

# **SUMMARY OF FINDINGS OF FACTS AND CONCLUSIONS** **For a Major Subdivision Preliminary Plan Application**

November 9, 2021

Applicant: Dennis Strout, Bell Hill Road, LLC, 1059 Meadow Road, Casco, ME  
Represented by: Evan Jones, Jones Associates, Inc., Auburn, ME

Property: Map R-07/Lot 02, 42 Acre parcel, Bell Hill Road, Otisfield, ME

Major (5 lot) Subdivision. 42-acre parcel on Bell Hill Road. Applicant was planning a family division to his children; however, because he has owned it less than 5 years and would like his children to be able to sell their parcels if they want to, he is electing to go through the Major Subdivision review process. Mr. Strout will also retain Lot 4 for himself and deed Lots 1-3 to his three children. Lot 5 will remain undeveloped. Lot 4 has a right of way from Bell Hill Road to Lot 5.

Relevant ordinance for review: Town of Otisfield, Subdivision Ordinance, Major

## **PRELIMINARY PLAN APPLICATION:**

A pre-application meeting was held with the Code Enforcement Officer and with the whole Board on 08.10.2021. The Preliminary Plan application was submitted to the Planning Board on 09.14.2021. Applicant paid the Application Fee and an Escrow Fee as required. Notice to abutters was sent identifying project and location. Site Walk was held on Tuesday, September 21<sup>st</sup> @ 6:00 PM. The Preliminary Plan Application was submitted to the Board on 09.14.2021.

## **SUBDIVISION ORDINANCE – MAJOR**

### **7.2. Submissions**

The preliminary plan application shall consist of the following items.

#### **A. Application Form.**

**Findings of Fact:** Submitted to Planning Board (PB) on 09.14.2021

**Conclusion:** \*PB agrees that we have this. (See Pages 1 – 3 of the Preliminary Plan Application and Minutes of 09.14.21).

**B. Location Map.** The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map Page 11 of 44 shall show: 1. Existing subdivisions in the proximity of the proposed subdivision. 2. Locations and names of existing and proposed streets. 3. Boundaries and designations of zoning districts. 4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.

**Findings of Facts:** Submitted to PB on 09.14.2021, including the required 1, 2, and 4.  
#3. was not submitted.

**Conclusion:** \*PB agrees that we have this. (See the location map on Page 5 of the Application and 09.14.21 Minutes).  
and on the survey map as well:

1. Existing subdivisions in the proximity of the proposed subdivision.  
\*PB agrees that we have this in the application.
2. Locations and names of existing and proposed streets.  
\*PB agrees that we have this in the application.
3. Boundaries and designations of zoning districts.  
\*PB agrees that we do not have zoning districts. N/A.
4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.

\*PB agrees that we have this in the application, and this has been met. Page 5  
(See Section 2 of the Application and Minutes of 09.14.21).

**C. Preliminary Plan.** The preliminary plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one copy of the plan(s) reduced to a size of 8½ x 11 inches or 11 x 17 inches, shall also be provided.

**Findings of Facts:** This was submitted on 08.10.2021 as an electronic copy (Paper copy for file was submitted by next meeting). The reduced copy of the Plan was submitted at the Site walk on 09.21.2021.

**Conclusions:** \*All agree this requirement has been met. (See 10.19.21 Minutes)

**D. Application Requirements.** The application for preliminary plan approval shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30- A, MRSA, §4404 are met.

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.

**Findings of Facts:** Bell Hill Road, LLC is on the first page of the application. Map and Lot are listed.

**Conclusions:** \*All agree we have this. (See Page 1 of the Application and the 09.14.21 Minutes).

2. Verification of right, title or interest in the property.

**Findings of Facts:** Copy of the deed in our package. Appendix A, starting after page 22.

**Conclusions:** \* All agree this has been met. (See Appendix A and 09.14.21 Minutes)

3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.

**Findings of Facts:** This is shown on the plan, but the markers for the individual lot will not be placed until the applicant knows that the Subdivision has been Approved or Approved with Conditions. The type of markers will be specified by the CEO.

