

**Decision on an application for Permits under the Site Plan Review
and Shoreland Zoning Ordinances for the Town of Starks
Findings of Fact, Conclusions of Law, and Decision
Planning Board, Town of Starks, Maine**

Date: October 6, 2021

1. Name of Proposed Project: Sandy River Alpacas LLC .

Applicants: Kendall Hanna & Marie Ring

Contact Person: Kendall Hanna

Cell phones: (207) 504-0138 (207) 751-0447 Email: sandyriveroutdoorevents@gmail.com.

Property Owner information:

Proof of Right: Warranty Deed dated April 17, 2010. Somerset County Registry of Deeds

Document: Book 4262 pg. 230 Town Map R1 Lot 42

Type Business: Campground

2. Is the proposed project within the Shoreland zone? Floodplain? The proposed project is located within Shoreland Zoning

3. Description of Project:

The applicant proposes to create eight (8) wilderness (tent) campsites including two bathrooms with individual septic systems. Detailed Site Plans are included as attachments

Location (Town Tax Maps): Map # R1; Lot # 42

Street Address: Route 134, 1005 New Sharon Road

Size of Parcel: 40 acres

Existing Use: Alpaca Farm and Music & Wedding Events Site

Proposed Use: Addition of 8 wilderness campsites

Structures: 2 bathrooms

Size of Impervious areas Not applicable for Shoreland Zone

4. Summary of Submissions:

Application: September 1, 2021; (Revisions October 20, 2021)

Application Fee: \$100 (receipt 10/6/2021)

Attachments:

Waivers

Site Plan Review Packet

Request for waivers: The request for waivers was granted in the Pre-Application conference held on September 1, 2021. At that time the application was also determined to be a "minor" development.

Motions made and carried are documented in the minutes for that meeting.

5. Process:

Date Board met to consider application: Pre-application conference September 1, 2021

Date Board determined the application to be complete for processing: October 6, 2021

Upon a motion and second to approve the application as complete, the motion carried

Date Board held a public hearing: October 6, 2021

Date Board made a decision: October 6, 2021

6. Public Comments.

Applicant briefly explained proposed project.

Findings of Fact, Conclusions of Law, and Decision Planning Board, Town of Starks, Maine Site Plan Review Ordinance

Section 7 Approval Standards and Criteria

7.1 *Standards and Criteria for Review*

7.2 *Lot Size and Setback Requirement:*

7.2.1 All lots must be at least one acre in size and comply with minimum setback requirements

7.2.2 All buildings and structures must be erected, reconstructed, expanded or moved onto a lot in compliance with the requirements of the Building Ordinance for the Town of Starks, as may be amended.

Findings And Conclusions: The parcel is 40 acres in size. Building Ordinance setbacks are met – at least 60' from public road, and 15' from side lines. Additional setback requirements are addressed as part of the Shoreland Zoning Permit Application

Upon a motion to approve and a second, the motion carried

7.3 *Utilization of the Site and Preservation of Important Natural and Cultural Features*

7.3.1 The project must reflect the natural capabilities of the site to support the proposed use. Buildings, lots, and support facilities should be located in those portions of the site that have the most suitable conditions for the development.

Findings And Conclusions: The plan calls for minimal clearing of trees to maintain a wilderness atmosphere. Brush and dead trees will be removed to create tent sites. As such, the project reflects the natural capabilities of the site to support the proposed use.

Upon a motion to approve and a second, the motion carried

7.3.2 All building, site, and roadway designs and layouts should be compatible with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity is kept to a minimum. Natural vegetation and drainage should be

preserved and protected wherever possible. The design should take all practical steps possible to prevent a visible scar up or across a ridgeline visible from public streets, roads, or water bodies.

Findings And Conclusions: There will be minimal changes to the site, with the most noteworthy the proposed two bathroom buildings that will be in keeping with the intent of the standard and consistent with the requirements of the Ordinance.

