

**ADDENDUM TO PROPOSED FINDINGS OF FACT SUBMITTED BY MAINE WOODS
ON NOVEMBER 29, 2023**

1. On page 1, "PROPERTY ADDRESS" should include four lots.
2. On page 7, lot size is 12.09 acres, not 12.13 acres.
3. On page 27, the completion date needs to be updated by the Planning Board.
4. The proposed findings did not expressly address the requirements of Articles II through XII. These requirements, to the extent applicable, must be met according to the catch-all language of Section 165-99B which states, in relevant part, "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". Maine Woods offers the following proposed findings for Articles II through XII, to the extent they apply to the proposed project.

Article II Word Usage and Definitions

Not Applicable

Article III Nonconformities

Not Applicable

Article IV Home Occupations Profession

Not Applicable

Article V Accessory Uses and Structures

Not Applicable

Article VI Quarries, Excavations and Earthmoving Activities

Not Applicable

Article VIA Erosion and Sedimentation Control

§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 this section is met because Maine Woods is required to follow the erosion and sedimentation control as set forth in 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 42, Sheet C8 (Erosion and Sediment Control).

Article VII Shoreland Zoning

Not Applicable

Article VIII Height Regulations

Not Applicable

Article IX Supplemental Lot and Yard Limitations

Not Applicable

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 this section is met based on §3.10, Exhibit 6, Homeowners Association Documents, which mandates that residents must follow all government regulations, including those set forth herein.

§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:

- A. Governmental-subsidized, low-income housing for the elderly: 1/2 space per dwelling unit.
- B. Other governmental-subsidized, low-income housing and tiny home parks: one space per dwelling unit, unless otherwise determined by the Planning Board per § 165-139C(5).
- C. Congregate housing for the elderly, and boardinghouses: one space per three dwelling units or rooms.
- D. Group home, halfway house, community living facility or emergency shelter: one space for each six clients to be housed, plus one space for each staff person to be on the premises during the peak shift.
- 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 the parking standards set forth in this section are met based on Sheet C1, Exhibit 42, which depicts 2 spaces per dwelling unit, thereby exceeding the parking requirement.

Article XI Off-Street Loading

Not Applicable

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 Exhibit 42 (Utility Plan), 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 Management Plant (Exhibit 34) and other materials, that the proposed subdivision will provide for adequate sewage waste disposal. The Board further finds, upon review of the Bangor District's letter at Exhibit 35, there is adequate capacity to provide public water service to the proposed project.

§165-80.1 Cellular Telecommunications Towers and Equipment.

Not Applicable

§165-80.2 Solar Array Overlay

Not Applicable

§165-80.3 Minor Essential Services Facilities

Not Applicable

§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) and Sheet C4 Utility Plan, Exhibit 42, 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 42, 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 42, 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 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 Engineering Department believes 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.

Findings: The Board finds, upon review of Sewer Capacity Certification from the Bangor Waste Management 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), and Sheet C3, Grading Plan, C4 Utility Plan and Sheet C8, Erosion and Sedimentation and Control of Exhibit 42, 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

Not Applicable