**Conclusions:** \*PB agrees that markers will be a condition if approved. (See 09.14.21).

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

**Findings of Facts:** A copy of the deed to the property has been included in the Application.

**Conditions:** \*PB agrees that we have this in the Application, and this has been met. (See Appendix A and 09.14.21 Minutes)

5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

**Findings of Facts:** There are no deed restrictions, other than phosphorous buffers that are marked on the plan.

**Conclusions:** \*All agree that this requirement has been met. (See Appendix G and 09.14.21).

6. Test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

**Findings of Facts:** Test pit data is submitted in the Application with the cover letter from Mark Hyland of Soils Evaluation and Septic System Design, a licensed Site Evaluator.

**Conclusions:** \*All agree this has been met. (See Appendix B, the Subdivision Plan Map-Appendix H, and the 09.14.21 Minutes)

7. An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision.

**Findings of Facts:** Each individual lot will be serviced by individuals' wells. Whether dug or drilled will be determined by each Lot owner. The Significant Sand and Gravel Aquifers Map prepared by the Maine Geological Survey is included in Appendix C of the Application.

**Conclusions:** \*All agree this has been met. (See Section 5: Water Supply and Appendix C of the Application, as well as 09.14.21 Minutes).

8. The date the plan was prepared, north point, and graphic map scale.

**Findings of Facts:** All have been provided on the Subdivision Plan Map and the Phosphorous Control Plan Map.

**Conclusions:** \*All agree this has been met. (See Appendices G & H and 09.14.21 Minutes).

9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners within 1000 feet (including across any roads).

**Findings of Facts:** All the names and addresses have been submitted in the application. NOTE: One of the abutters has sold their property and new owner will be notified.

**Conclusions:** \* All agree this was met. (See Section 16 of the Application and the 09.14.21 Minutes).

10. A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.

**Findings of Facts:** Wetlands are delineated on the Phosphorous Plan map including buffers. A Wetlands scientist created the plan and map. Soil types are listed on both the Phosphorous and Subdivision plan maps and were obtained from the United States Department of Agriculture – Natural Resources Conservation Service. The delineated wetlands and buffers are marked on the property and were viewed by the PB during their Site Walk. Any future development of the lots would require the Lot owner to return to the PB for review. The CEO did not think a high intensity soil survey was necessary. Applicant asked for a waiver, as they are not doing any construction.

**Conclusions:** Considering the wetland delineations were identified on the Plan maps by a Wetland Scientist and with the CEO's recommendation, **\*All agree this requirement will be N/A.** (See Section 8 of the Application, both Plan Maps-Appendices G & H, Site walk Minutes of 09.21.21, and 09.14.21 and 10.19.21 Minutes)

11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.

**Findings of Facts:** The Subdivision Plan Map, Appendix H, included all the requirements, with the exception of the identification of trees larger than 24 inches. At the Site Walk, no trees larger than 24 inches in diameter were found.

**Conclusions:** **\*All agree everything is submitted in the application and the requirement to identify trees larger than 24 inches is N/A.** (See Site Walk-09.21.21, Appendix H, and 10.19.21 Minutes)

12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

**Findings of Facts:** Sebago Lake is the watershed. The rivers, streams, and brooks are delineated on both the Phosphorous and Subdivision Plan Maps.

**Conclusions:** **\* All agree this has been met.** (See Appendices G & H and 09.14.21 Minutes)

13. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.

**Findings of Facts:** The contours are 2 feet apart as indicated on the Significant Sand and Gravel Aquifer Map.

**Conclusions:** **\* All agree this has been met.** (See Significant Sand and Gravel Aquifer Map-Appendix C of the Application and 09.14.21 Minutes).

14. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

**Findings of Facts:** Otisfield does not have Zoning districts. The area of this proposed subdivision is in a residential area.

**Conclusions:** **\* All agree this is N/A.** (See Section 14 of the Application and 09.14.21 Minutes).

15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways, and other underground utilities on or adjacent to the property to be subdivided.

**Findings of Facts:** The current property is undeveloped and there are no existing sewer, watermains, culverts, or drainage ways on the property to be subdivided. This Application is to sub-divide the property only. Lots owners will be responsible for the construction of the noted elements if necessary.

