

**Town of Waterford Planning Board  
Findings of Fact and Conclusions of Law  
Regarding: Hersey Heights Subdivision (HHS)  
Applicant: Thomas Chadbourne 78 Ashley Ln Portland, ME 04103**

**FINDINGS OF FACT:**

The Applicant presented to the Board an application for a subdivision off of 118 at Hersey Road in North Waterford that consisted of four lots, with a large tract of land to be retained by the applicant as forest land and a licensed gravel pit. All lots are accessed by ROW over the Hersey Road. The four subdivided lots are large. Lots 1 (16 acres) & 2 (15.2 acres) are in the location of a former approved subdivision – The Overlook – which was rescinded by the applicant in 2019. Lot 3 (16.7 acres) is just north of lots 1&2. Lot 4 (19.9 acres) is approximately 1000 feet north of Lot 3 and is partially on the site of the capped portion of the gravel pit.

Lots 1-3 are established for off-the-grid residential development. Lot 4 is the subject of a proposed 5MW solar array to be developed by lessee, Borrego Solar. This write-up will handle lots 1-3 as a group and Lot 4 separately.

Lots 1-3 are on hilly terrain. Lot 1 was previously sold off by the developer and has an existing driveway in place. Lots 2 and 3 have driveways roughed-in. The driveway accessing Lot 2 crosses over a narrow strip of wetland. The driveway for Lot 2 is constructed at a location that did not require any culvert. Each lot is large enough to accommodate appropriate buffer zones which will allow for control of phosphorus export after development.

Lot 4 is situated partially on the capped gravel pit. In the retained parcel adjacent to Lot 4, the applicant continues to mine gravel from the licensed pit. Lot 4 is majority (80%) internally drained with slopes that allow for the retention of rain water and soils that allow for easy percolation of that retained rain water. Given this, phosphorus export is not seen to be an issue from Lot 4.

Hersey Rd has been heavily used by gravel trucks for over 15 years. The road is appropriately drained by 6 culverts and a well-build road bed.

A site walk was held at 10 a.m, October 11, 2020 and a public hearing was held at 6:30 p.m. on October 21, 2020. The site walk was attended by the Planning Board, the applicant, and one interested neighbor. The public hearing was attended by the Planning Board, the applicant, and no members of the public.

The applicant worked together with Borrego Solar to develop a site plan review package for the solar array for Lot 4 and provided information about archeological sites and endangered species on the lot. It was determined that the subdivision was not identified as having significant wildlife or habitat resources.

The Application included:

- A subdivision plan prepared by Main-Land Development Consultants, Inc. dated 11/03/2020.
- A Town of Waterford Subdivision Application completed and dated 11/03/2020

Plans and Drawings, which hereby become part of the subdivision approval record, include:

- A subdivision plan prepared by Main-Land Development Consultants, Inc dated 11/03/2020.
- A Town of Waterford Subdivision Application completed and dated 11/03/2020.

## CONCLUSIONS OF LAW

### Compliance with Town Subdivision Criteria

#### Section 8. General Requirements

**A. Buffer Strip:** Requirement Met – each lot has sufficient space to allow for buffer zones.

**B. Conformance with Other Laws, Regulations:** Requirement Met. This approval does not supersede any other regulations.

**C. Impact on Community Services and Facilities:** No significant additional impact on community services or facilities is expected. No new roads are planned.

**D. Lots:** Each of the four lots exceeds minimum standards.

**E. Lot Access:** All lots are accessed by an established road.

**F. Open Space Provisions:** Open space provisions were not required for this subdivision.

**G. Storm Drainage:** The Stormwater Drainage standards were met as an adequately-drained road was already in existence. Lots 1-3 have adequate area to allow for buffers and Lot 4 is 80% internally-drained with course soils.

**H. Phosphorus Export:** Phosphorus export control can be addressed on each lot within the subdivision based on the large lot sizes and the nature of Lot 4's internal drainage. This requirement is waived.

**I. Construction in Flood Hazard Areas:** The project was not located in a flood hazard area identified by FEMA.

**J. Streets:** Hersey Road is established, well-drained with a solid base. This permit is conditioned on the approval by Selectmen of a gravel road as access to this subdivision.

