water of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of a water body.

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances.

The Planning Board voted 5-0 to find that *this standard is met since the contractor will be required to separate all potentially hazardous material as they are brought ashore and to segregate them in appropriate containers for removal from the site for disposal at a licensed facility.*

11.17. Archeological and Historic Sites. All proposed land use activities shall be designed to protect archeological and historic sites that have been identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service. Any proposed land use activity involving structural development or soil disturbance on sites listed on the National Register of Historic Places shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) business days prior to action being taken by the applicable Town permitting authority; provided, however, that the CEO may, in the event of an emergency as determined by the CEO, take appropriate action to allow only such limited land use activity as is necessary to protect the public health, safety and welfare in order to cure the emergency situation. The Town permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

The Planning Board voted 5-0 to find that *this standard is met since the site is not a site with identified historic or archeological significance.*

Shoreland Zoning Ordinance

Much of the project is located in the Mitchell Field Marine Business District and is subject to the provisions of the Shoreland Zoning Ordinance. The following standards of the Shoreland Zoning Ordinance are applicable to the application:

SECTION 15. LAND USE STANDARDS

No developer, person, or group shall restrict the use of property in any Shoreland Zone, neither now nor in the future, that limits commercial fishing or its related uses, as a home occupation. (i.e. lobstering, dragging, clamming, trap storage)

All land use activities within the Shoreland Zone shall conform to the following provisions, if applicable:

15.1. Minimum Lot Standards Table		
	Minimum Lot Area (square feet)	Minimum Shore Frontage (feet)
Residential per dwelling unit		
1. Within the Shoreland Zone adjacent to Tidal Areas.	40,000	150
Note: See sliding scale regarding frontage in Section 15.1.3		
2. Within the Shoreland Zone adjacent to Non-Tidal Areas	40,000	200

3. Offshore Islands	40,000	150
Commercial per principal structure		
1. Within the Shoreland Zone Adjacent to Tidal Areas Exclusive of Those Areas Zoned for Commercial Fisheries I and II and Mitchell Field Marine Business	40,000	200
2. Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries I and II (for Commercial Uses Only)	NONE	NONE
3. Within the Shoreland Zone Adjacent to Tidal Areas Zoned Mitchell Field Marine Business District for all uses	20,000	150
4. Within the Shoreland Zone Adjacent to Non-Tidal Areas	60,000	300
Public and Private Recreational Facilities		
1. Within the Shoreland Zone adjacent to Tidal and Non-Tidal areas	40,000	200
Community Docks		
1. Within the Shoreland Zone adjacent to Tidal and Non-Tidal Areas if improved with no structure other than the community dock	NONE *	60

The Planning Board voted 5-0 to find that *the lot size and shore frontage requirements are met since the parcel has approximately 119 acres of gross lot area and over twenty-five hundred feet of shore frontage.*

15.2.1. Setbacks. All new principal and accessory structures shall be set back at least seventy-five (75) feet, horizontal distance, from the maximum high water line of a great pond, stream, tributary stream, HAT of the coastal wetland or the upland edge of a freshwater wetland described in Section 3 of this Ordinance, and twenty-five (25) feet from all other lot lines, except as provided in subsection 15.2.1.1, 15.2.1.2 and 15.2.1.3.. In a Resource Protection District, the setback requirement shall be two hundred fifty (250) feet, horizontal distance, except for structures, roads, parking spaces or other related objects specifically allowed in that district in which case the setback requirements above shall apply.

The Planning Board voted 5-0 to find that *the lot line setback requirement is met since there will be no permanent structures erected as part of the project and the laydown area will be more than 70 feet from the property line at its closest point.*

15.2.2. Principal or accessory structures and expansions of existing structures shall not exceed thirty (30) feet in height. All expansions of principal and accessory structures that increase the footprint of the structure shall not exceed thirty (30) feet in height. For any principal or accessory structure existing as of March 10, 2007 that lawfully exceeds thirty (30) feet in height, such structure may be expanded without the need for a variance provided that (a) the expansion does not increase the footprint of the structure;

and (b) the expansion does not exceed the greatest height of the existing structure. Expansions of non-conforming structures must comply with all other expansion limitations of this Ordinance. The Code Enforcement Officer shall review any proposed expansion of a structure and shall determine, in writing, whether the requirements of this subsection are met prior to the issuance of any permit. Any non-residential structure exceeding twenty-five hundred (2,500) square feet must apply for Site Plan Review. This subsection does not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