Upon a motion to approve and a second, the motion carried

- 7.3.3 Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and significant sand and gravel aquifers must be preserved to the maximum extent practicable.

Findings And Conclusions: Tent sites are strategically located to avoid impacting sensitive areas. The three sites located within the Shoreland Zone will be set back a minimum 75 ft. from the high-water mark and a minimum of 8 ft. above the floodplain base elevation. (Ref. Site Plan #2 & Flood Hazard Map)

Upon a motion to approve and a second, the motion carried

- 7.3.4 Significant historic or archaeological resources should be preserved to the maximum extent practicable.

Findings And Conclusions: There are no historic or archaeological resources on the site

- 7.3.5 Actively farmed agricultural land identified as prime and significant farmland should be preserved and protected to the maximum extent practicable.

Finding And Conclusions: The project is not located on farmland.

Upon a motion and a second that Sections 7.3.4 & 7.3.5 are not applicable to the project, the motion carried

7.4 *Water Quality and Quantity Protection*

- 7.4.1 The proposed development must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems.

- 7.4.2 The quantity of the water to be used by the development shall not: significantly lower the ground water table or surface water levels; cause adverse changes in groundwater flow patterns; cause ground subsidence; or cause adverse impacts on the quality or quantity of groundwater.

Findings And Conclusions: Sections 7.4.3 through 7.4.7 are not applicable.

The project will not adversely impact either the quality or quantity of groundwater available to abutting properties.

Upon a motion and second to approve under the requirements of Section 7.4.1 thru 7.4.7, as applicable, the motion carried.

7.5 *Water Supply*

- 7.5.1 The proposed project will have an adequate supply of water for the proposed use.

Findings And Conclusions: Although not a state requirement, drinking water, which is tested annually, will be provided to each campsite. Water for bathrooms and sinks will be drawn from a private well.

The project is to be served by a private well which will provide an adequate quantity of water for intended use. Fire extinguishers will be placed at strategic sites. Internal roads will be maintained to provide access for emergency vehicles including fire equipment.

Sections 7.5.2 through 7.5.4 are not applicable.

Upon a motion and second to approve, under the requirements of Section 7.5.1 thru 7.5.4, as applicable, the motion carried.

7.6 Sewage Disposal

The project must be provided with a method of disposing of sewage which is in compliance with the Maine Plumbing Code and the Maine Subsurface Waste Water Disposal Rules.

Findings And Conclusions: The two bathroom sewage disposal systems will be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules. The applicant will submit a soil subsurface wastewater disposal report to the CEO and obtain a subsurface wastewater disposal/plumbing permit from the CEO.

Upon a motion and second to approve, under the requirements of Section 7.6, the motion carried.

7.7 Solid Waste Management

The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

Findings And Conclusions: Each campsite will be equipped with metal trash containers which will be emptied as needed. Proprietors will contract for trash removal.

Upon a motion and a second that the application is in compliance with this section, motion carried.

7.8 Storage of Materials

7.8.1 All materials stored outdoors, including solid waste, shall be stored in such a manner so as to: prevent the breeding and harboring of insects, rats or other vermin; not be a fire hazard; and otherwise not create a public health hazard or nuisance to adjacent properties.

7.8.2 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

Findings And Conclusions: All equipment associated with the project will be stored so as not to create a hazard or nuisance.

7.8.3 This section is not applicable to minor projects.

Upon a motion and a second that the application is in compliance with all applicable sections, motion carried.

7.9 Traffic Access, Internal Traffic Circulation and Parking

- 7.9.1 Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Vehicular access to and from the development must be safe and convenient.
- 7.9.2 All developments must meet the requirements of the Road and Utility Structures Ordinance for the Town of Starks, as applicable.
- 7.9.3 Internal roads, pedestrian areas, parking areas, loading/unloading areas and emergency access must be safe, convenient, and adequately constructed and designed to handle anticipated vehicular and pedestrian movements.
- 7.9.4 Adequate off-street parking must be available for the development to include the necessary number, size and configuration of parking spaces and areas.

