



CITY OF BANGOR

PLANNING DIVISION

COMMUNITY & ECONOMIC DEVELOPMENT

January 16, 2024

Bangor Planning Board

Findings and Decision

Applicant/Owner:

Team Properties, LLC
1411 Essex St.
Bangor, ME 04401

Agents:

Rudman Winchell, LLC
84 Harlow Street
Bangor, ME 04401

Plymouth Engineering, Inc.
8 Main St., Unit C
Newport, ME 04953

Property Address:

Lancaster Avenue, Map-Lots 044-043, 044-039, 044-040,
044-041, 044-058 and 044-059

Zoning District:

Low-Density Residential (LDR)

Permit Request:

Land Development Permit, Conditional Use Permit, Major
Subdivision for attached residential development

Description:

Application for construction of 30 duplexes with onsite
driveway, parking, and amenities, and off-site road
expansion ("Project").

Public Meeting dates:

November 14, 2023; November 21, 2023 (public
hearing); December 5, 2023 (public hearing); December
19, 2023; January 2, 2024; January 16, 2024 (approve and
sign written decision)

Permitting Requirements:

§165-9; §165-99.B & D(1); §165-111; §165-114; §165-128;
30-A M.R.S.A. § 4404

Board Vote:

Motion carried 7-0 to approve the Land Development
Permit for a conditional use, major site development, and
major subdivision

I. The Record

The Planning Board reviewed the following exhibits:

- 1.** Land Development Permit Application for a Major Subdivision and Conditional Use Permit for an Attached Residential Use from Plymouth Engineering, Inc., received in both digital and hard copy on 10.30.2023.
- 2.** Letter (Project Narrative) from Rudman Winchell, LLC., dated 10.30.2023, received in both digital and hard copy as part of the original Application 10.30.2023.
- 3.** Site Location Map/Project Location received from Plymouth Engineering, Inc., received digitally as part of a response to staff comments dated 11.08.2023.
- 4.** Warranty Deed received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application 10.30.2023.
- 5.** Certificate of Good Standing received from Plymouth Engineering, Inc., dated 10.27.2023, received in both digital and hard copy as part of the original Application 10.30.2023.
- 6.** Homeowners Association Documents, including Declaration of Covenants, Conditions and Restrictions of the Maine Woods Planned Unit Development, received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application 10.30.2023.
- 7.** Tax Map of the Project Location and surrounding area received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application 10.30.2023.
- 8.** Lot Use Intensity Calculations within 500' of the Maine Woods Planned Unit Development dated 10.27.2023, received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application 10.30.2023.
- 9.** List of abutters, generated by Planning staff on 11.02.2023.
- 10.** Housekeeping Performance Standards received from Plymouth Engineering, Inc., received in both digital and hard copy as part of original Application 10.30.2023.
- 11.** Erosion & Sediment Control Plan received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application 10.30.2023.

- 12.** Maintenance Plan of Stormwater Management Facilities received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application 10.30.2023.
- 13.** FEMA Flood Map received from Plymouth Engineering, Inc., dated 10.27.2023, received in both digital and hard copy as part of the original Application on 10.30.2023.
- 14.** Urban Impaired Stream Map received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application on 10.30.2023.
- 15.** Department of Environmental Protection decision approving transfer of Stormwater Permit dated 034.24.2023, and conditions of Stormwater Permit received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application on 10.30.2023.
- 16.** City of Bangor Traffic Count received from Plymouth Engineering, Inc., dated 08.08.2022, received in both digital and hard copy as part of the original Application on 10.30.2023.
- 17.** Lighting Specifications received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application on 10.30.2023.
- 18.** Building Elevations received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application on 10.30.2023.
- 19.** Photos of Surrounding Homes received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application on 10.30.2023.
- 20.** Major Subdivision requirements received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application on 10.30.2023.
- 21.** Conditional Use requirements received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application on 10.30.2023.
- 22.** [none]
- 23.** Revised Plan Set for The Maine Woods Subdivision from Plymouth Engineering, Inc. dated 11.08.2023, received both digital and hard copy on 11.08.2023.
 - a. Pre-Development Conditions/Pre-Existing Conditions, EX
 - b. Subdivision Plan, C1
 - c. Road Plan, C2
 - d. Grading Plan, C3
 - e. Utility Plan, C4
 - f. Wildwood Drive Profile, C5
 - g. Firefly Lane Profile, C6
 - h. Site Layout, C7

- i. Erosion & Sediment Control, C8
 - j. Construction Details, C9
 - k. Construction Details, C10
 - l. Storm Water Detail, C11
 - m. USF Plan & Profile, C12
 - n. USF Plan & Profile, C13
 - o. Pond Plan & Profile, C14
- 24.** Summary of Fees Paid from City of Bangor Planning Analyst, Anja Collette, dated 11.02.2023 with attached check stubs dated 06.08.2022 and 07.06.2022, and receipt dated 10.30.2022.
- 25.** Email dated 11.01.2023 between Anja Collette and Philip Drew, City Assessor, regarding verification of map-lots outside of the Farmland and Tree Growth Program.
- 26.** Email dated 11.03.2023 between Plymouth Engineering, Inc., and Anja Collette regarding verification of correct map-lots with attached exhibit displaying the map-lots included in the application.
- 27.** Checklist for Land Development Applications dated 11.02.2023.
- 28.** Email comments dated 11.02.2023 from John Theriault, City Engineer, to Anja Collette and Plymouth Engineering, Inc.
- 29.** Emails dated 09.14.2022 from John Theriault, City Engineer, Jason Ready, Senior Traffic Engineer, and Randy Dunton, Project Manager, regarding traffic analysis.
- 30.** Traffic calculations from City of Bangor Engineering Staff dated 06.08.2022.
- 31.** Emails dated 11.03.2023 from Anja Collette to Emily Ellis (applicant) regarding Versant electricity pole maps.
- 32.** Public Notice letter from Bangor Planning Division dated 11.02.2023.
- 33.** Public Notice in Bangor Daily News from Bangor Planning Division dated 11.04.2023 and 11.09.2023.
- 34.** Sewer Capacity Certification from the Bangor Waste Treatment Plant dated 11.13.2023.
- 35.** Email dated 11.14.2023 from Mary Borque, District Engineer for the Bangor Water District, confirming that the water capacity statement dated 08.11.2022 from Joshua Saucier, former District Engineer for the Bangor Water District, still stands.
- 36.** Email dated 11.15.2023 from Thomas Higgins, Fire Chief of the City of Bangor, approving the fire hydrant plan and locations in The Maine Woods Subdivision.
- 37.** Email comments dated 11.15.2023 from Anja Collette to Emily Ellis (applicant), Tim Pease, David Szewczyk and Anne Krieg, regarding additional information needed.
- 38.** Email dated 11.16.2023 from Anja Collette to Scott Braley of Plymouth Engineering, Inc., regarding vegetation.

- 39.** Map of properties within 500 feet of the project site received by the Planning Office on 11.14.2023 from the applicant.
- 40.** Updated photos of homes surrounding the Project Site received digitally by the Planning Office on 11.14.2023 from the applicant.
- 41.** Email dated 11.17.2023 from John Theriault, Bangor City Engineer, to members of the Planning Board and Anja Collette regarding stormwater.
- 42.** Letter with response to staff comments and attached Revised Site Plan Set for The Maine Woods Subdivision from Plymouth Engineering, Inc. dated 11.16.2023, received both digital and hard copy in Planning Office on 11.21.2023.
 - a. Pre-Development Conditions, EX
 - b. Subdivision Plan, C1
 - c. Road Plan, C2
 - d. Grading Plan, C3
 - e. Utility Plan, C4
 - f. Wildwood Drive Profile, C5
 - g. Firefly Lane Profile, C6
 - h. Site Layout, C7
 - i. Erosion and Sediment Control, C8
 - j. Construction Details, C9
 - k. Construction Details, C10
 - l. Storm Water Detail, C11
 - m. USF Plan & Profile, C12
 - n. USF Plan & Profile, C13
 - o. Pond Plan & Profile, C14
 - p. Post Development, D1
 - q. Sidewalk Plan, C15
- 43.** Lighting Plan dated 11.08.2023 from Plymouth Engineering, Inc., received digitally and via hard copy by the Planning Office on 11.21.2023.
- 44.** Public comment from Melissa Bryant and response from staff, email dated 11.07.2023.
- 45.** Public comment from Jeffrey Gray, email and letter dated 11.10.2023.
- 46.** Public comment from Michele and Steve Laird, email dated 11.12.2023.
- 47.** Public comment from Brian Ames, email and letter dated 11.13.2023.
- 48.** Public comment from Ian Gosselin, email dated 11.13.2023.
- 49.** Public comment with attached video and photos from Laurie Cote-Dunn, email dated 11.13.2023.
- 50.** Public comment from Michelle Libby, email dated 11.13.2023 with attached letter.
- 51.** Public comment from Rob Strout, email dated 11.13.2023.
- 52.** Public comment from Kortnie Mullins (Greater Bangor Association of REALTORS), email dated 11.14.2023 with attached letter.

- 53.** Public comment from Melissa Bryant, email dated 11.14.2023 with attached photos.
- 54.** Public comment from Nicole Lovell, email dated 11.15.2023.
- 55.** Public comment from Tom Biskup, email dated 11.19.2023.
- 56.** Public comment from Shawn Goodwin, email dated 11.21.2023 with attached letter.
- 57.** Email and letter from Plymouth Engineering, Inc., to Anja Collette responding to staff comments dated 11.16.2023.
- 58.** Slideshow from Jeffrey Gray, received via email dated 11.20.2023.
- 59.** Email with slideshow from Melissa Bolduc, dated 11.13.2023
- 60.** Conditional Use regulations in City of Bangor Code of Ordinances provided by City of Bangor Planning Division staff.
- 61.** Low Density Residential District regulations in City of Bangor Code of Ordinances provided by City of Bangor Planning Division staff.
- 62.** Schedule B – Developing Area Dimensional Controls in City of Bangor Code of Ordinances provided by City of Bangor Planning Division staff
- 63.** Major Subdivision regulations in City of Bangor Code of Ordinances provided by City of Bangor Planning Division Staff.
- 64.** Land Development Permit regulations in City of Bangor Code of Ordinances provided by City of Bangor Planning Division Staff.
- 65.** Article XIX District Site Development Standards in City of Bangor Code of Ordinances provided by City of Bangor Planning Division Staff.
- 66.** Slideshow from Melissa Bolduc, received via email dated 11.21.2023
- 67.** Public comment from Jeffrey Gray, email dated 11.22.2023
- 68.** Public comment from Nate Lewis, email dated 11.22.2023
- 69.** Public comment from Michelle Laird, email dated 11.26.2023
- 70.** Public comment from Paula Logan with 3 pictures attached, email dated 11.27.2023
- 71.** Public comment from Michelle Laird, email dated 11.27.2023
- 72.** Additional public comment from Michelle Laird, email dated 11.27.2023
- 73.** Public comment from Jeffrey Gray with attached document containing presentation narration, email dated 11.27.2023
- 74.** Public comment from Brian Ames with attached PowerPoint presentation, email dated 11.27.2023
- 75.** Public comment from David Dunn, email dated 11.27.2023
- 76.** Public comment from Brian Ames, letter dated 11.28.2023 received via email
- 77.** Public comment from Paula Logan with 5 pictures attached, email dated 11.28.2023
- 78.** Public comment from Laurie Cote-Dunn with staff response, email dated 11.28.2023