The Planning Board voted 5-0 to find that *the maximum height requirement is met since there will be no permanent structures erected as part of the project.*

15.2.4. The total footprint area of all structures, driveways, parking lots, and other impermeable surfaces within the Shoreland Zone shall not exceed twenty percent (20%) of the lot or a portion thereof, located within the Shoreland Zone, including land area previously developed, except in the Shoreland Business, Mitchell Field Marine Business, and Commercial Fisheries I and II Districts. In the Shoreland Business District, impermeable surface coverage shall not exceed seventy percent (70%) for boat repair and construction facility, marina uses, and commercial fishing uses only; the twenty percent (20%) impermeable surface coverage limitation shall apply to all other uses that may occur in the Shoreland Business District. In the Commercial Fisheries I District and the Mitchell Field Marine Business District, impermeable surface coverage shall not exceed seventy percent (70%). In the Commercial Fisheries II District, impermeable surface coverage shall not exceed seventy percent (70%) for functionally water dependent or functionally water dependent accessory uses only; the twenty percent (20%) impermeable surface coverage limitation shall apply to all other uses that may occur in the CF II District.

The Planning Board voted 5-0 to find that *the maximum impermeable surface requirement is met based on the following findings:*

The laydown area and haul roads will be gravel. The laydown area will be restored and revegetated at the end of the demolition project. The gravel haul road through the laydown area may remain at the conclusion of the project to provide access to the marine business district and waterfront. The new permanent impermeable surface area within the Mitchell Field Marine Business District will be less than 70% of the lot area.

15.10. Storm Water Runoff

15.10.1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwater.

15.10.2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

The Planning Board voted 5-0 to find that *this standard is met since the contractor will be required to follow Best Management practices to manage stormwater runoff.*

15.16. Earthmoving, Erosion, and Sedimentation Control

15.16.1. All activities that require a permit and involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

15.16.1.1. Mulching and re-vegetation of disturbed soil.

15.16.1.2. Temporary runoff control features such as hay bales, silt fencing, or diversion ditches.

15.16.1.3. Permanent stabilization structures such as retaining walls or riprap. Permanent stabilization structures permitted by this section must be approved in advance, in writing, by the Code Enforcement Officer and shall be no larger than necessary to stabilize the area. No retaining wall shall be approved if there is an alternative method of stabilization available.

The Planning Board voted 5-0 to find that *this standard is met since the application contains an erosion control plan prepared by an engineer and the contractor will be required to maintain effective erosion control practices in accordance with best management practices for erosion control.*

15.19. Archeological and Historic Sites. All proposed land use activities shall be designed to protect archeological and historic sites that have been identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service. Any proposed land use activity involving structural development or soil disturbance on sites listed on the National Register of Historic Places shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) business days prior to action being taken by the applicable Town permitting authority; provided, however, that the CEO may, in the event of an emergency as determined by the CEO, take appropriate action to allow only such limited land use activity as is necessary to protect the public health, safety and welfare in order to cure the emergency situation. The Town permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

The Planning Board voted 5-0 to find that *this standard is met since the project is not located on a site with identified historic or archeological significance.*

Site Plan Review Ordinance

15.1. Dimensional Requirements

The plan for development must meet the dimensional requirements of the Basic Land Use Ordinance or Shoreland Zoning Ordinance, as applicable, pertaining to lot area, setbacks,

impermeable surface coverage, structural height and frontage. For nonresidential development in areas other than the Shoreland Zone, the minimum lot size standard and the minimum road frontage standard is identical to the requirements for a single dwelling unit.