Findings And Conclusions: The site includes 1600 ft. of frontage along Rt. 134. Access to two parking lots is through a DOT approved entrance. Internal traffic will be minimal as camper's vehicles will be parked in these lots and campers shuttled to their sites.

Upon a motion and a second that the application is in compliance with this section, motion carried.

7.10 *Hazardous, Special, and Radioactive Materials*

Findings And Conclusions: No hazardous waste or radioactive material will be generated or stored on this site.

Upon a motion and second that this section is not applicable motion carried

7.11 *Stormwater Management and Erosion and Sedimentation Control*

- 7.11.1 Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed roads, parking areas, roofs, and other surfaces to prevent adverse impacts on abutting or downstream properties. Stormwater runoff in excess of the natural pre-development conditions should be minimized. Existing features, such as berms, swales, terraces and wooded areas should be retained where they reduce runoff and encourage infiltration of stormwater. Stormwater runoff control systems and features shall be maintained to ensure proper functioning.
- 7.11.2 All activities that involve filling, grading, excavation, or other activities resulting in unstabilized soil conditions shall require a written soil erosion and sedimentation control plan that addresses the following: mulching and revegetation of disturbed soil; temporary runoff control features such as hay bales, silt fencing or diversion ditches; and permanent stabilization structures such as retaining walls or riprap. (See 7.11.3 Guidelines)

Findings And Conclusions: The project will involve minimal disturbance of soil and vegetation and will not increase the impacts of stormwater runoff. Silt fences will be installed during the construction of the two septic systems to prevent erosion and runoff. This is a minor development, and it does not require a DEP permit making Sections 7.11.4 and 7.11.5 not applicable.

Upon a motion and a second that the application complies with the applicable sections, motion carried

7.12 Nuisance and Aesthetics

7.12.1 Nuisance Containment: The proposed land use shall be designed so as to incur no off-site adverse impacts, including but not limited to glare, dust, smoke, fumes, noise, odor, or activity at unreasonable hours, beyond those consistent with existing background levels.

7.12.2 Noise

7.12.3 Hours of Operation

7.12.4 Lighting and Advertising

7.12.5 Buffers

Findings And Conclusions: The proposed project is designed so as to incur no off-site adverse impacts including unreasonable noise, excessive traffic or light pollution

All activity on the property will comply with State and local regulations. Campers will receive brochures detailing rules, expectations and enforcement policies regarding noise, drugs, alcohol, traffic, and the like.

Upon a motion and second that the application is in compliance with this section, motion carried.

7.13 Signs

7.13.1 No sign shall extend higher than 20 feet above the ground.

7.13.2 Signs may only be illuminated by stationary, shielded, non-flashing light sources, directed solely at the sign and not casting light off the premises. Any sign lighting that creates a safety hazard or glare to pedestrians or motorists must be replaced to address the safety hazard, or removed entirely.

7.13.3 Digital, light-emitting diode (LED), and electronic signs are prohibited. Any sign that in whole or in part uses electronic or digital means to display words, symbols, figures or images, including signs that can be electronically or mechanically changed by remote or automatic means is prohibited.

7.13.4 Signs owned and operated by the Town of Starks or another governmental agency shall be allowed without restriction.

Findings And Conclusions: Refer to attached diagram detailing existing signage. No new signage is proposed. The existing sign conforms to the standards of this section. When appropriate, a temporary "Parking" sign will be posted to direct campers to the site

Upon a motion and second that the application is in compliance with this section, motion carried.

Sections 7.14 Landscaping, 7.15 Common Open Space Areas, 7.16 Automobile Graveyards, Automobile Recycling Businesses and Junkyards, 7.17 Commercial Water Extraction, 7.18 Kennels and Veterinary Hospitals, and 7.19 Multifamily Developments

Findings And Conclusions: All of the above are non-applicable, either because this is not a major development, or it is not any of these land uses.