- 79.** Final Site Plan Set with sheets C1 and C7 updated, received digitally in Planning Office from Plymouth Engineering on 11.28.2023
- a. Pre-Development Conditions, EX
 - b. Subdivision Plan, C1
 - c. Road Plan, C2
 - d. Grading Plan, C3
 - e. Utility Plan, C4
 - f. Wildwood Drive Profile, C5
 - g. Firefly Lane Profile, C6
 - h. Site Layout East Broadway Ext., C7
 - i. Erosion and Sediment Control, C8
 - j. Construction Details, C9
 - k. Construction Details, C10
 - l. Storm Water Detail, C11
 - m. USF Plan & Profile, C12
 - n. USF Plan & Profile, C13
 - o. Pond Plan & Profile, C14
 - p. Post Development, D1
 - q. Sidewalk Plan, C15
- 80.** Email from City of Bangor City Engineer regarding street grade for East Broadway extension meeting street grade standard in §165-128, received 11.28.2023
- 81.** Wetland Permit by Rule Notification documentation for sewer crossing, created by Moyse Environmental Services, Inc., dated October 2022, received digitally in Planning Office on 12.04.2023
- 82.** Public comment from Jeffrey Gray with staff response, email dated 12.05.2023
- 83.** Updated trash pick-up capacity letter dated 11.08.2023 from Casella Waste Services, received digitally from Plymouth Engineering, Inc. in the Planning Office on 11.09.2023
- 84.** Document dated 11.08.2023 containing response to staff comments and information regarding sewer/water/trash pickup capacity, financial/technical capacity, aerial photo of the surrounding area, stormwater management, and sign for the development, received digitally from Plymouth Engineering, Inc. in Planning Office on 11.08.2023
- 85.** DEP Permit-by-Rule & Notice of Intent Review Form, received in both digital and hard copy as part of the original Application 10.30.2023.
- 86.** Email dated 12.04.2023 from Melissa Bolduc containing discussion with staff regarding stormwater.
- 87.** Email dated 12.05.2023 from Melissa Bolduc regarding traffic, with 2 attached photos.
- 88.** Map of historic resources in relation to project location, generated by

Planning staff on 12.05.2023

- 89.** Map of State-designated significant wildlife habitat and natural areas in relation to project location, generated by Planning staff on 12.05.2023
- 90.** Email dated 12.05.2023 from Plymouth Engineering containing map of State-designated significant wildlife habitat and natural areas in relation to project location
- 91.** Meeting minutes from the 11.14.2023 meeting of the Planning Board.
- 92.** Meeting minutes from the 11.21.2023 meeting of the Planning Board.
- 93.** Land Development Permit application for Final Major Subdivision, received in both digital and hard copy in Planning Office from Plymouth Engineering on 12.11.2023, revised by Planning Office on 12.27.2023
- 94.** Final Major Subdivision Plan Set, received both digital and hard copy in Planning Office from Plymouth Engineering on 12.11.2023
 - a. Pre-Development Conditions, EX
 - b. Final Subdivision Plat, C1 (revised by applicant on 12.27.2023)
 - c. Road Plan, C2
 - d. Grading Plan, C3
 - e. Utility Plan, C4
 - f. Wildwood Drive Profile, C5
 - g. Firefly Lane Profile, C6
 - h. Site Layout East Broadway Ext., C7
 - i. Erosion and Sediment Control, C8
 - j. Construction Details, C9
 - k. Construction Details, C10
 - l. Storm Water Detail, C11
 - m. Post Development, D1
 - n. USF Plan & Profile, C12
 - o. USF Plan & Profile, C13
 - p. Pond Plan & Profile, C14
 - q. Sidewalk Plan, C15
- 95.** Receipt for fees paid for final major subdivision application, generated by Planning Office on 12.11.2023
- 96.** Final major subdivision Code requirements, received in both digital and hard copy in Planning Office from Plymouth Engineering on 12.11.2023
- 97.** Homeowners' Association documents, including Declaration of Covenants, Conditions and Restrictions of the Maine Woods Planned Unit Development, received from Plymouth Engineering, Inc., received in both digital and hard copy on 12.11.2023
- 98.** City Engineer review letter of Maine Woods Final Subdivision Plat, dated 12.27.2023, received digitally in Planning Office on 12.27.2023
- 99.** Letter to applicant from Planning Officer regarding preliminary subdivision plat approval, dated 12.06.2023

- 100.** Email from City of Bangor Assessing Department, dated 12.12.2023, regarding lot combination, with attached maps showing the lots before and after combination
- 101.** Quitclaim Deed with Covenant, dated 12.14.2023, demonstrating lot combination, received digitally in Planning Office from the applicant on 12.15.2023
- 102.** [none]
- 103.** Plant species list from Sprague's Nursey & Garden Center, dated 12.21.2023, received digitally in Planning Office from the applicant on 12.21.2023
- 104.** Email from Planning Officer to Plymouth Engineering on recommended modifications to final subdivision plat, dated 12.18.2023
- 105.** Email from Planning Officer to Plymouth Engineering on further recommended modifications to final subdivision plat, dated 12.20.2023
- 106.** Email from Planning Officer to Plymouth Engineering on the plant species list, dated 12.20.2023
- 107.** Email from Plymouth Engineering to Planning Office regarding copying over materials from preliminary subdivision and land development application to final subdivision application, dated 12.19.2023
- 108.** Memo to Planning Board from Planning staff created for 11.14.2023 Planning Board meeting, sent to Board in packets on 11.09.2023
- 109.** Memo to Planning Board from Planning staff created for 11.21.2023 Planning Board meeting, sent to Board in packets on 11.16.2023
- 110.** Memo to Planning Board from Planning staff created for 12.05.2023 Planning Board meeting, sent to Board in packets on 11.30.2023
- 111.** Memo to Planning Board from Planning staff created for 12.19.2023 Planning Board meeting, sent to Board in packets on 12.14.2023
- 112.** Memo to Planning Board from Planning staff created for 01.02.2024 Planning Board meeting, sent to Board in packets on 12.28.2023
- 113.** Meeting minutes from the 12.05.2023 meeting of the Planning Board.
- 114.** Meeting minutes from the 12.19.2023 meeting of the Planning Board.
- 115.** Email from City Engineer with estimate for cost of remaining public improvements to be completed, received 01.02.2024.
- 116.** Receipt for check for amount to cover cost of remaining public improvements, received from Team Properties, LLC by Planning Office on 01.02.2024

II. Findings of Fact - Project Description

The Project will consist of 60 residential units in 30 duplexes, on a 12.09-acre parcel. (Exhibits 1; 3; 7; 79). The parcel is located in the Low-Density Residential (LDR) District. (Exhibit 7). The buildings in the Project will be two-story homes with pitched roofs, horizontal siding, asphalt shingles and metal roofs, typical of most residential developments (Exhibit 18).

III. Procedural Background

1. The Application was deemed complete on November 14, 2023.
2. The Applicant paid all applicable fees. (Exhibit 24).
3. The Planning Board reviewed the Maine Woods project as a major subdivision.
4. The Planning Board found that §165-69 – Planned Group Development - did not apply, and that the application would be reviewed as a proposed attached residential conditional use in the LDR District.
5. The Planning Board reviewed the Project as a major site development.
6. On December 5, 2023, the Planning Board reviewed the criteria, voted on and approved the major subdivision preliminary plat.
7. The Planning Officer notified the applicant of the necessary items to submit for final subdivision approval on December 6, 2023.
8. The Applicant submitted their application for major subdivision final plat approval on December 11, 2023.
9. The Planning Officer first notified the applicant of recommended modifications to the final subdivision plat on December 18, 2023.
10. On December 19, 2023, the Planning Board reviewed and voted on the criteria required for conditional use as an attached residential project in the LDR district, the general criteria for conditional use, and the criteria for land development approval.
11. The applicant submitted the modifications to the application for major subdivision final plat approval as requested by the Planning Officer, in multiple parts prior to December 27, 2023.
12. The City Engineer reviewed the final subdivision plat and provided a written report on December 27, 2023.

13. On January 2, 2024, the Planning Board voted to correct and clarify the condition regarding an improvement guaranty, and found that the applicant satisfied the condition of an improvement guaranty in a method approved as to form by the City attorney and in an amount acceptable to the City Engineer by way of placement of funds into escrow in an amount sufficient to cover the cost of the remaining proposed improvements.
14. Also on January 2, 2024, the Planning Board reviewed and voted on the criteria for major subdivision final plat approval, and voted on the overall approval of the Land Development Permit for a conditional use, major site development, and major subdivision for the project.

IV. Findings of Fact and Conclusions Regarding Applicable Criteria

Part 1 – The Project Meets the Major Preliminary Subdivision Criteria Under § 165 – 128(C)

- (1) Standard: The subdivision shall meet the State of Maine guidelines for subdivision approval contained in 30-A M.R.S.A. § 4404.

Finding: The Board finds that the subdivision meets the standards under the State of Maine guidelines in 30-A M.R.S.A. § 4404. These have been articulated in Part 2, below.

- (2) Standard: The plat shall conform to existing zoning regulations regarding lot dimensions and areas.

Finding: The Board finds, upon review of the Final Plan Set (Exhibit 79), that the plat will be built in the Low-Density Residential District and conforms to the existing zoning regulations of that district. Specifically, see “General Notes” Sheet C-1, of Exhibit 79.

- (3) Standard: At least one side of every lot shall abut an improved public street, a Planning Board approved private street or a proposed public street.

Finding: The Board finds, upon review of Sheet C2, Road Plan (Exhibit 79) that at least one side of the lot on which the development is located will abut the improved public streets of Lancaster Avenue and Essex Street and the proposed extension of a public street, East Broadway, and therefore finds that the proposed development meets the above standard.

- (4) Standard: The side lot lines shall be at right angles to straight street lines and radial to curved street lines unless a variation from this will provide improved solar access.

Finding: The Board finds that Sheet C1, Subdivision Plan (Exhibit 79) shows that the proposed development will meet these lot line

standards.

- (5) Standard: Corner lots shall have adequate width to permit required building setback from both streets.

Finding: The Board finds that there are no corner lots and therefore this section is inapplicable.

- (6) Standard: All proposed streets shall provide connection with existing streets.

Finding: The Board finds, upon review of Sheet C2, Road Plan (Exhibit 79), that all proposed streets will provide connection with existing streets.

- (7) Standard: Streets shall be laid out so that no intersection shall be at an angle of less than 60°.

Finding: The Board finds, upon review of Sheet C2, Road Plan (Exhibit 79) that all streets will be laid out so that no intersection will be at an angle of less than 60°.

- (8) Standard: There shall be no permanent dead-end streets without a paved turnaround having a minimum outside diameter of 100 feet. As an alternative, short (500 feet or less in length) residential access streets may have paved hammerhead turnarounds if approved by the City Engineer.

Finding: The Board finds, upon review of Sheet C2, Road Plan (Exhibit 79) that there will be no permanent dead-end streets in the proposed development.

- (9) Standard: Land designated on the Official Map for right-of-way purposes shall be set aside in the subdivision for that purpose and deeded to the City.

Finding: The Board finds that this provision is inapplicable because there is no land designated on the Official Map for right-of-way purposes within the proposed subdivision.

- (10) Standard: Street grades shall be not less than 1.0% nor more than 6%. Upon review and approval by the City Engineer, grades greater or less than this standard may be allowed.

Finding: Upon review of Sheet C3-Grading Plan, C5 – Wildwood Dr Profile, C6 – Firefly Ln Profile, and C7 – Site Layout East Broadway Ext. (Exhibit 79), the Board finds that there will be no street grades less than 1.0% nor more than 6%.