The Planning Board voted 5-0 to find that *the lot is located in the Interior and Mitchell Field Marine Business Districts. The lot meets the minimum lot size and road and shoreland frontage requirements. Since there will be no permanent structures erected as part of the project, the minimum setback and maximum height standards are not applicable. The permanent impermeable surface area meets the requirements.*

15.2. Utilization of the Site

The plan for the development must reflect the natural capabilities of the site to support development. Structures, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for threatened and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The Planning Board voted 5-0 to find that *the proposal conforms to this requirement. The proposed activity is located in a reasonably level area of the site that does not have any environmentally sensitive areas. The location of the laydown area with access from a new haul road will minimize the interference with other uses of Mitchell Field during the demolition of the pier.*

15.3. Adequacy of Road System

15.3.1. Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

15.3.1.1. For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service of D or better at the time the application is reviewed by the Planning Board must function at a minimum at Level of Service D after development. If any such intersection is functioning at a Level of Service E or lower at the time the application is reviewed by the Planning Board, the development must not reduce the current level of service. This requirement may be waived by the Planning Board if the development is located within a growth area identified in the Town's land use ordinances and the Board determines that the development will not have an unnecessary adverse impact on traffic flow or safety.

15.3.2. A development not meeting this requirement may be approved if the applicant demonstrates that:

1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the Town.

The Planning Board voted 5-0 to find that *the proposal is located on the Harpswell Neck Road which has capacity to serve the project. It will not generate the level of traffic triggering the additional requirements.*

15.4. Access into the Site

Vehicular access to and from the development must be safe and convenient.

1) Any driveway or proposed road and adjacent landscaping must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

2) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

3) The grade of any proposed access/egress way must be not more than ±3% for a minimum of forty (40) feet, from the intersection.

4) The intersection of any proposed access/egress way must function: (a) at a Level of Service of D following development if the development will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the development if less than one thousand (1,000) trips are generated.

5) Where a lot has frontage on two (2) or more roads, the primary access to and egress from the lot must be provided from the road where there is less potential for traffic congestion and for traffic and pedestrian hazards. Access from other roads may be allowed if it is safe and does not promote shortcutting through the site.

6) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public roads.

7) Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public road.

8) The following criteria must be used to limit the number access/egress ways serving a proposed development:
    a. No use that generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way access/egress way onto a single road. Such access/egress way must be no greater than thirty (30) feet wide.

The Planning Board may approve a wider width if it deems a wider width to be functionally necessary to the development.

b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) access/egress ways from and to a single road. The combined width of both access/egress ways must not exceed sixty (60) feet.

The Planning Board voted 5-0 to find that *this standard is met since the proposal utilizes an existing access to Mitchell Field. The Maine Department of Transportation has approved reducing the speed limit on Route 123 in the vicinity of the intersection with the access road. The contractor will be required to place appropriate signage to alert motorists when materials are being hauled from the site.*

15.5. Access/Egress Way Location and Spacing

Access/egress ways must meet the following standards:

1) Entrances/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced by the Planning Board if the shape of the site does not allow conformance with this standard.

2) Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

The Planning Board voted 5-0 to find that *this standard is met since access to the site is existing.*

15.6. Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

1) Nonresidential developments that will be served by delivery vehicles must provide, as necessary, off-road loading facilities located entirely off roads and entirely on the same lot as the structure or use to be served, and provide a clear route for such vehicles with geometric design to allow turning and backing.

2) Clear routes of access and egress must be provided and maintained for emergency vehicles. The Planning Board may require that such a route be kept clear and posted with appropriate signs.

3) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

4) All roads must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding

substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

The Planning Board voted 5-0 to find that *this standard is met since the proposal requires the contractor to create a new haul road into the laydown area to separate construction traffic from other users of Mitchell Field including the bandstand, beach and waterfront. All construction traffic will be required to use this entrance into the controlled construction area.*

15.7. Parking

15.7.1. Parking Spaces Required

The site must provide for sufficient off-road parking. Parking requirements shall be calculated utilizing one or more of the following formulas in a cumulative fashion, as appropriate:

Use	Parking Spaces Required
Lodging and Accommodations	1 per lodging unit and 1 per employee
Campground	1 per site, 1 per employee
Multi-Family Residential	2 per dwelling unit
Church	1 per 3 seats in the assembly room
School	1 per 3 seats in principal assembly room or 2 per classroom whichever is greater
Private Club or Lodge	1 per 4 members
Hospital and Nursing Homes	1 per 3 beds and 1 per employee based upon expected average occupancy
Retail and Commercial Sales	1 per 180 sf. of gross leasable floor area
Business and Professional Structures	1 per 250 sf. of gross leasable floor area
Eating, Drinking, Amusement and Recreation Establishment	1 per 3 seats and 1 per employee on shift
Auto Service and Repair	1 per employee and 1 per 50 sf. of floor space used for service work
Funeral Homes	1 per 75 sf. of floor space in slumber rooms, parlors and individual service rooms
Industrial, Public Utilities, Warehouse and Storage Facilities, Truck Facility, Construction Services	1 per employee based upon highest average employee occupancy on the largest shift and 1 for each vehicle used in the conduct of the enterprise

Adequate spaces shall be provided to accommodate customers, patrons, and employees of all other uses not specifically listed above.

