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To: Town of Parsonsfield, Planning Board
From: Jamel Torres, Transportation & Land Use Planner
Date: 3/23/17
RE: Findings of Fact & Conclusions of Law, Dollar General Retail Store, Map U-2, Lot 26

**TOWN OF PARSONSFIELD
PLANNING BOARD**

Kezar Falls DG, LLC

| | | |
|---|---|--|
| Application for Site Plan Review |) | Findings of Fact & Conclusions of Law |
| Dollar General Retail Store |) | |
| Map U-2, Lot 26 |) | |

Pursuant to the Land Use and Development Ordinance, the Planning Board has reviewed the site plan review application submitted by Kezar Falls DG, LLC, including supplemental information on file with the Town of Parsonsfield. The Planning Board was assisted in its review of the project by the Southern Maine Planning and Development Commission. The Planning Board makes the following findings of fact and conclusions of law for this application:

BACKGROUND

Kezar Falls DG, LLC submitted a site plan review application on November 3, 2016 to construct a 7,489 +/- square foot Dollar General Retail Store with an associated parking lot, landscaping, and utility infrastructure. The new building will be constructed on the southwesterly corner of the lot, adjacent to the western and southern property lines. One driveway entrance is proposed and will be located on the northern property line, connecting the site to Federal Street (Route 25). The project features a total of twenty-four (24) parking spaces. The proposed project's amount of parking spaces (24) does not meet the minimum requirements of 49 spaces for a 7,489 square foot building. The applicant notes that the proposed use is anticipated to be a low traffic generator and is not expected to require more than 15-20 parking spaces at peak demand. The applicant also provided data from existing Dollar General Stores, with similar building sizes and located in municipalities with similar



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populations. The Planning Board decided to waive the minimum parking space provision because the proposed parking spaces (24) will be sufficient for the proposed Dollar General Retail Store.

Additionally, the applicant proposes to install a new private subsurface septic system and connect to the existing municipal water system located under Devereux Road. Stormwater runoff generated as a result of the proposed project will be collected, treated, and attenuated through a combination of Best Management Practices including five (5) subcatchment areas that will all discharge directly into one major subsurface detention infiltration bed, located in the southeast corner of the lot.

The applicant proposes the electric and communication utilities be provided through a connection to the existing infrastructure located on Federal Street (Route 25). The applicant also notes that a private heating fuel supply is proposed to be provided by way of an aboveground propane tank system.

The site will also be illuminated by shielded, cut-off pole mounted and wall mounted luminaires.

The proposed project will also include a vegetative buffer along Federal Street (Route 25) and Devereux Road consisting of shrubs and street trees. The proposed buffer will be 2 – 10.4 feet in width. The buffer does not meet the minimum requirement of a fifteen (15) foot buffer from the edge of the right-of-way. The applicant notes that the proposed buffer will be an improvement to the existing conditions where no vegetative buffer is in place. The project will also be providing an additional landscape buffer in the right-of-way by removing unneeded paved / gravel surfaces. The Planning Board decided to waive the minimum buffer requirement because the proposed project will be a major improvement from the site's current conditions.

The proposed project's total impervious surface area is 23,904 +/- square feet.

FINDINGS AND CONCLUSIONS

I. Background

The Planning Board finds that the project is categorized as a “Retail Business (more than 4,000 sq. ft.)” and that is permitted with site plan review approval and special exception permit per the “Table of Permissible Uses” found in Article II. Section 4. in the Town of Parsonsfield Land Use and Development Ordinance. The ordinance defines a “Retail Business (more than 4,000 sq. ft.)” as “A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.”

On January 17, 2017, the Planning Board reviewed a list of required submissions, provided by the Southern Maine Planning and Development Commission. The list included several missing submissions, mostly found in Article III. Sections 5.C., 5.D., and 5.E. At this meeting the Planning Board accepted the application and scheduled a public hearing for the proposed project on February 21, 2017. Further, the Planning Board decided to continue deliberations on the site plan application at its February 21, 2017 meeting.

On February 21, 2017, the Planning Board held a public hearing for the proposed project. After the public hearing, the Planning Board continued their deliberations. The Planning Board went ahead and determined the site plan application to be complete, with several conditions (see Section III. Conditions of Approval below). The Planning Board also decided to hold an additional public hearing and scheduled it for March 21, 2017.

On March 21, 2017 the Planning Board held a second public hearing for the proposed project. After the public hearing, the Planning Board continued their deliberations. A major portion of these deliberations was spent on whether enough information was provided by the applicant to satisfy the Special Exception Permit requirements. The Planning Board decided that both requirements for the Special Exception Permit were provided through public testimony by the applicant and the materials submitted via their Site Plan Review application package. The Planning Board approved the site plan review application with several conditions (see Section III. Conditions of Approval below).

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II. Site Plan Review

A project that is classified as a “Retail Business (more than 4,000 square feet)” is allowed in the Village District only with site plan review approval from the Planning Board. Article III, Site Plan Review, requires the Planning Board hold a pre-application meeting, find the site plan review application complete, and provide proper notice to abutters (property owners within five-hundred (500) feet of the lot notice of a pending application for Site Plan Review). The Planning Board may also require an independent review, public hearing, financial guarantee, and reasonable conditions of approval.

Additionally, a “Retail Business (more than 4,000 square feet)” is allowed in the Village District only with a Special Exception permit approval from the Planning Board. The applicant provided the required information with their site plan review application and with testimony during the Planning Board’s January 17, 2017 and February 21, 2017 meetings.