- (11) Standard: Right-of-way widths.

(a) Street right-of-way widths shall not be less than the following:

Street Type	Right-of-Way (feet)
Residential access	50
Residential	60
Collector/commercial/industrial service	80
Major arterial	100
Freeway (divided highway)	120
Rural	66

(b) Notwithstanding Subsection C(11)(a) above, a commercial or industrial service right-of-way width may be reduced to 66 feet where:

- (1) The right-of-way terminates in a cul-de-sac and services no through traffic;
- (2) The cul-de-sac serves no more than 10 lots; and
- (3) The City Engineer issues a written report that the reduced right-of-way width will be sufficient to accommodate the projected traffic generation and utility needs of the proposed development served by the street.

Finding: The Board finds, upon review of Sheet C2, Road Plan (Exhibit 79) that the street right-of-way widths are within the requirements outlined above and are acceptable.

(12) **Standard:** (a) Where a subdivision borders on or contains an existing or proposed collector or arterial street, the Planning Board shall require that access to such streets be limited by one of the following means:

- (1) The arrangement of the lots so that they back on the collector/arterial street and front onto a parallel service street. No access shall be provided from the collector/arterial street, and screening shall be provided in a strip of land along the rear property line of such lots.
- (2) A series of culs-de-sac, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel service street, with the rear lines of their terminal lots backing on the collector/arterial street.
- (3) A marginal access or service road separated from the collector/arterial street by a planting or grass strip and having access thereto at a limited number of points.
- (4) Shared drives to provide access to two or more lots.

Finding: The Board finds that upon review of Sheet C1 – Subdivision Plan and Sheet C2 - Road Plan (Exhibit 79) the proposed development is in compliance with the above standards.

(13) **Standard:** The number and spacing of access drives shall at a minimum be restricted to no more than one two-way drive every 120 feet of frontage on such streets, nor shall such drives be located within 120 feet of the right-of-way line of the cross street at any intersection. One-way entrances and one-way exits

may be closer spaced, but no such one-way entrance shall be located within 150 feet of such other entrance or two-way drive, nor shall such one-way exit be located within 150 feet of such other exit or a two-way drive.

Finding: The Board finds that upon review of Sheet C2, Road Plan (Exhibit 79) the proposed development is in compliance with the above standards.

(14) Standard:

(a) Subdivisions shall provide for connectivity with other potential subdivisions on bordering parcels. This shall be accomplished through establishment of reservations for street rights-of-way to adjacent parcels, where appropriate.

(b) Subdivisions shall allow for connectivity of trail systems and the reservation of easements for walking and biking trails.

Finding: The Board finds that upon review of Sheet C1, Subdivision Plan; Sheet C2, Road Plan, Sheet C15, Sidewalk Plan; and Sheet D1, Post Development Plan (Exhibit 79), that the proposed development is in compliance with the above standards.

(15) Standard: The preliminary plat shall contain all information required in Subsection C(1) through (14) above.

Finding: Based on review of the final site plans provided in Exhibit 79 and the findings made above for the standards in §165-128.C(1-14), the Board finds that the preliminary plat for the proposed development meets the standard above.

Part 2 – The Project Meets the State of Maine Guidelines for Subdivisions Under 30-A M.R.S. § 4404 (as required by §165-128(C)(1))

Review criteria.

When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:

Section 1.

Standard: Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

- A. The elevation of the land above sea level and its relation to the flood plains;
- B. The nature of soils and subsoils and their ability to adequately support waste disposal;
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and

E. The applicable state and local health and water resource rules and regulations;

Finding: The Board finds, upon review of the Post Construction Stormwater Maintenance Plan, Erosion & Sedimentation Control Plan, FEMA Flood Map, Urban Impaired Stream Map, and the Maine DEP Stormwater Permit (Exhibits 11 – 15), and Sheet C3- Grading Plan and Sheet C8-Erosion and Sedimentation and Control of Exhibit 79, that the proposed subdivision will not result in undue water or air pollution.

Section 2.

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

Finding: The Board finds upon review of the certification from Bangor Water District (Exhibit 35) that the proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

Section 3.

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

Finding: The Board finds upon review of the certification from Bangor Water District (Exhibit 35) that the proposed subdivision will not cause an unreasonable burden on the existing water supply.

Section 4.

Standard: Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

Finding: The Board finds, upon review of the Post Construction Stormwater Maintenance Plan, Erosion & Sedimentation Control Plan, FEMA Flood Map, Urban Impaired Stream Map, and the Maine DEP Stormwater Permit (Exhibits 11 – 15), and Sheet C3 - Grading Plan and Sheet C8 - Erosion and Sedimentation and Control, of Exhibit 79, that the proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water.

Section 5.

Standard: Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23,

section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

Finding: Upon review of the Traffic Analysis and associated materials (Exhibits 16, 29, and 30), as well as the letter from the applicant referenced in Exhibit 42, the Board finds that the proposed subdivision will not cause unreasonable highway or public road congestion.

Section 6.

Standard: Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

Finding: The Board finds, upon review of Sewer Capacity Certification from the Bangor Waste Management Plant (Exhibit 34) and other materials, that the proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on the municipality's services.

Section 7.

Standard: Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

Finding: The Board finds that the proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste because the subdivision will use a private waste disposal company, as indicated in Exhibit 83.

Section 8.

Standard: Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

Finding: The Board finds, upon review of photographs of the surrounding architecture and neighborhood (Exhibit 19 and Exhibit 40) that the proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area or aesthetics. Further, upon review of the Final Site Plan Set (Exhibit 79) and other materials, the Board finds that there will be open space, trails and pedestrian walkways that will increase the visual natural aesthetics and use of the area.

The buildings themselves will be two-story homes with pitched roofs,

horizontal siding, asphalt shingles and metal roofs, typical of most residential developments. The surrounding area does not have a predominant architectural style, and contains a mix of one- and two-story buildings, including some duplexes.

The intensity of use and density of the Project in terms of the ratio of building to land area will be comparable to that of the surrounding neighborhood. Vehicular access will be by two entrances onto Lancaster Avenue and East Broadway, respectively. Notably, the Project will also include nine acres of open green space for community members to enjoy. The individual units will be sold to buyers with a homeowners' association holding title to the common areas, managing the development, and enforcing association rules.

Additionally, based on information shown in Exhibits 88-90, the Board finds that the proposed subdivision does not contain any designated historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas, and is not close to a shoreline. Given this finding and those above, the Board finds that the proposed development meets the standard above.

Section 9.

Standard: Conformity with local ordinances and plans. The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

Finding: As noted in the findings above, the Board finds that the proposed subdivision conforms to the City of Bangor subdivision ordinance. The Board also finds that the proposed subdivision conforms to the 2022 Comprehensive Plan for the City of Bangor.

Section 10.

Standard: Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section.

Finding: The Board finds, upon review of the applicant's certificate of good standing (Exhibit 5) and construction loan and statement of technical capacity shown in Exhibit 84 that the subdivider has adequate financial and technical capacity to complete this proposed subdivision. Section 11.

Section 11.

Standard: Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any

wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

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

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

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

Finding: The Board finds that this standard is inapplicable since the proposed subdivision is not situated entirely or partially within the watershed of any pond or lake or within 250 feet of any great pond, river, or wetland that meets the definition of Title 38, Chapter 3, Subchapter 1, Article 2-B

Section 12.

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

Finding: The Board finds, upon review of the Erosion and Sediment Control Plan, Maintenance Plan of Stormwater Management Facilities, FEMA Flood Map, and Department of Environmental Protection Stormwater Permit that the proposed subdivision will not adversely affect the quality or quantity of ground water in any way. (Exhibits 11, 12, 13, & 15).

Section 13.

Standard: Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year

flood elevation;

Finding: The Board finds, upon review of the FEMA Flood Map (Exhibit 13) that the area is not flood prone and therefore finds that this standard does not apply to the proposed development.

Section 14.

Standard: Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

Finding: The Board finds that, based on the review of Sheet EX – Pre-Development Conditions and C1 – Subdivision Plan (Exhibit 79), all freshwater wetlands within the proposed subdivision have been mapped.

Section 14-A.

Standard: Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district;

Finding: The Board finds, upon review of the email from the City Assessor (Exhibit 25) that there is no farmland within the proposed subdivision and therefore this standard is inapplicable.

Section 15.

Standard: River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;

Finding: Based on review of the final site plans shown in Exhibit 79, the Board finds that there are no rivers, streams or brooks within or abutting the proposed subdivision.

Section 16.

Standard: Storm water. The proposed subdivision will provide for adequate storm water management;

Finding: The Board finds that, upon review of the Department of Environmental Protection Stormwater Permit (Exhibit 15), the Maintenance Plan of Stormwater Management Facilities (Exhibit 12), the Housekeeping Performance Standards (Exhibit 10), the Stormwater Management Plan contained in Exhibit 84, and, Sheet C3, C8-C14, and D1 of Exhibit 79, the

proposed subdivision will provide for adequate storm water management.

Section 17.

Standard: Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

Finding: The Board finds that, based on review of the final site plans in Exhibit 79, none of the lots in the proposed subdivision have frontage on a river, stream, brook, great pond or coastal wetland and therefore finds this standard to be inapplicable to the proposed development.

Section 18.

Standard: Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

Finding: The Board finds that, based on review of the final site plans in Exhibit 79, there are no great ponds near the subdivision and therefore finds this standard to be inapplicable to the proposed development .

Section 19.

Standard: Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and

Finding: The Board finds this section inapplicable as the development does not cross municipal boundaries, based on review of the final site plans in Exhibit 79.

Section 20.

Standard: Lands subject to liquidation harvesting.

Finding: The Board finds, upon review of the email from the City Assessor (Exhibit 25) that there is no working forestland within the proposed subdivision (referred to as being in the “Tree Growth Program”) and therefore this standard is inapplicable.

Part 3 – The Project Meets the Standards for a Conditional Use as an Attached Residential Project Under §165 – 99: Low Density Residential

...

§165-99.B: Basic requirements. Buildings or land used or occupied and buildings or structures erected, constructed, reconstructed, moved or structurally altered, whether permitted uses or conditional uses, shall comply with the requirements of this section, Articles II through XII and the specific development standards of Article XIX of this chapter.

Finding: The Board finds, based on the findings outlined in this Part 3 as well as Parts 5 and 7 of this document, that this standard is met for the proposed development.

...

§165-99.D: Conditional Uses.

Standard: Subject to Planning Board approval under the provisions of § 165-9, the following uses may be permitted in this district:

(1) Attached residential, provided that:

- (a) Such site development contains a minimum area of three acres.
- (b) Such site development does not exceed five dwelling units per acre.
- (c) Such site development meets the requirements for such a development in Article XIX.
- (d) Such site development receives approval under Article XVI.
- (e) Such site development has water service from the Bangor Water District.
- (f) Such site development has sewer service from the City of Bangor.

...

Finding: Subject to findings that the standards in Part 4 have been met, the Board finds that the Applicant has met the provisions of § 165-9 (Conditional Uses). Section 165-99.D.(1)(a) is met because, according to Sheet C2 - Subdivision Plan (Exhibit 79), the development contains more than three acres.

Further, §165-99.D.(1)(b) is met because, according to Sheet C2 - Subdivision Plan (Exhibit 79), the site development does not exceed five dwelling units per acre.

The Board also finds the site development meets the requirements in Articles XIX (as required by §165-99.D.(1)(c)) and XVI (as required by §165-99.D.(1)(d)), which are explained in detail below, in Part 5 and Part 6, respectively.