In specific cases where it is demonstrated that a particular structure can be occupied or used with fewer parking spaces than required under this section, the Planning Board may reduce the requirement for off-road parking upon finding that such reduction will not detract from neighborhood values, inconvenience the public or increase congestion in the road.

The Planning Board voted 5-0 to find that *this standard is met since the contractor will be required to provide temporary parking for workers inside the controlled construction area*

15.7.2. Layout and Design

Off-road parking must conform to the following standards:

1) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the road.

2) All parking spaces, access drives, and impervious surfaces must be located at least twenty (20) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within ten (10) feet of the front property line. Parking lots on adjoining lots may be connected by access/egress ways not exceeding twenty-four (24) feet in width.

3) Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width*
90°	8'-6"	8'-6"	18'-6"	12'-0" one way only
60°	8'-6"	10'-6"	18'-0"	16'-0" one way only
45°	8'-6"	12'-9"	17'-6"	12'-0" one way only
30°	8'-6"	17'-0"	17'-0"	12'-0" one way only

* Aisle width doubled for two way traffic.

4) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

5) Parking areas for non-residential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.

6) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

The Planning Board voted 5-0 to find that *this standard is met since temporary worker parking will be provided within the controlled construction area.*

15.8. Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major structure entrances/exits with parking areas and with sidewalks, if they exist or are planned in the vicinity of the development. The pedestrian network may be located either in the road right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the development with residential, recreational, and commercial facilities, schools, bus stops, and sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

The Planning Board voted 5-0 to find that *this standard is met based on the following:*

- *The entire work site will be robustly fenced and all unauthorized pedestrians will be prohibited from entering this area*
- *The contractor will provide signage to notify both vehicles and pedestrians of construction activities, work hours, and the truck route*
- *The contractor will be required to sign and enforce a 15 MPH speed limit on internal access roads*
- *Heavy truck traffic entering or leaving the site will be limited to daylight hours*
- *The transfer of materials off-site by heavy trucks will be prohibited between Memorial Day and Labor Day except for the removal of hazardous materials and steel sheeting to minimize conflicts with pedestrians*
- *The contractor will be required to address any concerns that develop*

15.9. Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed roads, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

1) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

2) Stormwater runoff systems must detain or retain water to minimize the rate of flow from the site after development.

3) The applicant must demonstrate that on and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.

4) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the Site Plan Review.

5) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to roads, adjacent properties, downstream properties, shoreland areas, inter-tidal areas, wetlands, soils, and vegetation.

6) The design of the storm drainage systems must be fully cognizant of upstream runoff that must pass over or through the site to be developed and provide for this movement.

7) The biological and chemical properties of the receiving waters and adjacent shoreland or inter-tidal areas must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required as part of the site plan approval, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond, wetland, inter-tidal area, or the ocean.

The Planning Board voted 5-0 to find that *this standard is met since stormwater will be directed to existing drainage paths and monitored in accordance with stormwater and erosion control best management practices.*

15.10. Erosion Control

All structures, site, and road designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity must be kept to a minimum. Natural vegetation must be preserved and protected wherever possible. Earthmoving, erosion, and sedimentation control must conform to the provisions of Section 15.16 of the Shoreland Zoning Ordinance.

The Planning Board voted 5-0 to find that *this standard is met since the application contains an erosion control plan and the contractor will be required to conform to stormwater and erosion control best management practices.*

15.11. Water Supply and Groundwater Protection

The development must be provided with a system of water supply that provides each use with an adequate supply of water.

If the development is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

In the Mitchell Field Marine Business District all uses must be provided with an adequate fire protection water supply. If the community system located on the Mitchell Field property does not provide adequate fire protection flows and pressure, the applicant must demonstrate how adequate fire protection will be provided.

