

[PRINT ON CITY LETTERHEAD/SEAL AS APPROPRIATE]

December __, 2023

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 and 044-039

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 Hearing dates:

November 14, 2023, November 21, 2023, _____,
and _____.

Permitting Requirements:

Bangor Land Development Code ("Code"), §165-99.D.(1); 165-111.A.(1), and (9); 165-111.B; 165-124

Board Members present:

Board vote:

Motion carried

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 [in both digitally and hard copy as part of a response to staff comments dated original Application 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. [Abutters List received from Plymouth Engineering, Inc., received in both digital and hard copy as part of the original Application 10.30.2023. 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., in both digital and hard copy as part of the original Application on 10.30.2023.
16. ~~Traffic Analysis 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. ~~Project Plans received from Plymouth Engineering, Inc., in both digital and hard copy as part of the original Application on 10.30.2023.~~
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 Duntun, 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.

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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 Final 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 11.03.2023 from Plymouth Engineering, Inc., received [digitally and via hard copy by the Planning Office as part of the Final Site Plan Set](#) 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 [and slideshow with attached video and photos](#) from Laurie Cote-Dunn [and response from staff](#), 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](#)

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 ~~and narration of public comments~~ 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 ~~replaced~~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](#)

79.

- [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. (TO BE APPROVED ON 12/05/2023.)
92. Meeting minutes from the 11.21.2023 meeting of the Planning Board. (TO BE APPROVED ON 12/05/2023.)

II. Project Description and Permit Requirements

The Project will consist of 60 residential units in 30 duplexes, on a 12.13-acre parcel. (Exhibits 1; 3; 7; 42). The parcel is located in the Low-Density Residential (LDR) District. (Exhibit 7). The Code states, “The Low-Density Residential District is established to provide for both traditional and innovative family living, both individual lots and in attached development arrangements to promote a safe, healthy and desirable residential environment.” §165-99.A. The Project must comply with Article II through XII and the specific development standards of Article XIX. §165-99.

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. Therefore, as designed, the Project is classified as “Attached Residential.” This is defined in the Code as “[a] complex of residential structures consisting of individual self-contained dwelling units and/or accessory use structures which are joined by a common wall but which are accessible only directly from the out-of-doors and not through the interior of other joined units.” §165-12; Exhibits 1;

“Attached Residential Projects are a “Conditional Use” in the LDR District subject to Planning Board approval under the provisions of §165-9, provided that certain standards set forth in §165-99.D.(1) are met.

Section 165-9, entitled “Conditional Uses”, sets forth four standards the Planning Board must approve before granting a conditional use.

- (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.

² Standards for conditional uses. Before the Planning Board shall grant a conditional use, it shall have determined that:

- (1) 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.
- (2) The proposed use will not create unreasonable traffic congestion or hazardous conditions on contiguous or adjacent streets.
- (3) 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.
- (4) 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

In addition to being subject to the requirements found in the LDR District and for a Conditional Use, the Project must meet the requirements of a “Major Subdivision.” A “Major Subdivision” is defined as “[a]ny subdivision involving six or more lots or which will require construction (or reconstruction) of a City street, an approved private street, or City sewer.” Because the Project will require the construction of an approved street, the Project is classified as a “Major Subdivision.” (Exhibit 7942). The criteria for a “Major Subdivision” are found in §165-128.

In addition to the Code requirements, a “Major Subdivision” shall meet the State of Maine guidelines for subdivision approval contained in 30-A M.R.S.A. §4404.”

Further, the Project must meet the District Site Development Standards in Article XIX of the Code. The purpose of Article XIX is to “place all of the use and development standards in one place...” §165-134. Specifically, the Project is subject to the standards set forth in §§165-135-136.

Finally, the Project must meet the land development permit standards found in §165-114.

III. Procedural Background

1. The Application was deemed complete on _____.
2. The Applicant paid all applicable fees. (Exhibit 24).
3. (INSERT ANY ADDITIONAL PROCEDURAL BACKGROUND)

IV Applicable Provisions and Findings

Part 1 – The Project meets the Major 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.

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.

Findings: 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.

Findings: The Board finds, upon review of the Final Plan Set (Exhibit 7942), 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 7942.

- (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.

Findings: The Board finds, upon review of Sheet C2, Road Plan (Exhibit 7942) that at least one side of ~~every lot 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. ~~an improved public street, proposed public street, or Planning Board approved private street.~~

- (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.

Findings: The Board finds that Sheet C1, Subdivision Plan (Exhibit 7942) 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.

Findings: 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.

Findings: The Board finds, upon review of Sheet C2, Road Plan (Exhibit 7942), 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°.

Findings: The Board finds, upon review of Sheet C2, Road Plan (Exhibit 7942) 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.