Finally, the Board finds that the development meets §165-99.D.(1)(e) because it has water service (Exhibit 35) from the Bangor Water District, and it meets §165-99.D.(1)(f) because it has sewer service (Exhibit 34) from the City of Bangor.

Therefore, based on the findings above, the Board finds that the proposed development meets the requirements for an attached residential use in the

Low Density Residential District.

Part 4 – The Project Meets the Criteria for a Conditional Use Under § 165-9.A.

Section A. Standards for conditional uses. Before the Planning Board shall grant a conditional use, it shall have determined that:

(1) Standard: The development standards and use conditions of the district in which the property in question is located have been complied with. Conditional uses which also require a variance of development or other standards shall not be granted.

Finding: Based on the findings made in Parts 3, 5, 6, and 7 of Section IV of this document, the Board finds that the development meets the standards and use conditions of the district in which the property in question is located, Low-Density Residential. The Board finds that there are not any variance requirements or other standards that would impede with the granting of the permit.

(2) Standard: The proposed use will not create unreasonable traffic congestion or hazardous conditions on contiguous or adjacent streets.

Finding: Upon review of the Traffic Analysis and associated materials (Exhibits 16, 29, 30, and 42), the Board finds that the Project will not create unreasonable traffic congestion or hazardous conditions on contiguous or adjacent streets.

(3) Standard: The proper operation of the conditional use will be ensured by providing and maintaining adequate and appropriate utilities, fire protection, drainage, parking and loading and other necessary site improvements.

Finding: Based the Board's review of the Final Site Plan Set (Exhibit 79), Department of Environmental Protection Stormwater Permit (Exhibit 15), Housekeeping Performance Standards (Exhibit 10), Erosion & Sediment Control Plan (Exhibit 11), Maintenance Plan of Stormwater Management Facilities (Exhibit 12), Bangor Wastewater Treatment Plant sewer capacity certification (Exhibit 34), Bangor Water District capacity statement (Exhibit 35), and the Bangor Fire Chief's approval of the proposed fire hydrants (Exhibit 36), the Board finds this standard to be met.

(4) Standard: The proposed use, although not appropriate for every site in the zone, is appropriate for the location for which it is sought because the proposed use will conform to the general physical development pattern of the immediate area as to architectural style, building bulk and extent, and intensity of site use. As to architectural style, the applicant must show that the proposed structure conforms to the exterior facade, rooflines, shape, and materials used on buildings in the immediate area. As to building bulk, the applicant shall cause their proposed building to conform to the height and the existing ratio of land area to building area

for other properties in the immediate area. For purposes of this chapter, the term "immediate area" shall include all properties located within the same block and within 500 feet of the site of the proposed use.

Finding: As shown in Exhibit 40, which includes extensive aerial photographs of properties within 500 feet of the Project area, the immediate area of the Project does not have a predominant architectural style. Instead, it is primarily a residential area with an extensive mix of one- and two-story buildings, and a number of duplexes. The photographs show a significant portion of the properties have second floor living space. The Project duplexes themselves (Exhibits 2 & 18) will be two-story homes with pitched roofs, horizontal siding, asphalt shingles and metal roofs, typical of most residential developments in the immediate area. Based on the noted exhibits, the Board finds the Project conforms to the general architectural style of the immediate area.

As for building bulk, the Board finds that the Project buildings conform to the height and the existing ratio of land area to building area for other properties in the immediate area. In particular, the Building Elevations (Exhibit 18), various photographs of the surrounding homes (Exhibits 19 & 40), and Lot Use Intensity Calculations (Exhibit 8), demonstrate that the overall ratio of building area to land is less for the Project than for the immediate area.

Lastly, based on Exhibit 8, the Board finds that the intensity of use at the site will conform to the general intensity of use of the immediate area.

Therefore, the Board finds that this standard is met since the Project is appropriate for the location for which it is sought because the proposed use will conform to the general physical development pattern of the immediate area as to architectural style, building bulk and extent, and intensity of site use.

Overall Finding: The Board finds that the project meets the standards for a Conditional Use.

Part 5 – The Project Meets the Site Development Standards Under Article XIX. §165-135 & 136

§ 165-135. Application and explanation of standards

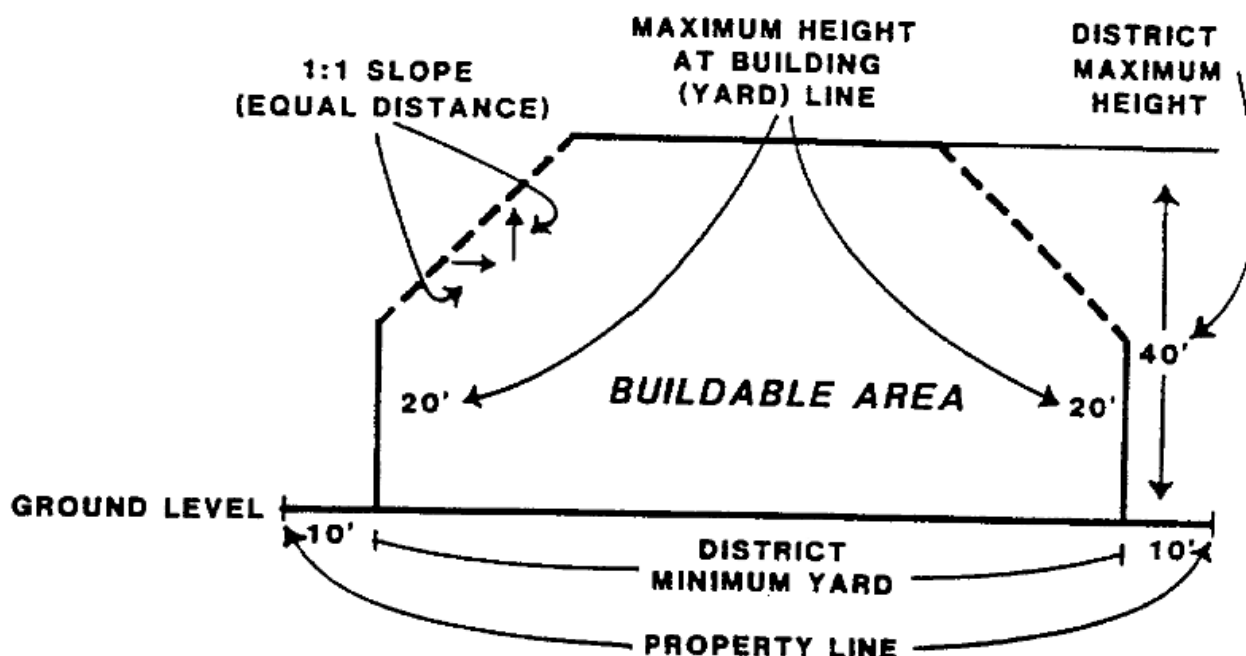
Section A. Height limits

Standard: Height limitations are established by three factors which define a building envelope for a lot in the specific district:

(1) Maximum district height: the maximum limit on height at any point on a lot in any part of the district.

- (2) Maximum building height at minimum yard setback line:
 - (a) Front yard: is equal to minimum setback dimension.
 - (b) Side yard: is equal to two times the minimum side yard dimension.
 - (c) Rear yard: is equal to minimum rear yard dimension.
 - (d) Where a setback is less than 20 feet, maximum height at setback line is 20 feet.
- (3) Maximum height within buildable area is equal to maximum building height at minimum yard line, plus one foot above building line maximum for each additional foot distance from the property line, up to the district maximum height (as prescribed in the district regulations).
- (4) The maximum building height limitation at the minimum yard setback line shall not apply in the Downtown Development District, Bass Park District, Airport Development District or Waterfront Development District.
- (5) The building envelope sketch below illustrates the interaction of these three factors on height control.

Building Envelope Sketch



Finding: The Board finds, upon review of the Building Elevations (Exhibit 18) and Sheet C1 - Subdivision Plan (Exhibit 79), that the above criteria are met.

Section B. Floor area ratio.

Standard: "Floor area ratio" (FAR) is the maximum that the ratio of building gross floor area divided by lot area (for a given lot) cannot be exceeded for that use or district.

Finding: The Board finds that this standard is inapplicable since there is no maximum floor area ratio set for the proposed type of use (Attached residential dwellings) in the Low-Density Residential District.

Section C. Impervious surface ratio (ISR).

Standard: The “impervious surface ratio” is the maximum percent of surface area of a lot or site which is not to be loamed, reseeded or revegetated after construction of site development project.

Finding: The Board finds upon review of Sheet C1 - Subdivision Plan (Exhibit 79) that the "impervious surface ratio" for the proposed development meets the standard above.

Section D. Buffer yard.

Standard: A "buffer yard" is a designated area along the rear and side yards of a site development which is to be planted and landscaped in a certain manner (or alternative manners) to lessen the impact of one site development upon another. The buffer yard requirements are shown in 100-foot-long units. Lots with a yard of less than 100 feet in length will be required to provide buffer yard elements in proportion to the 100-linear-foot requirements indicated below. All fractions of trees or shrubs will be considered whole plants. There are five different types of buffer yards which may be required under Article XIV: Buffer Yards A, B, C, D and E, as defined by the illustrations which follow.

1. Minimum standards for buffer yard trees and shrubs. All plants in prescribed buffer yards will meet the following minimum standards:
 - a. Trees and shrubs.
 1. Trees.
 - a. Evergreen: minimum height of four feet.
 - b. Deciduous: minimum caliper of 1 1/2 inches measured six inches from the root ball.
 2. Shrubs.
 - a. Evergreen: minimum height of 18 inches.
 - b. Deciduous: minimum height of 24 inches.
 - b. A minimum of 50% of the required shrubs shall be of an evergreen variety. Buffer yards less than 20 feet in width should consider ornamental or understory trees where space is limited. Street trees are recommended where a public esplanade is available.
2. Plant spacing.
 - a. The following guideline should be considered in spacing of adjacent plants by type:

Type	Mature Width (feet)	Spacing (feet on-center)
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Street trees	50	100
Understory trees	20 to 40	30 - 50
Large shrubs	10 to 30	10
Small shrubs	5	5

- b. Grouped planting beds are encouraged, but plant materials should not leave an unscreened opening greater than 25 feet when measured at tree canopies at 50% of full growth.

3. Substitutions

- (a) Existing vegetation may be preserved and maintained to meet the applicable buffer yard, provided the vegetation is of a type and variety to mix the mix of plants for specific buffer yards. Applicants may also enhance existing vegetation to meet the range of types required in specific buffer yards.
- (b) Parking lot buffers may substitute a landscaped berm for six shrubs, provided that the berm is a minimum of three feet higher than the elevation of the adjacent parking lot being buffered.
- (c) Transition yard buffers may substitute a minimum six-foot opaque fence for eight shrubs.
- (d) Landscape boulders that are a minimum of 48 inches tall by 48 inches wide may be substituted for up to 50% of the required shrubs.
- (e) A minimum three-foot stone or masonry wall may be substituted for 10 shrubs.

Finding: The Board finds, upon review of the Final Site Plan Set (Exhibit 79) and the response from the engineers with Plymouth Engineering dated November 16, 2023 (Exhibit 57) that the standards above are met. The Board finds that the minimum standards have been met for the buffer yard requirements of this section.

§ 165-136. Building standards

Section A. Egress door orientation.