Upon a motion and second that these sections are not applicable, motion carried

7.20 Capacity of the Applicant to Construct, Operate and Decommission the Project

7.20.1 The applicant must demonstrate financial and technical capacity to construct, operate, and decommission (if required) the project in accordance with this Ordinance and the approved plan.

Findings And Conclusions: The applicant has indicated the project will cost \$25,000. The application demonstrates the applicants financial and technical capacity. Sections 7.20.2 through 7.20.3 are not applicable.

Upon a motion and second that the application is in compliance with applicable parts of this section, motion carried.

7.21 Impact on Community Services

7.21.1 The proposed development will not adversely impact or reduce the quality of any community service, including, but not limited to, emergency services (e.g., fire, police, ambulance), road capacity, maintenance and snow removal, and the like.

Findings And Conclusions: There will be minimal impacts to community services, and therefore the requirements of Section 7.21.2 and 7.21.3 are not necessary.

Upon a motion and second that the application complies with applicable parts of this section, motion carried.

7.22 Conformance with Other Laws

Proposed developments and activities shall be in conformance with all other applicable local, state and federal laws and regulations. The applicant shall demonstrate this conformance through copies of all required permits, or other evidence that anticipated permits are pending.

Findings And Conclusions: The applicant will obtain the following required permits as a condition of approval

DHHS Campground Permit

Septic Design and Septic Permit

State Fire Permit (seasonal)

Letter of approval from Starks Fire Chief

Local Plumbing and Building Permits

Findings of Fact, Conclusions of Law, and Decision
Planning Board, Town of Starks, Maine
Shoreland Zoning Ordinance

Note: The following decision (and standards) is applicable to areas within the Shoreland Zoning Resource Protection District, which is the area of the subject parcel that is within 250 feet measured horizontally from the high water mark of the Sandy River. The remaining portions of the parcel are not subject to these standards other than the required minimum lot size of 40,000 square feet. Additionally, a building permit from the CEO will be required which means adherence to the Town's Building Ordinance – 1-acre minimum lot size, public road setback of 60 feet from the centerline, etc. will be required.

Shoreland Zoning Ordinance Section 15 - Land Use Standards

Non-Applicable Standards:

C (Piers, Docks, Wharves, etc.), E (Private Campsites), G (Roads and Driveways), H (Signs), J Septic Waste Disposal Systems, K (Essential Services), L (Mineral Exploration/Extraction), M (Agriculture), Q (Revegetation Requirements), R (Erosion and Sedimentation Control), and U (Archaeological Site)

Findings and Conclusions: The aforementioned Sections do not apply to this application

Upon a motion and second that this section is not applicable, motion carried.

A. Minimum Lot Standards:

All land use activities within the shoreland zone shall conform with the applicable provisions.

(1, c) Public and Private Recreational Facility: Minimum Lot area (40,000 sq. ft.) Minimum Shore Frontage (200 sq. ft.)

Findings and Conclusions: The project is located on a 40-acre parcel (43,560 sq. ft. per acre) and includes 1600 ft. of shore frontage

Upon a motion and second that the application complies with this section, motion carried

B. Principal and Accessory Structures Standards

(1) All new principle and accessory structures shall be set back at least 75 ft., horizontal distance, from the normal high-water line of water bodies, tributary streams or the upland edge of a wetland.

(2) In the Resource Protection District, the setback requirement shall be 250 feet, horizontal distance from the high-water mark.

(Campgrounds are allowed within the Resource Protection District if the zoning is based on the location of a floodplain area. (See Table 1 #23 pg.14)

Findings and Conclusions: Three (3) campsites are to be located in the shoreland zone adjacent to a mapped floodplain. The plan calls for the 3 sites to be set back a minimum of 85 ft. from the high-water mark and a minimum of 8 ft. above the flood plain base elevation.