1. Criteria for Review and Approval of Site Plans and Special Exceptions (Performance Standards)

A. Aesthetic, Cultural and Natural Values

The proposed activity 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. **The property was once used as an auto service facility and is located on State Route 25, a Retrograde Arterial used by vehicles traveling between Maine and New Hampshire.**

B. Conformity with Ordinances and Plans

The proposed activity conforms to this Ordinance, other duly adopted ordinances, including the Subdivision Regulations of the Town of Parsonsfield, and the Parsonsfield Comprehensive Plan. **The property is located in the Village zone which establishes this use as a special exception use which is allowed in this zone with Planning Board review**

C. Erosion

The proposed activity 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. **The applicant provided a full erosion control plan consistent with standards from the Maine DEP and have received approval of the stormwater plan by the MDEP and submitted the permit to the Parsonsfield Code Enforcement Officer.**

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D. Financial Burden on Town

The proposed activity will not cause an unreasonable financial burden on the Town for provision of public services and facilities. **The applicant is proposed to be on Maine Water Company supply of which has reviewed and approved the proposal indicating that the system has enough water to support this project; further the applicant will require no other municipal services from the community to support it.**

E. Financial and Technical Ability

1. Financial Capacity

The applicant has agreed to provide this information prior to being issued a building permit for the proposed project (see Section III. Conditions of Approval below) When the applicant proposes to construct the building as well as any improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations, the Planning Board shall consider the proposed time frame for construction and the effects of inflation. **The applicant has been conditioned by the planning board to provide a financial capacity statement to the town. This evidence should include a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and the means of financing the project (Article III. Section 5.D.13.) This required submission for the site plan review application must be received by the Planning Board prior to the applicant being issued a building permit for the proposed project.**

2. Technical Ability

The applicant / applicant's consultant has the adequate technical ability to construct the proposed improvements and meet the criteria of the Land Use and Development Ordinance. **The applicant has retained the services of a professional engineer to design the project which is part of the Planning Board's review process.**

F. Flood Areas

The proposed activity is not located in a flood-prone area.

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G. Freshwater Wetlands

All freshwater wetlands within the proposed site have been identified on 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. **The applicant also requested a waiver from the Planning Board to provide less parking and impervious area in order to minimize impacts to the wetlands. The board granted this waiver.**

H. Groundwater

The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

I. Municipal Solid Waste Disposal

The proposed activity will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized. **The applicant was conditioned by the planning board to provide analysis of the solid or hazardous waste to be generated and a plan for its recycling and disposal, along with evidence of disposal arrangements as part of the approval. (Article III. Section 5.D.6.). This required submission for the site plan review application must be received by the Planning Board prior to the applicant being issued a building permit for the proposed project.**

J. Municipal / Public Water Supply

The proposed activity will not cause an unreasonable burden on an existing public water supply. **The applicant is proposing to use public water and the district has reviewed the proposal and approved the use of the water.**

K. Neighborhood Compatibility

1. The proposed activity will be compatible and sensitive to the character of the site and neighborhood relative to land uses, scale, bulk and building height, neighborhood identity and historical character, and orientation on the lot. The proposed project includes clapboard, windows, and a brick layer along the bottom of the building to better fit within the surrounding neighborhood.
2. The proposed activity maximizes the opportunity for privacy by the residents of the immediate area.

3. The proposed activity ensures safe and healthful conditions within the neighborhood.

4. The proposed activity will minimize any detrimental effects on the value of adjacent properties.

This property is located on Route 25, a Retrograde Arterial between Maine and New Hampshire. The applicant also provided a redesign of the building from the first submission in order to better blend in with the surrounding neighborhood. The town has no design standards requiring compatibility with the neighborhood but the applicant chose to work with the community on compatibility.

L. Pollution

The proposed activity will not result in undue water or air pollution. In making this determination, the Planning Board shall consider at a minimum:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoil and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents;
5. The applicable state and local health and water resource rules and regulations; and
6. The impact of phosphorous export and other pollutants on water bodies.

M. River, Stream or Brook

Any river, stream or brook within or abutting the proposed project has been identified on 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, or as amended.

N/A

N. Sewage Disposal

The proposed activity will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized. **The applicant has provided an approved HHE200 application to the code enforcement officer indicating they have adequate sewerage design capacity**

O. Storm Water

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The proposed activity will provide for adequate storm water management. **A full stormwater management plan was submitted and approved by the Maine DEP.**

P. Sufficient Water

The proposed activity has sufficient water available for the reasonably foreseeable needs of the project. **See above statement**

Q. Traffic

The proposed activity will not cause unreasonable burdens on public streets or roads either existing or proposed. The project has been awarded a MaineDOT entrance permit as well. **The Maine DOT approved a new entrance permit for the site and the applicant was conditioned on submitting it prior to the issuance of a building permit. The project does not generate enough peak hour trips to submit a Traffic Impact study to the Maine DOT.**

III. Conditions of Approval

There are a total of three conditions for the proposed project:

1. Evidence of a MaineDOT entrance permit (Article III. Section 5.C.9.)
2. Analysis of the solid or hazardous waste to be generated and a plan for its recycling and disposal, along with evidence of disposal arrangements (Article III. Section 5.D.6.)
3. Cost estimates of the proposed development and evidence of financial capacity to complete it. This evidence should include a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and the means of financing the project (Article III. Section 5.D.13.)

These required submissions for site plan review application must be received by the Planning Board prior to the applicant being issued a building permit for the proposed project.

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IV. Conclusion

The Planning Board hereby finds and concludes that Kezar Falls DG, LLC has demonstrated compliance with all applicable standards of the Town of Parsonsfield Land Use and Development Ordinance and approves the site plan review application, with conditions (see above) in this matter.

Dated at Parsonsfield, Maine, this 18th day of April, 2017.

PARSONSFIELD PLANNING BOARD

By:

XXXX, Chair

XXXX, Member

XXXX, Member

XXXX, Member

XXXX, Member