Standard:

- (1) Applicability: This requirement applies to land development and/or building permits received on March 18, 2021, or thereafter for the construction of principal buildings containing dwelling(s) in the Urban Residence 1 and Urban Residence 2 Districts.
- (2) Principal building(s) containing dwelling(s) shall have an egress on the facade facing the front yard.
- (3) Exceptions: accessory dwelling units, mobile homes, manufactured homes, dwellings on flag lots.
- (4) Exceptions with conditions:
- a. Corner lots shall have an egress on one of the front yards.
- b. By application to the Code Enforcement Officer or, where a land development

permit is required, this Planning Board, this requirement may be waived in cases where: 1. For reconstruction of a previous dwelling unit, the previous building did not have an egress on the facade facing the front yard. 2. The lot width is less than 50 feet.

Finding: The Board finds this standard to be inapplicable since the standard only applies to buildings in the Urban Residence 1 and Urban Residence 2 Districts and the proposed development is in the Low-Density Residential District.

Part 6 – The Project Meets the Land Development Approval Standards in Article XVI. § 165-114(a-i)

When reviewing any plan(s) for approval of a land development project under this chapter, the Planning Board shall determine whether an application meets the following standards:

Section A. Subdivisions

Standard: If a subdivision, the Planning Board shall apply the criteria established under 30-A M.R.S.A. § 4404, as it shall be amended, and the requirements of Article XVIII of this chapter.

Finding: The Board, having found that the development is a subdivision, applied the criteria established under 30-A M.R.S.A. § 4404. Based on the findings outlined in Parts 1 and 2 of Section IV of this document, the Board finds that this standard is met.

Section B. On-site parking, loading, and access.

Standard: The applicant must show that the proposed parking and loading layout, including the appurtenant drives, turnarounds, maneuvering areas, and on-site travel lanes are arranged in a reasonable and safe configuration, including the provision for safe pedestrian travel to all on-site uses.

Finding: Upon review of Sheet C1 – Subdivision Plan (Exhibit 79), Sheet C2 – Road Plan (Exhibit 79), and Sheet C15 -Sidewalk Plan (Exhibit 79), the Board finds that the proposed parking and loading layout are arranged in a reasonable and safe configuration and that safe pedestrian travel is provided for, and therefore finds that this standard is met.

Section C. Driveways.

Standard: The applicant must show that all proposed access drives from the site to any public right-of-way are reasonably necessary and safe. The Planning Board may limit the number and location of access points to ensure that access to and egress from the site is safe and will have a minimum impact on vehicles traveling in any public right-of-way or private street. All driveways shall conform to the requirements of Chapter 271, Streets, Article VIII, Curb Cuts.

Finding: Upon review of Sheet C2 - Road Plan (Exhibit 79) the Board finds that all proposed access drives from the site to any public right- of-way are reasonably necessary and safe and that all driveways conform to the requirements of Chapter 271, Streets, Article VIII, Curb Cuts, and therefore finds that this standard is met.

Section D. Stormwater management.

Standard: The applicant must show that stormwater runoff from the proposed development will not have an unreasonable adverse effect on abutting or downstream properties or protected resources such as wetlands, lakes, streams or brooks, and that all downstream channels or municipal stormwater collection systems have adequate capacity to carry the flow without significant negative effects. An unreasonable adverse effect may result from effects such as, but not limited to, water pollution (e.g., particulates, chemicals, or thermal), increased erosion, or flooding.

Finding: The Board finds, upon review of the Department of Environmental Protection Stormwater Permit (Exhibit 15), as well as the Housekeeping Performance Standards (Exhibit 10), Erosion & Sediment Control Plan (Exhibit 11), Maintenance Plan of Stormwater Management Facilities (Exhibit 12) and Sheets C3 and Sheets C8-D1 of Exhibit 79, that the proposed development meets the standard above.

Section E. Outdoor display storage, and lighting._

Standard: The applicant must show that all display and outdoor storage areas are situated and properly screened to avoid unreasonable adverse effects on adjacent properties. All outdoor lighting shall be designed, installed, and maintained to avoid unreasonable adverse effects from light pollution.

Finding: Upon review of the Lighting Specifications (Exhibit 17), Lighting Plan (Exhibit 43), and the applicant's response to staff comments dated 11/08/2023 (Exhibit 84), the Board finds that the proposed development meets the above standard for outdoor lighting. The Board finds that no display or outdoor storage areas are proposed for the development under review and therefore this section of the above standard is inapplicable.

Section F. Landscaping of unpaved areas or other treatment of the site.

Standard: The applicant must show that the development is properly screened to avoid unreasonable adverse effects on adjacent properties and public rights-of-way.

Finding: The Board finds, upon review of C1 - Subdivision Plan and D1 - Post Development Plan (Exhibit 79) and the response from Plymouth

Engineering (Exhibit 57) that the proposed development is properly screened with a buffer to avoid unreasonable adverse effects on adjacent properties and public rights-of-ways, and therefore that this standard is met.

Standard: The installation of elements to physically separate paved (and graveled) areas from open space, yards and required setback areas along property lines.

Finding: Upon review of Sheet C1 - Subdivision Plan (Exhibit 79) and the applicant's response to staff comments dated 11/08/2023 (Exhibit 84), the Board finds that the proposed development is properly setback along property lines and open space and yards are separated from the paved and graveled areas and therefore that this standard is met.

Standard: The treatment of open space, drainage ways, slopes, yards and required setback areas along property lines to reduce dust and erosion and to enhance their visual appearance by such means as seeding or placing sods.

Finding: Upon review of the Housekeeping Plan (Exhibit 10), Sheet C8 – Erosion & Sediment Control (Exhibit 79), Erosion & Sedimentation Control Plan (Exhibit 11), and Maintenance Plan of Stormwater Management Facilities (Exhibit 12), the Board finds that the proposed development meets this standard.

Standard: The additional planting of shrubs and trees beyond that specifically required elsewhere in this chapter to shade and break up extensive building facades, front, side or rear yards of more than 100 feet in length or open space areas of more than 200 square feet in area not used for active recreation or parking lots containing 200 or more vehicles.

Finding: The Board finds this standard met based on buffering and landscaping shown on Sheet C1 - Subdivision Plan (Exhibit 79) and described in General Notes 16 and 17 on Sheet C1 – Subdivision Plan (Exhibit 79).

Standard: The Planning Board shall encourage the preservation of existing tree growth as identified by the site development plan, particularly in the required buffer yard areas and the preservation of specimen trees throughout. Justification for removal of said trees should be limited to provision of access, excessive grade changes and survivability of the trees. In no case are specimen trees in the street right-of-way to be removed without written authorization of the City Engineer.

Finding: Based on the Board's review of Sheet C1 – Subdivision Plan (Exhibit 79) and General Notes 16 and 17 contained therein, as well as the applicant's response to staff comments dated November 16, 2023 (Exhibit 42), the Board finds that the proposed development meets this standard.

Standard: The use of native species is encouraged, and the planting of invasive species as defined by the most current version of the State of Maine Department of Agriculture, Conservation and Forestry Maine Natural Areas Program invasive plant fact sheets list is prohibited.

Finding: The Board finds that the proposed development meets this standard and encourages the planting of native species of plants in their Final Site Plan Set (Exhibit 79) and response from Plymouth Engineering, Inc. (Exhibit 38), upon the condition that the applicant provides a species list for the proposed plantings.

Standard: Building location. The applicant must show that the location of the building meets all required setbacks and is situated to avoid unreasonable adverse effects on adjacent properties or public rights-of way.

Finding: Upon review of Sheet C1 - Subdivision Plan (Exhibit 79) the buildings in the proposed development meet the required setbacks, and the Board finds that the proposed development meets the standards in this section.

Standard: Environmental impacts. Where competent evidence demonstrates that there exists within 250 feet of the limits of a proposed development site (which may or may not coincide with the property line) an historic site, significant wildlife habitat, or a rare and irreplaceable natural area, the applicant must show that the proposed development will not have an unreasonable adverse effect on the historic site, significant wildlife habitat, or rare and irreplaceable natural area. An unreasonable adverse effect may result from effects such as, but not limited to: habitat destruction, degradation of habitat value, disruption of historic drainage patterns, water pollution, noise pollution, light pollution, or other negative consequences of human activities.

Finding: The Board finds that this standard is inapplicable since the proposed development is not within 250 feet of a historic site, significant wildlife habitat, or a rare/irreplaceable natural area, as evidenced by Exhibits 88-90. There is no evidence in the record indicating otherwise.

Standard: Water resource and shoreline preservation. Whenever there is any pond, lake, river, stream or tidal waters within 250 feet of the limits of a proposed development site (which may or may not coincide with the property line), the applicant must show that the proposed development will not have an unreasonable adverse effect on the water resource or the shoreline of such body of water. An unreasonable adverse effect may result from effects such as, but not limited to, water pollution (e.g., particulates, chemicals, or thermal), increased erosion, or flooding.

Finding: The Board finds that this standard is inapplicable since the

proposed development is not within 250 feet of any pond, lake, river, stream, or tidal waters. There is no evidence in the record indicating otherwise.

Standard: For site developments needing approval under the provisions of 38 M.R.S.A. §§ 481 through 488, as amended, and which meet the provisions of 38 M.R.S.A. § 489-A. as amended, as structures which may be approved by local municipalities, the following provisions shall apply:

- (1) Such project shall meet the standards of 38 M.R.S.A. § 484.
- (2) Such project shall meet the requirements of Department of Environmental Protection regulations, Chapters 371, 372, 373, 375, 376, 377 and 500, as they may be amended from time to time, which are adopted for this subsection by reference.

Finding: The Board finds that this section is inapplicable since this project does not meet the definition of a development requiring approval under 38 M.R.S.A. §§ 481 through 489-A.

Overall Finding: The Board finds that the standards for a Land Development Permit are met and votes to approve the Land Development Permit for a Major Site Development, Conditional Use, and Preliminary Subdivision for the proposed development. This approval is subject to the final major subdivision application for the Project being approved.

Part 7 – The Project Meets the Requirements of Articles II through XII

Article II Word Usage and Definitions

The Board finds this Article to be inapplicable to the proposed development since it does not contain separate criteria that require compliance, as it is a definition section.

Article III Nonconformities

The Board finds this Article to be inapplicable to the proposed development since project site does not contain any non-conforming situations.

Article IV Home Occupations Profession

The Board finds this Article to be inapplicable to the proposed development since there is not currently proposed to be a home occupation on this site and additionally, home occupations do not require Planning Board approval.

Article V Accessory Uses and Structures

The Board finds this Article to be inapplicable to the proposed development since no accessory uses or structures are proposed.

Article VI Quarries, Excavations and Earthmoving Activities

§165-32 Quarries, mining and excavations.

The Board finds this Section to be inapplicable to the proposed development since no quarries, mining, or excavations are proposed.

§165-33 Filling, grading and earthmoving activities.

- A. No filling, grading, earth removal or similar earthmoving activity shall be allowed in any district which:
- (1) Will cause erosion or sedimentation; or
 - (2) Will increase uncontrolled runoff to or cause flooding on neighboring properties

Finding: The Board finds, based on the review of the Department of Environmental Protection Stormwater Permit (Exhibit 15), as well as the Housekeeping Performance Standards (Exhibit 10), Erosion & Sediment Control Plan (Exhibit 11), Maintenance Plan of Stormwater Management Facilities (Exhibit 12) and Sheets C3 and Sheets C8-D1 of Exhibit 79, that this standard is met.