Findings: The Board finds, upon review of Sheet C2, Road Plan (Exhibit 7942) 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.

Findings: 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.

Findings: Upon review of Sheet C3, Grading Plan, C5 – Wildwood Dr Profile, C6 – Firefly Ln Profile, and C7 – Site Layout East Broadway Ext. (Exhibit 7942), 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 42) 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.

Findings: The Board finds that upon review of Sheet C1 – Subdivision Plan and Sheet C2, Road Plan (Exhibit 79.42) 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.

Findings: The Board finds that upon review of Sheet C2, Road Plan (Exhibit 79.42) 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.

Findings: 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.

Findings: Based on review of the final site plans provided in Exhibit 79 and the

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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;

Findings: 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 7942, 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;

Findings: 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;

Findings: 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;

Findings: 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 7942, 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;

Findings: 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.

Findings: The Board finds, upon review of Sewer Capacity Certification from the Bangor Waste Management Plant (Exhibit 94) 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;

Findings: 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,

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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;

Findings: 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 42)

and other materials, the Board finds that the there will be ample 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.

Notably Additionally, based on information shown in Exhibits 88-90, the Board finds that the proposed subdivision does not contain any designated historic sites, is not considered a 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 and thus this is inapplicable. Given this finding and those above, the Board finds that the proposed development meets the standard above.

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 beautiful, 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.

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;

Findings: ~~As noted in the findings above, T~~he Board finds that the proposed subdivision conforms ~~to all local ordinances and plans~~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., and is in compliance with any and all comprehensive plans, as set forth in this decision.

Section 10.

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

Findings: 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 ~~extensive development history building projects of this size~~ that the subdivider has adequate financial and technical capacity to complete this proposed subdivision.

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.

Findings: 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, or river, or wetland that ~~meets the definition of Title 38, Chapter 3, Subchapter 1, Article 2-B. The Board also finds that the applicant meets this standard even though the proposed development touches a wetland because the applicant has obtained a permit from the Department of Environmental Protection (Exhibit 15).~~

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;

Findings: 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;

Findings: The Board finds, upon review of the FEMA Flood Map (Exhibit 13) that the area is not flood prone ~~and that the proposal meets all the criteria listed in the above section 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;

Findings: 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 the applicant has submitted a map of all freshwater wetlands within the proposed subdivision.- (Exhibit 42).~~

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;

Findings: 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;

Findings: 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

City of Bangor Planning Division – Decision Letter
Maine Woods Draft Findings and Conclusions for Review
Submitted by the applicant's agent, Timothy Pease of Rudman Winchell
proposed subdivision.

Section 16.

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

Findings: The Board finds that, upon review of the Department of Environmental Protection Stormwater Permit (Exhibit 15), ~~as well as~~ 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 C10, Storm Water Detail, Sheet C3, C8-C14, and D1 of (Exhibit 7942) that 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;

Findings: 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;

Findings: 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 and that the proposed subdivision will not increase a great pond's phosphorus concentration in any way.

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

Findings: 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.

Findings: 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. This section is inapplicable.

Part 3 – The Project meets the standards for a conditional use as an attached residential project under §165 – 99 (B): Low Density Residential

Code §165-99.D: Conditional Uses.

Standard: Subject to Planning Board approval under the provisions of § 165-9³, 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.

Findings: The Board finds that the Applicant has met the standards for Conditional Use as permitted in the LDR. Section 165-99.D.(1)(a) is met because, according to Sheet C2, Subdivision Plan (Exhibit [7942](#)), the development contains more than three acres.

Further, §165-99.D.(1)(b) is met because, according to Sheet C2, Subdivision Plan (Exhibit [7942](#)), 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), and §165-99.D.(1)(f) because it has sewer service (Exhibit 34) from the Bangor Water District and City of Bangor.

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:

³ These standards are addressed in part 4.

(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.

Findings: 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.

Findings: Upon review of the Traffic Analysis and associated materials (Exhibits 16, 29, and 30), 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.

Findings: The Board finds that the proper operation of the conditional use will occur. The Board reviewed Sheet C4, Utility Plan in Exhibit 7942 and found this met. The Board reviewed the fire hydrant approval from the City of Bangor Fire Chief (Exhibit 36) and found this condition met. The Board reviewed the various stormwater drainage information and requirements incorporated by referenced exhibits above. The Board also reviewed the water and sewer notices provided by the City of Bangor and Bangor Water District and incorporated by referenced exhibits above.

(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.

Findings: The Board finds that 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 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 primarily a residential area with an extensive mix of one- and two-story buildings, and a number of duplexes. The photographs plainly show a significant portion of the properties have second floor living space. The Project duplexes themselves (Exhibit 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. The Board finds the Project conforms to the general architectural style of the immediate area.