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose developments involve on-site water supply or sewage disposal systems with a capacity of five hundred (500) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

The Planning Board voted 5-0 to find that *this standard is met since the application does not include any provisions for a permanent water supply and the temporary use of the lower meadow will not impact the quantity or quality of the groundwater.*

15.12. Subsurface Waste Disposal

15.12.1. All subsurface sewage disposal systems must be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and to minimize adverse impacts on ground water quality.

15.12.2. All new, replacement, renovated, or expanded structures or uses generating waste, must provide evidence of the type specified in 13.3.4 of the Basic Land Use Ordinance that an adequate waste water disposal system can be constructed or that an adequate waste water disposal system already exists.

15.12.3. Existing Use, Continuation of Use: The use of any legal system which exists on the effective date of this Ordinance, or which had previously been approved for installation, may be continued without change except as may be specifically covered by the Maine State Plumbing Code or deemed necessary by the plumbing inspector for the general safety and welfare of the occupants and the public.

15.12.4. The minimum setback for new subsurface sewage disposal systems shall be not less than one hundred (100) horizontal feet from the maximum high water line of a perennial water body. The minimum setback distances from the water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

15.12.5. Replacement systems shall meet the standards for replacement systems as contained in the Maine Subsurface Wastewater Disposal Rules.

15.12.6. When two or more lots or structures in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owner's association. Covenants in the deeds for each lot, or in the case of the Mitchell Field Marine Business District, provisions in the leases for each lot, must require mandatory membership in the association and provide for adequate funding for the association to assure proper maintenance of the system.

The Planning Board voted 5-0 to find that *this standard is met since there will be no permanent sewage facilities as part of the demolition project. The contractor will provide temporary facilities for workers within the controlled construction area.*

15.13. Utilities and Essential Services

Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors and above ground facilities must be located so as to avoid crossing open areas and scenic views as identified in the Comprehensive Plan.

The Planning Board voted 5-0 to find that *this standard is met since no new service utilities will be installed as part of the project.*

15.14. Natural Features and Buffering

15.14.1 The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling must be avoided as much as possible.

15.14.2. The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. The buffer may be provided by distance, landscaping, fencing, changes in grade, and/or a combination of these and other techniques.

1) Buffers shall be sufficient to shield structures and uses from the view of incompatible abutting properties and traveled ways, and to otherwise prevent any nuisances.
2) Exposed storage areas, service areas, exposed machinery installations, and gravel extraction operations, truck loading areas, utility structures other than transmission poles, and areas used for the storage and collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and similar accessory areas and structures, shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development site and surrounding properties, such as a stockade fence or a dense evergreen hedge six feet or more in height.
3) Where a potential safety hazard to children would be likely to arise, physical

screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.

4) Natural features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties and roads. When natural features such as topography, gullies, stands of trees, shrubbery, and rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.

5) Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires two or three rows of staggered plantings. The rows should be five feet apart and the evergreens planted four feet on center.

6) Fencing and screening shall be durable and properly maintained at all times by the owner.

7) All buffer areas shall be maintained in a neat and sanitary condition by the owner.

8) In the Mitchell Field Marine Business District, any lot that abuts the perimeter of the Mitchell Field Marine Business District must maintain a buffer along that property line. The buffer must meet the requirements of this section and must include the entire required setback area except for provisions to provide for public access across the lots. Any lot that abuts a portion of the Mitchell Field property outside of the Mitchell Field Marine Business District that is designated for recreational use must maintain a buffer along that property line. The design of the buffer in this area should provide for a treatment that addresses buildings and service areas while maintaining views across the lot to the ocean to the extent feasible (see provisions of Section 15.22. relative to visual impacts). For the purposes of this requirement, service areas do not include areas used for outside boat storage in conjunction with a functionally water-dependent use, marina, boat repair facility, or other marine-related business.