- B. The following earthmoving activities shall be allowed in any zone, except the Resource Protection Zone, without a permit (as required in Subsections **C** and **D** below, but not exempting activities from permit requirements of Chapter **265**, Solid Waste), provided that such activities do not alter any stream, wetland, watercourse or natural drainageway:
- (1) The filling or removal of material and grading of an area less than 10,000 square feet which does not change the topography of the land by more than one foot.
 - (2) (Reserved)
 - (3) The filling or removal of material in conjunction with and incidental to construction, alteration or repair of a structure or the grading and landscaping incidental thereto when such construction, alteration or repair does not require plan approval from the Planning Board pursuant to Article **XVI** of this chapter.
 - (4) The filling or removal of material in conjunction with and incidental to construction of a structure or the grading and landscaping incidental thereto when such filling, removal of material or grading is indicated on a site development plan which has received Planning Board approval pursuant to Article **XVI**.
 - (5) The removal, filling or grading of material incidental to the construction, alteration or repair of a public street or of a private way, if such private way has been approved by the Planning Board.

Finding: The Board finds that this standard is met since the proposed development meets the Land Development Permit standards required for site plans, as outlined in part 6.

- C. In any district, except the Resource Protection District, filling, grading, earth removal or similar earthmoving activities which are not specifically allowed without a permit in Subsection **B(1)** through **(5)** above shall be allowed only after a permit is given for such activity by the Code Enforcement Officer upon approval by the Planning Board pursuant to Article **XVI**, Land Development Permit.

Finding: The Board finds that this standard is inapplicable to the proposed development.

- D. In the Resource Protection Zone, filling, grading, earth removal and similar earthmoving activities shall be allowed only after a permit is given for such activity by the Code Enforcement Officer upon approval by the Planning Board pursuant to § **165-9**, Conditional uses, Article **XVI**, Land Development Permit, and the standards contained in Article **VII**, § **165-54** (standards for conditional uses in the Resource Protection Zone).

Finding: The Board finds this standard to be inapplicable to the proposed development since the site is not within the Resource Protection Zone.

Article VIA Erosion and Sedimentation Control

Standard: §165-33.1 Best Management Practices

- A. Any person who conducts, or causes to be conducted, an activity that involves filling, displacing, or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into any portion of a stormwater conveyance system or into a protected natural resource as defined in § 38 M.R.S.A. § 480-B. Erosion control measures must be in place before the activity begins. Measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken and the site must be maintained to prevent unreasonable erosion and sedimentation.
- B. A person who owns property that is subject to erosion because of a human activity that has occurred before the adoption of this article and that involved filling, displacing, or exposing soil or other earthen materials shall take measures within 90 days to prevent further unreasonable erosion of soil or sediment. Adequate and timely temporary and permanent stabilization measures must be taken and maintained on that site to prevent unreasonable erosion and sedimentation.

- C. In accordance with 30-A M.R.S.A. § 3003, as the same may be amended from time to time, Appendix C, Erosion and Sedimentation Control, Inspections, Maintenance and Housekeeping, of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4), published by the Maine Department of Environmental Protection, Bureau of Water Quality, Dated October 15, 2020, is hereby adopted and incorporated by reference herein as the minimum standards for erosion and sedimentation control to be utilized in conjunction with all building permits issued in the City of Bangor.
- D. This article does not apply to agricultural fields.
- E. Penalties. Penalties for violations of this article shall be imposed in accordance with 30-A M.R.S.A. § 4452. Each day such a violation is permitted to exist, after notification by the Code Enforcement Officer, shall constitute a separate offense.

Finding: The Board finds that the standards in this Article are met because the proposed development is required to follow the erosion and sedimentation control measures as set forth in Exhibit 10 (Housekeeping Performance Standards), Exhibit 11 (Erosion & Sediment Control Plan); Exhibit 12 (Erosion & Sediment Control Plan); Exhibit 15 (Department of Environmental Protection decision approving transfer of Stormwater Permit dated 03.24.2023, and conditions of Stormwater Permit); and Exhibit 79 , Sheet C8 (Erosion and Sediment Control).

Article VII Shoreland Zoning

The Board finds this Article to be inapplicable to the proposed development since no portion of the project site is within the Shoreland Zone.

Article VIII Height Regulations

The Board finds this Article to be inapplicable to the proposed development.

Article IX Supplemental Lot and Yard Limitations

§165-62 Visual clearance on corner lots.

Finding: The Board finds this standard to be inapplicable to the proposed development since it does not contain a corner lot.

§165-63 Building setback on planned streets and interstate highways.

After the street line of a planned future street is placed on the Official Map of the City of Bangor, buildings and other structures thereafter constructed shall be set back from such line as though it were an existing street line, in accordance with the front yard requirements of the applicable zoning district. Properties abutting an interstate highway and related access and egress ramp rights-of-way shall maintain the minimum building setback from the right-of-way for rear yards based on the zoning district in which they are located. All other development standards, including parking, buffers, display, and others, shall remain as a front yard.

Finding: The Board finds, based on review of Sheet C1 – Subdivision Plan (Exhibit 79), that this standard is met for the proposed development.

§165-64 Side yard width.

Wherever a side yard is adjacent to a street, the regulations for front yard setback shall apply to the side yard.

Finding: The Board finds, based on review of Sheet C1 – Subdivision Plan (Exhibit 79), that this standard is met for the proposed development.

§165-65 Yard space for group buildings.

Where a parcel of land is to be occupied by more than one building, other than an accessory building, each principal building shall be treated as though on a separate lot, unless the Planning Board, after site development review, authorizes a redistribution of required yard space in harmony with the intent and purpose of this chapter.

Finding: The Board finds, based on review of Sheet C1 – Subdivision Plan (Exhibit 79), that this standard is met for the proposed development.

§165-66 Zoning district boundaries.

Finding: The Board finds this standard to be inapplicable to the proposed development since the development is not located within a zone listed in this section.

§165-67 Outdoor display and storage buffer yard.

Finding: The Board finds this standard to be inapplicable to the proposed development since no outdoor storage or display is proposed.

§165-68 Lot frontage.

Each lot for which a minimum lot width is required shall have a minimum frontage on a street not less than 50 feet, except as follows:

- A. Where a lot is located to the rear of another lot or lots which front on an improved public street, such lot may be used for uses permitted in the

zone, provided that:

...

- B. Flag lots. Subject to approval under Article XVI, meeting the requirements of Article XVIII, the Planning Board may allow the creation of so-called "flag lots" in any district, provided that:

...

Finding: The Board finds, based on review of Sheet C1 – Subdivision Plan (Exhibit 79), that the proposed development meets the minimum frontage requirement of 50 feet in this standard and that sections A and B of this standard are inapplicable to the proposed development.

§165-69 Planned group development.

Finding: The Board finds that this standard is inapplicable to the proposed development since it is not a planned group development.

§165-70 Minor yard and area variations.

Finding: The Board finds that this standard is inapplicable to the proposed development since it does not contain criteria that require Planning Board approval.

§165-70.1 Preexisting unlotted subdivisions.

Finding: The Board finds that this standard is inapplicable to the proposed development since the development does not involve a preexisting unlotted subdivision.

§165-70.2 Open space parcel.

Finding: The Board finds that this standard is inapplicable to the proposed development since the development does not create an open space parcel.

§165-70.3 Setbacks from railroad parcels.

Finding: The Board finds that this standard is inapplicable to the proposed development since the development is not adjacent to a railroad.

Article X Off-Street Parking

§165-71 Residential Districts

- A. In a residential district, use of parking spaces shall be limited to noncommercial vehicles, one vehicle of three-fourths-ton capacity or less per dwelling unit, when primarily intended for personal or limited business use.

- B. Commercial vehicles in excess of 3/4 ton may not be parked or stored in a residential district except for periods up to four hours.
- C. Driveways in residential districts, except as otherwise controlled in Chapter **271**, Article **VIII**, Curb Cuts, of the City of Bangor Code, are not subject to parking buffer requirements found in § **165-73B**.
- D. Driveways in residential districts may be used to meet parking requirements for boardinghouses, and buildings containing two to four dwelling units, without the need to meet requirements in §§ **165-73** and **165-74** below. Driveway length must be at least 18 feet for each parking space required.

Finding: The Board finds sections A and B of this section are met based on §3.10, Exhibit 6, Homeowners Association Documents, which mandates that residents must follow all government regulations, including those set forth herein. The Board finds that sections C and D are inapplicable to the proposed development.

§165-72 Required Number of Spaces. A minimum number of off-street parking spaces shall be provided and maintained by the owner of every building or property hereafter erected, altered or changed in use, in accordance with the following requirements:

...

- E. All other dwellings: 1 1/2 spaces per dwelling unit, except that in the Multifamily and Service District, the requirement is one space per dwelling unit.

...

Finding: The Board finds that the parking standards set forth in this section are met based on Sheet C1 – Subdivision Plan, Exhibit 79, which depicts 2 spaces per dwelling unit, thereby exceeding the parking requirement.

§165-73 Parking area location and screening.

The location of off-street parking shall comply with the following requirements:

- A. All parking spaces shall be located on the same or adjacent lot with the principal building or use served, except that when such parking spaces cannot be reasonably provided on the same or adjacent lot, the Planning Board may authorize parking on another lot within 500 feet distance of the premises to be served by such parking, provided that such lot is held under the same ownership or lease and is located in the same or a less restrictive district as the building or use served.
- B. In any district, no off-street parking space, outdoor display area or outdoor

storage area shall be located closer to a street line, side lot line or rear lot line than the minimum distance in feet indicated on the following schedule:

District	Minimum Distance in Feet From		
	Street Line	Side Lot Line	Rear Lot Line
URD-1, URD-2, M & SD, NSD, USD, WDD, ADD, DDD, BPD and UID with 50 or more spaces	10	5	10
I & S, T & S, G & ISD, S & PS, GC & S, P & O, RR & A, RP, LDR and HDR	20	5	5
ADD, WDD, URD-2, M & SD, USD, NSD, BPD and DDD with less than 50 spaces	6	5	5
I & S, G & ISD, GC & S, BPD and S & PS			
With more than 100 spaces	20	15	15
With more than 250 spaces	25	20	20
With more than 500 spaces	35	25	25

- C. Electric vehicle (EV) supply equipment are exempt from setback requirements and therefore may be located in the parking setbacks listed in § **165-73B** above. EV supply equipment does not require a land development permit, but must meet National Electrical Code standards. If buffering and/or screening is required for the lot in question where the EV supply equipment is proposed, the buffering/screening may be eliminated within five feet in any direction of the equipment.
- D. Screening of parking. All parking lots containing five or more parking spaces, outdoor display areas, outdoor storage areas and all outdoor off-street loading areas shall be screened in accordance with the following requirements:

...

Finding: The Board finds that sections A and B of this standard are met based on Sheet C1 – Subdivision Plan, Exhibit 79. The Board finds sections C and D of this standard to be inapplicable to the proposed development.

§165-74 Design, construction and maintenance.

All off-street parking areas shall be constructed and maintained in accordance with the requirements of the Building Code of the City of Bangor, Chapter **81**, § **81-1**. All off-street parking areas containing 50 or more spaces shall have such interior landscaping as may be approved by the Planning Board pursuant to land development review for purposes of reducing any adverse effects resulting from extensive areas of pavement. In addition, all off-street parking areas shall meet the following requirements:

- A. Minimum design standards (surface parking).
- (1) General requirements for ninety-degree parking shall be as follows:
 - (a) Minimum area per vehicle, including parking and maneuvering: 270

square feet.

(b) Minimum parking stall width: 9.0 feet.

(c) Minimum parking stall length: 18.0 feet.

(d) Minimum travel aisle width: 24.0 feet.

(2) Minimum standards for diagonal parking shall be as follows:

...