As for building bulk, 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), aerial 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, the intensity of use at the site will conform to the general intensity of use of the immediate area. This is an in-fill residential project surrounded by a residential area.

In short, the Project is appropriate for the location in which it is sought because the proposed use will conform to the general physical development pattern of the immediate area, its architectural style, building bulk and extent, and intensity of site use.

Part 5 – The Project meets the Site Development Standards under Article XIX, § 165-135 and 165-136

§ 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 overall 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.

Findings: The Board finds, upon review of the Application, Page 8 (Exhibit 1), the Building Elevations (Exhibit 18) and Sheet C1 Subdivision Plan (Exhibit [7942](#)), 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.

Findings: The Board finds upon review of Sheet C1 Subdivision Plan (Exhibit [7942](#)) that the floor area ratio divided by the lot area is not exceeded for the proposed use or 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.

Findings: The Board finds upon review of Sheet C1 Subdivision Plan (Exhibit [7942](#)) that 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.

Section D. Buffer yard.

Standard:

1. 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.

2. 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.

3. Plant spacing.

- a. The following guidelines should be considered in spacing of adjacent plants by type:

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

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

4. 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 required 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.

Findings: The Board finds, upon review of the Final Site Plan Set (Exhibit 7942) and the response from the engineers with Plymouth Engineering (Exhibit 57) that this provision is 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.

Findings: The Board finds, upon review of the Building Elevations (Exhibit 18) and Final Site Plan Set (Exhibit 7942), that the principal buildings will have an egress on the façade facing the front yard.

Part 6 – The Project meets the Land Development Approval Standards in Article XVI, § 165-114(a-j)

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.

Findings: The Board, having found that the development is a subdivision, applied the criteria established under 30-A M.R.S.A. § 4404.

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.

Findings: Upon review of Sheet C2, Road Plan (Exhibit 7942) and Sheet C15, Sidewalk Plan (Exhibit 7942), the Board finds that the proposed parking and loading layout are arranged in a reasonable and safe configuration that will allow for safe pedestrian travel.

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.

Findings: Upon review of the Upon review of Sheet C2, Road Plan (Exhibit 7942) the Board finds that all proposed access drives from the site to any public right- of-way are reasonably necessary and safe.

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.

Findings: The Board finds, upon review of the Department of Environmental Protection Stormwater Permit (Exhibit 15), as well as the Maintenance Plan of Stormwater Management Facilities (Exhibit 12) and Sheet C10, Storm Water Detail (Exhibit 7942) that the proposed subdivision will provide for adequate storm water management.

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.

Findings: 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.

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.

Findings: The Board finds, upon review of C1, Subdivision Plan and D1, Post Development Plan (Exhibit [7942](#)) and the response from Plymouth Engineering (Exhibit 57) that this provision is met. The proposed development is properly screened with a buffer to avoid unreasonable adverse effects on adjacent properties and public rights-of-ways.

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

Findings: Upon review of Sheet C1, Subdivision Plan (Exhibit [7942](#)), 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.

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.

Findings: Upon review of the Erosion & Sedimentation Control Plan (Exhibit 11), and Maintenance Plan of Stormwater Management Facilities (Exhibit 12) the Board finds that the proposed development sits the criteria for this section.

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.

Findings: The Board finds this standard met based on buffering and landscaping shown on Sheet C1 Subdivision Plan (Exhibit [7942](#)), and described in General Notes 16 and 17.

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.

Findings: The Board finds that the proposed development meets this standard and does not limit tree growth in the area. The Board further finds the proposed development does not unnecessarily remove trees or tree growth areas. See Sheet C1 Subdivision Plan (Exhibit [7942](#)), and described in General Notes 16 and 17

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.

Findings: 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 [7942](#)) and response from Plymouth Engineering, Inc. (Exhibit 38).

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.

Findings: Upon review of Sheet C1, Subdivision Plan (Exhibit [7942](#)) the buildings in the proposed development meet the required setbacks. 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.

Findings: The Board finds that the proposed development is not within 250 feet of a historic site, significant wildlife habitat, or a rare/irreplaceable natural area. 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 the proposed development is not within 250 feet of a historic site, significant wildlife habitat, or a rare/irreplaceable natural area. 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.

Findings: The Board finds that this section is inapplicable.

IV. Conditions

INSERT ANY CONDITIONS

V. Decision

The Planning Board grants a land development permit, a conditional use permit, and a major subdivision approval for the subject property.

VI. 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 July 19, 2024, unless extensions of time are granted per the provision of Chapter 165-113E.

- C. 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 revised plan.

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

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

[Redacted signature area]

City of Bangor Planning Division – Decision Letter
Maine Woods Draft Findings and Conclusions for Review
Submitted by the applicant’s agent, Timothy Pease of Rudman Winchell

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

DRAFT