**K. Open Space Subdivision:** The HHS was not prepared or reviewed as an open space subdivision.

**L. Campground Conversion:** The subdivision is not a campground conversion.

**M. Mobile Home Parks:** The subdivision is not a mobile home park.

**N. Protection of Significant Wildlife Habitat:** Much of the HHS was formerly an approved subdivision. In addition, Applicant, together with lessee of Lot 4 provided information from Inland Fisheries and Wildlife and Maine Natural Areas Program data for the property parcel. It was determined that the subdivision was not identified as having significant wildlife or habitat resources.

**O. Scenic Locations:** The development will not impact any scenic site or view locations as identified in the Town of Waterford's Comprehensive Plan.

**P. Archaeological Sites:** This requirement was addressed and met as part of the Site Plan Review process for the proposed solar project on Lot 4.

**Q. Endangered and Threatened Plants:** Requirement met – nothing found.

**R. Multi-Unit Dwellings:** Not applicable.

**Section 9 Waivers.**

Waivers, where applicable, are documented separately for each requirement, above.

**Section 10 Performance Bond.**

The Board did not require a performance bond.

**Compliance with State Subdivision Criteria**

**1. Pollution:** The subdivision is outside of 100 year flood plain. The slope of the land and its effect on effluent will be addressed by individual septic system plans prepared by a licensed site evaluator for each proposed household.

**2. Sufficient Water:** The homes in the subdivision will be served by private wells.

**3. Municipal Water Supply:** The subdivision will not be served by municipal water.

**4. Erosion:** Each lot is of sufficient size to allow for control of erosion and phosphorus export.

**5. Traffic:** The Board found that the subdivision will not have a significant impact on local roads or traffic patterns.

**6. Sewage Disposal:** The homes in the subdivision will be served by private and individual septic systems which will be inspected by the Town Plumbing Inspector when installed.

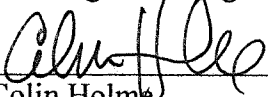
- 7. Municipal Solid Waste Disposal:** The Board found that the subdivision will not have a significant impact on municipal solid waste disposal.
- 8. Aesthetic, cultural and natural values:** These requirements were addressed through Town requirements in Section 8: N, O, P, Q.
- 9. Conformance with local ordinances and plans:** The Board found the proposed subdivision to be in compliance with local ordinances and plans.
- 10. Financial and technical capacity:** The Board waived this requirement due to the small size of this subdivision and because the access road for the lots has already been built.
- 11. Surface Waters, outstanding river segments:** The HHS lots each have sufficient acreage to allow for internal control of storm water. Lot 4 has 80% internal drainage and course soils for thorough percolation.
- 12. Ground water:** The Board concluded that the development lots in the HHS will not have a material impact on groundwater.
- 13. Flood Areas:** No part of the subdivision is within the 100 year flood plain as mapped by FEMA.
- 14. Freshwater Wetlands:** Lot 2 has a small amount of wetland that is crossed by a driveway. Lot 4 is in the vicinity of a vernal pool, but the lot is constructed to maintain appropriate distance from the resource.
- 15. River, stream or brook:** The Crooked River runs along the boarder of the land retained by the applicant.
- 16. Storm water:** See Town requirements, section 8G, above.
- 17. Spaghetti lots prohibited:** No spaghetti lots are found within the subdivision.
- 18. Lake Phosphorus concentration:** See Town requirements: Section 8.H. above.
- 19. Impact on adjoining municipality:** The impact of the HHS on the adjoining town of Albany was found to be immaterial.

**APPROVAL:**

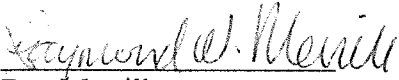
Therefore, the Board approves the final subdivision plan for the Sage Woods Subdivision.

Planning Board Signatures:

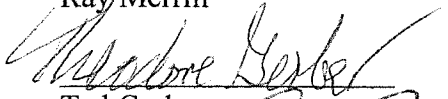
Date:

  
Colin Holme

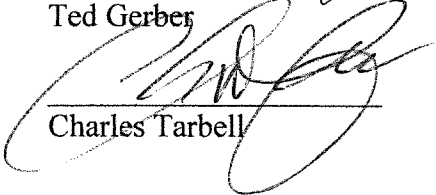
12-16-20

  
Ray Merrill

12/31/20

  
Ted Gerber

12/16/20

  
Charles Tarbell

12/16/2020

Approved X

State of Maine  
Oxford County, ss.

Date: \_\_\_\_\_

Personally appeared before me the above named \_\_\_\_\_  
And acknowledged the foregoing to be his/her free act and deed.

\_\_\_\_\_  
Notary Public/Attorney at Law

My commission expires:  
\_\_\_\_\_

Printed Name