(3) Minimum standards for an employee lot containing 50 or more spaces physically separated from public access parking areas with not more than 50% subcompact spaces shall be as follows:

...

Finding: The Board finds part 1 of this section to be met for the proposed development, based on review of Sheet C2 – Road Plan (Exhibit 79). The Board finds parts 2 and 3 of this section to be inapplicable to the proposed development.

B. Required parking lot improvements. All off-street parking areas containing three or more rows of spaces shall be constructed with raised dividers of at least five feet in width between adjacent rows of parking spaces in at least every other double row and raised traffic islands of at least four feet in width at the end of rows of spaces to separate access drives from parked vehicles, except in employee lots as provided for in Subsection **A(3)** above, which may be constructed with only 50% of the physical islands and landscaping requirements if, in the opinion of the Planning Board, the parking area can function properly without some of the required dividers and traffic islands.

Finding: The Board finds this section to be inapplicable to the proposed development.

C. Paving. Parking lot paving will be required in accordance with the following schedule:

District	Extent of Paving Required
URD-2, M & SD, NSD, USD, DDD, WDD, G & ISD, LDR, HDR, T & S and S & PS	All parking, loading, display and maneuvering surfaces
ADD, UID, GC & S and I & S	All front yard display, maneuvering and parking area surfaces

Finding: The Board finds, based on review of Sheets C2, C7, C9 of Exhibit 79, that this standard is met.

D. Parking lot design.

Finding: The Board finds this standard to be inapplicable to the proposed development.

§165-75 Parking structures or decks.

Finding: The Board finds this standard to be inapplicable to the proposed development.

Article XI Off-Street Loading

Finding: The Board finds this Article to be inapplicable to the proposed development.

Article XII Utility Service

§165-79 Utilities Required. Any use or development authorized under this chapter shall be provided with the necessary utility services required to support such activity. It shall be the responsibility of the party or parties applying for permits under this chapter to make provision for such services. Utility services under this article shall include, without being limited to, the following: water, sewage disposal, electricity, fire hydrants, provision for stormwater runoff, lighting and such other services necessary to comply with state and local codes and to fulfill the objectives of this chapter.

Finding: The Board finds this section is met based on Sheet C4 – Utility Plan, Exhibit 79, which depicts the utility services.

§165-80A Water and Sewerage.

- A. Whenever possible, all uses and developments will be provided with water service from the Bangor Water District and connected to the Bangor sewer system.
- B. Lots without public sewer facilities. The minimum lot area for any construction requiring on-site waste disposal facilities and not served by a municipal sewer system shall be subject to the requirements of 12 M.R.S.A. § 4807 et seq., as amended. Amended 4-23-2019 by Ord. No. 19-142; at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Finding: The Board finds, upon review of Sewer Capacity Certification from the Bangor Waste Treatment Plant (Exhibit 34), Bangor Water District's letter in Exhibit 35, Sheet C4 – Utility Plan (Exhibit 79), and other materials, that section A of this standard is met. The Board finds that section B of this standard is inapplicable to the proposed development.

§165-80.1 Cellular Telecommunications Towers and Equipment.

Finding: The Board finds this standard to be inapplicable to the proposed development.

§165-80.2 Solar Array Overlay

Finding: The Board finds this standard to be inapplicable to the proposed development.

§165-80.3 Minor Essential Services Facilities

Finding: The Board finds this standard to be inapplicable to the proposed development.

§165-81 Lighting

- A. Statement of purpose: The purpose of this section is to ensure appropriate outdoor lighting by addressing the issues of safety, efficiency, the environment and aesthetics.
- B. All development requiring land development approval under Article XVI shall be provided with adequate outside lighting to ensure a safe environment. All lighting intended to illuminate any outdoor area, or the outside of any building, shall be directed into the property served by such lighting so that no undesirable illumination or glare will be produced on adjacent streets or lots occupied by residential, institutional or public uses.
- C. Performance standards.
 - (1) Regulations. Unless determined to be a safety hazard or in violation of any state or federal law, all outdoor lighting installed in the City of Bangor shall comply with this section, except for the following: lighting installed and maintained for public safety by municipal, state or federal government; approved signs; external illumination of flags; approved lighting for athletic fields; temporary outdoor lighting; holiday lighting; luminaires with a lamp or lamps rated at a total of 2,000 lumens or less.
 - (2) For the purposes of this section, a "lumen" is a unit of luminous flux. One foot-candle is equal to one lumen per square foot. The

lumen-output values shall be the initial lumen output ratings of a lamp.

- (a) No luminaire shall produce a stray, dazzling light or reflection onto neighboring residential properties, or onto any public road so as to impair the vision of any driver.
- (b) Luminaires shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent buildings. No luminaire shall emit any direct light above its horizontal plane. The Planning Board may grant exceptions for lights that are aesthetically consistent with decorative streetlights and located on parcels adjacent to such streetlights.
- (c) No flood or spot luminaire of any lumen-output rating shall be aimed, directed or focused toward any adjacent or nearby residential parcel.
- (d) Rather than leaving security lights on, the use of motion sensors is encouraged.
- (e) Direct or indirect illumination shall not exceed 1/2 foot-candle upon abutting residential properties.
- (f) Luminaire height, including the base, shall not exceed 25 feet. Exceptions may be granted only when it can be demonstrated that the intent of this section will still be substantially met.

(3) Existing nonconforming luminaires.

- (a) The continued use of nonconforming luminaires legally existing as of the effective date of this section shall be permitted unless determined to be a safety hazard.
- (b) Nonconforming luminaires replaced or moved after the effective date of this section shall comply with the provisions of this section.

Finding: Upon review of the Lighting Specifications (Exhibit 17) and Lighting Plan (Exhibit 43), the Board finds that the proposed development meets the standards for this section.

§165-82 Fire Hydrants

All developments requiring land development approval under Article XVI and provided with water service from the Bangor Water District shall be provided with fire hydrants in accordance with a plan approved by the Bangor Fire Chief.

Finding: Upon review of the water service letter from the Bangor Water District (Exhibit 35), Sheet C4 - Utility Plan (Exhibit 79), and an email from the Bangor Fire Chief containing approval of the proposed hydrants for the development (Exhibit 36), the Board finds the proposed project meets this standard.

§ 165-83 Electricity.

All development requiring land development approval under Article XVI shall include provision for adequate electrical service.

Finding: Upon review of Sheet C4 - Utility Plan, Exhibit 79, the Board finds the proposed project meets this standard.

§ 165-84 Storm drainage and stormwater offset.

A. Applicants for any land development permit under Article XVI shall ensure that provisions for surface water and storm drainage are included as part of such a proposed project. Such provisions will ensure that the rate of outflow of stormwater from any development does not create downstream overloads or flooding conditions. Further, any major subdivision will be designed so that there is no increase in the rate of outflow of stormwater during a storm of an intensity equal to a twenty-five-year, twenty-four-hour storm from the site after its complete development.

(1) Separation of stormwater and sanitary flows. No new connections to the sanitary sewer system will be permitted for uncontaminated water from any of the following:

- (a) Roof drains.
- (b) Cellar/foundation drains.
- (c) Noncontact cooling water.
- (d) Surface drainage.

(2) In addition, when in the judgment of the City Engineer it is feasible, any expansion of an existing building which requires any additional drainage facilities for Subsection A(1)(a) through (d) above will not be permitted to connect to the sanitary sewer system. Existing connections in such cases will be removed from the sanitary sewer system and connected to separate storm drainage facilities when it is deemed feasible and in the City's best interest by the City Engineer.

Finding: The Board finds, upon review of the Post Construction Stormwater Maintenance Plan, Erosion & Sedimentation Control Plan, FEMA Flood Map, Urban Impaired Stream Map, and the Maine DEP Stormwater Permit (Exhibits 11 – 15), and Sheet C3, Grading Plan and Sheet C8, Erosion and Sedimentation and Control of Exhibit 79, that the proposed project meets the requirements of this section.

B. Stormwater offset requirement. Projects requiring a land development permit under this chapter will provide for removal of five gallons of existing wet-weather flow from the City's sewer system for every new gallon of sanitary flow added by the project. (Credit for stormwater removal may be obtained from the City Engineer, for City stormwater removal actions, if such credit is deemed available and in the City's best interest.)

Finding: The Board finds, based on the opinion of the City Engineer as set forth in Exhibit 41, that this standard is inapplicable to the proposed development. As stated in Exhibit 41, the Maine Woods Project is located in an area where the bordering streets associated with the project (Essex Street, Lancaster Avenue, and East Broadway) do not have combined stormwater and sanitary systems. The Maine Woods Project completely separates stormwater flows from sanitary flows and provides stormwater treatment in accordance with their DEP permit. No stormwater flow from the Maine Woods development will enter the existing sanitary system. With no immediate separation project available within the boundaries of the Maine Woods Development, the Board finds that this portion of the Code is not applicable to this project.

§ 165-85 Sanitary sewage discharge information.

Any applicant for a land development permit under this chapter shall (in addition to any stormwater flow information required to demonstrate compliance with § **165-84A** above) submit detailed information on anticipated type and volume of sanitary flows to be generated by the project on forms available in the Code Enforcement Division.

Finding: The Board finds, upon review of Sewer Capacity Certification from the Bangor Waste Treatment Plant (Exhibit 34) and the letter from the City Engineer at Exhibit 41, that the applicant has provided sufficiently detailed sewage waste disposal information to allow the Board to assess the adequacy of the project’s sanitary flows.

§165-86 Compliance with sewer regulations.

All activity provided for in this article will be done in conformance with the requirements of Chapter 252, Sewers and Drains, of the Code of the City of Bangor.

Finding: The Board finds, based on the opinion of the City Engineer as set forth in Exhibit 41, that the Maine Woods Project is located in an area where the bordering streets associated with the project (Essex Street, Lancaster Avenue, and East Broadway) do not have combined stormwater and sanitary systems. The Maine Woods Project completely separates stormwater flows from sanitary flows and provides stormwater treatment in accordance with their DEP permit. No stormwater flow from the Maine Woods development will enter the existing sanitary system. The Board further finds, upon review of the Post Construction Stormwater Maintenance Plan, Erosion & Sedimentation Control Plan, FEMA Flood Map, Urban Impaired Stream Map, and the Maine DEP Stormwater Permit (Exhibits 11 – 15), as well as Sheets C3-C9 of Exhibit 79 and the Sewer Capacity Certification from the Bangor Waste Treatment Plant (Exhibit 34), that the proposed project meets the requirements of Chapter 252, Sewers and Drains, of the Code of the City of Bangor.

Article XIIA Prohibited Uses

Finding: The Board finds this article to be inapplicable to the proposed development.

Part 8 – The Project Meets the Major Subdivision Final Plat Approval Standards of § 165-128.E & G-I

(E) Procedures for filing for final approval of a major subdivision

(1) Application. The subdivider seeking approval of a final plat of a major subdivision shall, at least 20 days prior to the Planning Board meeting at which consideration is desired and within 12 months of preliminary plan approval by the Planning Board, file an application for major subdivision final plat approval with the Staff Coordinator. Such final plans should conform substantially to the plans

which received preliminary plan approval by the Planning Board. The application shall include the submission of prints consistent with the requirements of § 165-112, and at least two reproducible copies of the final lotting plan meeting the recording requirements of the Penobscot County Registry of Deeds

Finding: The Board finds that the applicant filed an application for a major subdivision final plat approval with the Staff coordinator on December 11, 2023 (Exhibits 93-97), over 20 days prior to the Planning Board meeting at which it was considered on January 2, 2024 and within 12 months of the preliminary plan approval by the Planning Board on December 5, 2023. The application included the submission of prints consistent with the requirements of § 165-112 (Exhibit 107). Two reproducible copies of the final lotting plan which meet the recording requirements of the Penobscot County Registry of Deeds were also submitted as part of the application (Exhibit 94).