The Planning Board voted 5-0 to find that *this standard is met based on the following:*

- *The entire construction area will be fenced to minimize the potential for children entering the site*
- *The laydown area is located to minimize the impacts on other users of Mitchell Field*
- *The height of any material stockpiles will be less than the maximum height allowed for buildings in the two zoning districts*
- *The laydown area will be at least 70 feet from the northerly property line and the area along the perimeter road will not be disturbed*
- *If material is stockpiled for future use, this will have minimal impacts on views across the site.*

15.15. Lighting

Provisions for exterior lighting must not create undue hazards to motorists traveling on adjacent roads, must be adequate for the safety of the occupants or users of the site, and must not damage the value or diminish the usability of adjacent properties.

The Planning Board voted 5-0 to find that *this standard is met since the proposal does not include any permanent lighting. Vehicles and equipment will have lights for normal operations. Vessels will be lit and the work area around the pier may be lit to allow work after dark.*

15.16. Water Quality Protection

All aspects of the development must be designed so that:

1) No person or activity shall result in, locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
2) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshal's Office.
3) If the development is located within the watershed of a "body of water most at risk from development" as identified by the Maine Department of Environmental Protection (DEP), the development must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous.

The Planning Board voted 5-0 to find that *this standard is met since the contractor will be required to separate all potentially hazardous materials as they are brought ashore and to segregate them in appropriate containers for removal from the site for disposal at a licensed facility.*

15.17. Hazardous, Special and Radioactive Materials

The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.

No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All materials must be stored in a manner and location which is in compliance with applicable rules and regulations of the Maine Department of Public Safety and other federal, state, and local regulations.

The Planning Board voted 5-0 to find that *this standard is met since the contractor will be required to separate all potentially hazardous materials as they are brought ashore and to segregate them in appropriate containers for removal from the site for disposal at a licensed facility.*

15.18. Solid, Special and Hazardous Waste Disposal

The proposed development must provide for adequate disposal of the solid, special and hazardous wastes generated by the development. All waste must be disposed of at a licensed disposal facility having adequate capacity to accept the development's wastes.

The Planning Board voted 5-0 to find that *this standard is met since the contractor will be required to separate all potentially hazardous materials as they are brought ashore and to segregate them in appropriate containers for removal from the site for disposal at a licensed facility.*

15.19. Historic and Archaeological Resources

The development shall be designed to protect and preserve archeological and historic sites that have been identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

The Planning Board voted 5-0 to find that *this standard is met based on the following findings:*

The proposed activity is not located on a site with identified historic or archeological significance. The site was previously altered in its former use as a fuel terminal.

15.20. Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain Management Ordinance.

The Planning Board voted 5-0 to find that *this standard is met since the proposal does not include the construction of any new structures below the base flood elevation.*

15.21. Technical and Financial Capacity

The applicant must demonstrate that he/she has the financial and technical capacity to carry out the development in accordance with this Ordinance and the approved plan.

The Planning Board voted 5-0 to find that *this standard is met since the applicant is the Town of Harpswell. The Town has appropriated funding for the demolition of the pier and has retained Baker Design Consultants to assist the Town in this project.*

Conclusions of Law

In light of these findings of fact, with consideration given to the supporting documentation in the record, the Planning Board voted 5-0 to reach the following conclusions:

The Planning Board finds that the applicant the Town of Harpswell has met the standards of the Town of Harpswell Basic Land Use Ordinance, Shoreland Zoning Ordinance and Site Plan Review Ordinance. The Planning Board approves the application and site plan with the following standard conditions of approval:

1. This approval is not final until such time as final plans, showing all conditions of approval and any waivers granted, have been signed by the Chair of the Planning Board.

2. This approval is based on the approved plans, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.

3. This approval is dependent upon and limited to the proposal and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plan, proposals, and supporting documents, except *de minimis* changes as determined by the Town Planner that do not affect approval standards, is subject to the review and approval of the Planning Board prior to implementation.

4. The applicant shall obtain all necessary State and federal approvals before the applicant commences any land use activity pursuant to this site plan approval and shall comply with the requirements of those permits and approvals.

5. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sedimentation Control.

A.W. LeGrow

Allan LeGrow
Chair, Harpswell Planning Board

July 24, 2017
Date

Then personally appeared the above named Alan LeGrow and acknowledged the above document to be his free act and deed in his capacity as Chair of the Harpswell Planning Board.

Catherine J Doughty

Notary Public

7-24-17
Date

Catherine J. Doughty
NOTARY PUBLIC
State of Maine
My Commission Expires
March 22, 2020