**Conclusions:** \*All agree this is N/A. (See Section 14 of the Application, 09.21.21 Site Walk Minutes, and 09.14.21 and 10.19.21 Minutes).

16. The location, names, and widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

**Findings of Facts:** Bell Hill Road is listed as adjacent to the property and the existing easement indicated on proposed Lot 4 to the back lot is shown on the Subdivision Plan.

**Conclusions:** \* All agree this has been met. (See Subdivision Plan Map, Appendix H, and 09.14.21 Minutes).

17. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.

**Findings of Facts:** There are none within the proposed Subdivision Plan. Applicant is proposing the subdivision of the property only.

**Conclusions:** \* All agree this is N/A. (See Subdivision Plan Map-Appendix H and 09.14.21 Minutes).

18. A copy of an approved driveway or entrance permit issued by the Maine Department of Transportation, if required.

**Findings of Facts:** There are no roads or driveways proposed in the Application. Driveways for each Lot would be extending from Bell Hill Road which is not a State road and would be the responsibility of each Lot owner to get permitting from the Otisfield Road Commissioner.

**Conclusions:** \*All agree this is N/A. (See Section 14. B. of the Application and 09.14.21 Minutes).

19. The estimated cost of infrastructure improvements.

**Findings of Facts:** The Application is to subdivide the property into 5 Lots only. There are no infrastructure improvements proposed.

**Conclusions:** \*All agree this is N/A. (See 09.14.21 Minutes).

20. The proposed lot lines with approximate dimensions and lot areas.

**Findings of Facts:** The total property acreage is 42 Acres. The total acreage of Lots 1 – 4 is 12.82 Acres with the acreage of the remaining lot, Lot 5, being +/- 30 Acres. The Subdivision Plan Map shows the proposed lot lines and the acreage and dimensions for each lot.

**Conclusions:** \* All agree this has been met. (See Application Form, the Subdivision Plan Map-Appendix H, and 08.10.21 and 09.14.21 Minutes)

21. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

**Findings of Facts:** There are no parcels of land proposed to be dedicated to public use in this Application. Any further development of the property will be the responsibility of the individual Lot owners.

**Conclusions:** \*All agree this is N/A. (See 09.14.21 Minutes).

22. The location of any open space to be preserved and a description of proposed ownership, improvement and management.

**Findings of Facts:** There are no open spaces to be preserved in this Application.

**Conclusions:** \*All agree this is N/A. (See 09.14.21 Minutes).

23. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.

**Findings of Facts:** Those areas are found on the Phosphorus Control Plan Map. Buffers are noted on the Plan. The Phosphorous calculations are included as Appendix F and the Project Phosphorous Export per year and per lot is given on the Phosphorous Plan Map with the pounds per acre restriction.

**Conclusions:** \* All agree this has been met. (See Section 13 of the Application, Appendices F & G, and the 10.19.21 Minutes).

24. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map shall be delineated on the plan.

**Findings of Facts:** A portion of the proposed Lots 3 and 4 are located in a 0.2% Annual Chance Flood Hazard area based on the 500 Year Flood Plan. Buffers are delineated on the Phosphorous Plan Map.

**Conclusions:** \*All agree this is N/A. (See Section 12 of the Application and the Phosphorous Plan Map-Appendix G).

25. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when
- a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985, Map Nos. 12 & 15.

**Findings of Facts:** No portion of the Subdivision is located over a sand and gravel aquifer, nor will it have an average density of more than one dwelling unit per 100,000 sq. ft.

**Conclusions:** \*All agree this is N/A. (See Section 9, Appendix C-Significant Sand and Gravel Aquifers Map, and 10.19.21 Minutes).

- b. The subdivision has an average density of more than one dwelling unit per 100,000 square feet. The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; or the proposed use of shared or common subsurface waste water disposal systems. The hydrogeologic Page 13 of 44 assessment shall be conducted in accordance with the provisions of Section 11.12.A.I.

**Findings of Facts:** There are over 3 acres per lot, which is in excess of the 100,000 sq. ft per dwelling unit allowable density.