(2) Staff review. The Planning Officer shall review the application for compliance with the provisions of this chapter and shall, within 10 days, either place the application on the agenda for the next Planning Board meeting or notify the subdivider, in writing, of the deficiencies in the application and recommend modifications. The subdivider may then either amend the application in accordance with the recommendations of the Planning Officer or request Planning Board review thereon without amendment at the next regularly scheduled Planning Board meeting.

Finding: The Board finds that the Planning Officer reviewed the application for compliance with the provisions of this chapter and within less than 10 days, notified the applicant in writing of deficiencies in the application and recommended modifications, as shown in the emails in Exhibits 104-106. The applicants submitted the requested modifications, which are shown in final form in Exhibits 94 and 103.

(3) Preparation. The final plat of a major subdivision shall be prepared or approved by a professional land surveyor or a licensed professional engineer, shall contain a signature block, and shall bear the stamp of such a registered person.

Finding: The Board finds that the final plat of the major subdivision was prepared and approved by a licensed professional engineer (Scott Braley of Plymouth Engineering, Inc.), and that the plan includes a signature block and stamp of the firm, as shown on Sheet C1 of the final subdivision plan set (Exhibit 94).

(4) Contents. The final plat for a major subdivision shall contain the following information:

(a) The date; the names of the owner, subdivider and subdivision; an arrow showing true North; the total acreage of the subdivision; and the scale, not less

than 100 feet to the inch.

(b) The boundary lines and the individual lot lines with dimensions and a tie to some existing known mark approved by the City Engineer.

(c) The location of all existing and proposed monuments and pins.

(d) The relation of the subdivision to the existing street system.

(e) All lands reserved for open space, public as well as private, or for future access.

(f) The location of abutting properties and the names of the abutting property owners.

(g) The location and use of all existing or proposed easements within the subdivision.

(h) Final engineering design of all proposed streets, sewers, storm drainage and water mains.

(i) The location and identification of specimen trees which shall be preserved as part of the development of the subdivision.

Finding: The Board finds, upon review of Sheet C1 of the final subdivision plan set submitted to the City (Exhibit 94), that the final plat includes the information in Subsections a through i above.

G. Major subdivision final plat approval standards. When reviewing a major subdivision final plat, the Planning Board shall determine that:

(1) The final plat contains the information required in Subsection E(4)(a) through (g) above.

Finding: The Board finds, based on review of Sheet C1 of the final subdivision plan set (Exhibit 94) that all of the required information is provided for and present and therefore that the above standard is met.

(2) The final plat contains all changes or modifications required by the Planning Board.

Finding: The Board finds no changes or modifications were required for the final plat and thus this section is inapplicable.

(3) The Final Plat has been reviewed, in writing, by the City Engineer as required in Subsection F above.

Finding: The Board finds, upon review of the City Engineer's written report dated 12.27.2023 (Exhibit 98) that the Final Plat was reviewed by the City Engineer and therefore that this standard is met.

(4) The final plat meets the standards for preliminary plat approval as contained in Subsection C(1) through (14) above.

Finding: The Board finds, through reference to previous findings in Section IV- Parts 1 and 2 of this document regarding the preliminary plat, that the project meets the standards for preliminary plat approval and therefore that this standard is met.

(5) The final subdivision plat has not been substantively changed from the preliminary subdivision plat.

Finding: The Board finds, based on review of the preliminary subdivision plan set (Exhibit 79) and the final subdivision plan set (Exhibit 94), that no substantive changes have been made from the preliminary subdivision plat and therefore that this standard is met.

H. Dedications.

(1) All applications for final plat approval shall include deeds and descriptions for all proposed public rights-of-way, utility easements and any other public area dedications transferring title to such areas and easements to the City of Bangor without compensation.

(2) Reservations for parks, open space or school site use shall equal 5% of the gross acreage of the subdivision unless otherwise specified by this chapter. The location of such acreage within the subdivision shall be determined by the Planning Board, based on the Comprehensive Plan and adopted open space plan.

(3) The means to provide for open space shall include land dedicated to the City of Bangor, land protected from development by conservation easement, land held and protected by a homeowners' association, land or easements held by a land trust or other legally established body engaged in land preservation, or private ownership which ensures the land's protected state in perpetuity.

(4) Provisions for ownership and maintenance of open space or recreation areas. If land is to be set aside under the provisions of this section, the subdivider shall make provisions for the permanent ownership, protection and maintenance of such land. The means for ensuring the open space will be available in perpetuity shall be:

(a) Retain ownership and responsibility for maintenance of such land; or

(b) Dedicate such land to public use if the City or another public agency

has indicated it will accept such dedication. If the subdivider proposed that the City or other body accept the land, the subdivider must provide evidence of acceptance by such body; or

(c) Provide for one or more organizations for ownership and maintenance of such land. Such organization may be either a corporation, community open space trust, or land trust. Such organization shall be responsible for maintenance of common open spaces and property. It shall also be responsible for applicable insurance and taxes on common open space and property; or

(d) Provide for and establish one or more organizations for ownership and maintenance of such land. Such organization shall be either a nonprofit homeowners' corporation or a community open space trust. If such organization is formed, it shall be formed and operated in accordance with the following rules:

[1] The organization shall be formed by the developer and be operating, with financial subsidization by the developer if necessary, before the sales or lease of any lots or units within the development.

[2] The organization shall be responsible for maintenance of common open spaces and property. It shall also be responsible for applicable insurance and taxes on common open space and property.

(5) In cases where it is deemed not in the City's best interest to create such space within the subdivision, the Planning Board may accept a sum of money equal to the fair market value of the required open space acreage prior to development of the site to be placed in reserve for future land acquisition for public sites in such an area in lieu of land dedication. In the case of cluster development, cash in lieu is not applicable. The payment of such set-aside sum must accompany the necessary instruments of dedication required under this section and must be submitted to the City within 120 days of final plan approval.

Finding: The Board finds Sections 1 and 5 of this standard to be inapplicable to the proposed development.

The Board finds, upon review of Sheet C1 of the final subdivision plan set (Exhibit 94), that the subdivision plan includes open space that exceeds 5% of the gross acreage of the subdivision and therefore that Section 2 of this standard is met, since all areas outside of the buildings, roads, and parking spaces are considered part of the open space on the plan.

Additionally, the Board finds, upon review of the Homeowners' Association Documents including Declaration of Covenants, Conditions and Restrictions of the Maine Woods Planned Unit Development (Exhibit 97), that Sections 3 and 4 of this standard are met as the open space land will be owned, protected, and

maintained by the Homeowners' Association in perpetuity.

- I. Action by the Planning Board. The Planning Board shall determine whether the major subdivision final plat shall be approved or disapproved. Approval requires a majority of affirmative votes of the Planning Board members (i.e., four votes). If approved, those members of the Planning Board voting in favor of approval shall affix their signatures to the two reproducible copies of the final plat and return one to the subdivider for filing at the Registry of Deeds. If disapproved, the Planning Officer shall notify the subdivider, in writing, of the reasons for such disapproval and shall return the reproducible copies of the final plat to the subdivider.

Finding: The Board approves the major subdivision final plat for Maine Woods (the Project).

V. Conditions

Preliminary major subdivision approval had been conditioned upon:

1. Approval being received for all other permit requirements.
2. Map-Lots 044-039, 044-040, 044-041, and 044-043 being combined.
3. The requirements of §165-130 being met.

Land development approval had been conditioned upon a species list being provided.

Finding: The Board finds, based on the findings made in Parts 3-7 of Section IV of this document and procedural finding #13 in Section III of this document, and based on review of Exhibits 100-103 and 115-116, that these conditions have been completed by the applicant.

VI. Decision

The Planning Board approves the Land Development Permit for a conditional use, major site development, and major subdivision for the Project, Maine Woods.

VII. General Permit Requirements:

- A. This permit does not relieve the applicant from any other state or federal permits that may be required for the project.
- B. Applicant must commence construction within one year from the date of approval and complete the project by January 2, 2026, unless extensions of time are granted per the provision of §165-113E of the City's Land Development Code.

- C. Conditional use approval secured under the provisions of this chapter shall expire if the use, work or change approved is not commenced within one year of the date on which such conditional use is finally approved by the Planning Board or if the work or change proposed is not substantially completed within two years of the date on which such conditional use is finally approved, unless the land development permit completion date shall have been extended in accordance with the provisions of §165-113E of the City's Land Development Code.
- D. Conditional uses which are discontinued for more than 12 consecutive months are deemed abandoned.
- E. No building permit shall be issued by the Code Enforcement Division for the construction of any structure within a subdivision which has not received final approval from the Planning Board and been recorded in the Penobscot County Registry of Deeds. Final approval of the portion of the subdivision in which the structure exists constitutes final approval of the subdivision for purposes of Subsection A of §165-133 of the City's Land Development Code. A final subdivision plan need not cover the entire subdivision in order to meet the requirement of §165-133A, so long as any building permit that is issued is for a structure that is in an area of the subdivision which has received final approval.
- F. No building permit shall be issued by the Code Enforcement Division for the construction of any structure within a subdivision until all infrastructure needed to support said structure has been constructed, installed, and inspected by the appropriate City authority. Infrastructure includes, but is not limited to, public and private roads; sewer, water and electric mains; and stormwater infrastructure designed to treat water from the subdivision.
- G. No certificate of occupancy for any structure will be issued by the Code Enforcement Division until the property for which the certificate is sought is in compliance with all applicable regulations, including but not limited to building, zoning, and stormwater requirements. A temporary certificate of occupancy may be issued when necessary under the provisions of § 165-113G of the City's Land Development Code.
- H. Upon completion, a digital as-built plan or plans shall be submitted to the Code Enforcement Officer. Additionally, a certificate of compliance stamped by a registered professional engineer or a registered land surveyor must be submitted to the Code Enforcement Office indicating that the site development has been completed in accordance with the approved plan.
- I. An improvement guaranty shall not be released until the City Engineer has accepted

all covered public improvements and has received and accepted a digital as-built plan that meets the requirements of §165-10F and G of the Land Development Code and, if a major subdivision, § 165-128E(4).

- J. No change shall be made to a property approved for a conditional use that would cause the property to fail to comply with the details of the Board's approval under the standards of § 165-9A, unless approved by the Planning Board through a review of the changed conditional use.
- a. Building details. Changes to building elevations which impact the elements reviewed and approved by the Board may only be approved by the Planning Board. Changes to architectural details not within the scope of § 165-9A(4) do not require Planning Board approval.
 - b. Traffic analysis. Changes to trip generation or peak hour of generation do not require Planning Board approval if the following standards are met as determined by the Code Enforcement Officer in consultation with the City Engineer:
 - i. The number of trips during the peak hour does not increase.
 - ii. The peak hour does not change to a different hour.
 - iii. The peak hour does not change from a weekday to a weekend day, or vice versa.

Failure to comply with the conditions listed above constitutes a violation of the Bangor Land Development Code as prescribed in §165-10H of the Land Development Code.

If you should have any questions or desire further information, please do not hesitate to give the Planning Division a call at 207.992.4280.

Sincerely,

City of Bangor Planning Board

CC: City of Bangor Planning Division, Code Enforcement, Engineering and Fire
Departments
Maine DEP