**Conclusions:** \*All agree this is N/A. (See Section 9, Appendices G & H, and 10.19.21 Minutes).

26. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, most recent edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

**Findings of Facts:** The proposed subdivision will not generate a significant amount of vehicular traffic, as the proposal is for only four new residential lots with one remaining lot. The four lots will have frontage on Bell Hill Road which can handle any slight increase.

**Conclusions:** \* All agree this is N/A. (See Section 10 of the Application and the 10.19.21 Minutes).

27. For subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Licensed Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

**Findings of Facts:** With only four developed residential proposed lots, there will not be 40 or more parking spaces.

**Conclusions:** \*All agree this is N/A. (See Section 10 of the Application and the 10.19.21 Minutes).

28. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

**Findings of Facts:** The property was scanned for high and/or moderate value wildlife habitat by analyzing data from the Maine Office of Geographic Information Systems and from the Maine Department of Inland Fisheries and Wildlife. The Habitat's maps showed no high and/or moderate value wildlife habitats located within the proposed subdivision. There was no unusual plant or animal species observed by Jones Associates within the area of interest. The wetlands were dominated by plant communities typical of the region.

**Conclusions:** \*All agree this is N/A. (See Section 11, Beginning with Habitat Map for Bell Hill Road-Appendix D of the Application, and 09.14.21 and 10.19.21 Minutes).

29. If the proposed subdivision qualifies for the simplified review procedure for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems and the application shall include a long-term maintenance plan for

all phosphorus control measures. If the proposed subdivision does not qualify for the simplified review procedure, the following shall be submitted.

**Finding of Facts:** Although the proposed subdivision qualifies for the Simplified Review Procedure, the applicant did the calculations and a full Phosphorous Control Plan as detailed in the Application.

- a. A phosphorus impact analysis and control plan conducted using the procedures set forth in the Maine Stormwater Best Management Practices Manual Volume II. Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, March 2016 revision or newer.
- b. The contour lines shown on the plan shall be at an interval of no less than five feet.
- c. Areas with sustained slopes greater than 20% covering more than one acre shall be delineated.
- d. Test pits indicating hydrogeologic soil groups need to be placed in areas to be developed and used for phosphorous controls

**Findings of Facts:** All the elements required in 29. a – d. have been provided in the Application.

**Conclusions:** \*All agree that the requirements of 29 and 29. a – d. are met. (See Section 13, Appendices F & G of the Application, and 10.19.21 Minutes).

30. Location of farm land.

**Findings of Facts:** The subdivision is in Tree Growth. It is not in farmland.

**Conclusions:** \*All agree this is N/A. (See Section 14.E. of the Application and 10.19.21 Minutes)

31. Liquidation harvesting.

**Findings of Facts:** Liquidation harvesting is not proposed for the subdivision. Individual Lot owners may do harvesting, but the Phosphorous Control Plan shows where the buffer areas must be maintained.

**Conclusions:** \*All agree this is N/A. (See Section 14.F. and Appendix G of the Application and the 10.19.21 Minutes).

32. Delivery mode and location for mail and approval from the local postmaster of the same.

**Findings of Facts:** Individual Lot owners will determine their own mail delivery with the local Post Office.

**Conclusions:** \*All agree this is N/A. (See 10.19.21 Minutes).

Based on the Findings of Facts for this application, the Planning Board voted on a \*Motion to deem the **Preliminary Plan Application** for a Major Subdivision on Bell Hill Road, Map R07/ Lot 02 **complete as presented with the following submissions in 7.2.D. determined to be N/A: #'s: 10, 11a., 14, 15, 17, 18, 19, 21, 22, 24 a & b., 25 a & b., 26 a & b, 27, 28, 30, 31, & 32, and with the following Condition if the Final Plan is approved: 7.2.D. 3. Setting of lot markers – the type to be approved by the CEO. OB/PF – Unanimous.**



This Summary of Findings of Facts and Conclusions was reviewed at a regular meeting of the Planning Board and a motion was made to approve them on November 9, 2021 -- KT/DB -- Unanimous.

This Summary will be added to the record of the application and a copy will be sent to the applicant.

Karen T. Turino  
Karen Turino, Chair  
Town of Otisfield Planning Board

11-9-21  
Date