Upon a motion and second that the application complies with this section, motion carried

D. Campgrounds. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- (1) Campgrounds shall contain a minimum of five thousand (5000) sq. ft. of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a body of water shall not be included in calculating land area per site.
- (2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of seventy-five (75) feet, horizontal distance, from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland.

Findings and Conclusions: The campground is located on a 40-acre parcel. As noted above, the three (3) sites are to be set back a minimum of 85 ft. from the high-water mark and a minimum of 8 ft. above the flood plain base elevation.

Upon a motion and second that the application complies with this section, motion carried

F. Parking Areas Standards.

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream, or wetland and where feasible, to retain all runoff on-site.

Findings and Conclusions: Two large gravel parking areas currently service the wedding events site; one lot measures 75' x 240', the second, 120' x 160'. Neither are in the shoreland zones.

Upon a motion and second that this section is not applicable, motion carried.

I. Storm Water Runoff Standards.

- (1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
- (2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

Findings and Conclusions: There will be minimal disturbance of the existing vegetation in the shoreland zone due to the nature of the campsites. The septic systems will not be located in the shoreland zone.

Upon a motion and second that the application complies with this section, motion carried

N. Clearing or Removal of Vegetation for Activities other than Timber Harvesting Standards.

- (1) In any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district, and to remove safety hazards.

Findings and Conclusions: Clearing will be minimal and limited to the removal of brush and dead trees.

Upon a motion and second that the application complies with this section, motion carried.

O. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.

- (1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the requirements of Sec. 15 (O) are met.

Findings and Conclusions: As a condition of approval, clearing and removal of hazard trees, storm-damaged trees and dead tree removal within the Resource Protection District will be limited to that which is necessary and in accordance with Sec 15 (O) of the Shoreland Zoning Ordinance. The applicant will remove fallen trees, alders, brush and do some tree limbing as necessary.

Upon a motion and second that the Applicant will comply with this section, motion carried.

P. Exemptions to Clearing and Vegetation Removal Requirements.

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(O), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary.

- (1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields.

Findings and Conclusions: As a condition of approval, clearing and removal of hazard trees, storm-damaged trees and dead tree removal within the Resource Protection District will be limited to that which is necessary and in accordance with Sec 15 (O) of the Shoreland Zoning Ordinance.

Upon a motion and second that the applicant will comply with this section, motion carried

S. Soils Standards.

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, ... shall require a soils report based on an on-site investigation and be prepared by state-certified professionals.

Findings and Conclusions: As a condition of approval the applicant will submit an updated soil subsurface wastewater disposal report to the CEO and obtain a subsurface wastewater disposal/plumbing permit from the CEO.

Upon a motion and second that the applicant will comply with this section, motion carried

T. Water Quality Standard.

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

Findings and Conclusions: The applicant will comply with the water quality standards

Upon a motion and second that the application complies with this section, motion carried

Shoreland Zoning Ordinance Section 16 Administration (D) - Approval Criteria

1. Maintain safe and healthful conditions

Findings and Conclusions: The proposal will maintain safe and healthful conditions, with implementation of the conditions of this approval

2. Not result in water pollution, erosion, or sedimentation to surface waters

Findings and Conclusions: The proposal will not result in water pollution, erosion, or sedimentation into the Sandy River and other bodies of water

3. Adequately provide for the disposal of all wastewater

Findings and Conclusions: The proposal will adequately provide for the disposal of all wastewater with construction of a septic system in accordance with an on-site septic system/plumbing permit from Code Enforcement Officer (See condition of approval).

4. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat

Findings and Conclusions: The proposal will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat due to the location of the 85 ft setback from the Sandy River, avoidance of wetlands, and minimal impact of the recreational use.

5. Conserve shore cover and visual, as well as actual, points of access to inland waters

Findings and Conclusions: Tent sites will be setback at least 85 ft from the high-water mark of the river, and there will be limited clearing of brush and trees.

6. Protect archaeological and historic resources as designated in the Comprehensive Plan

Findings and Conclusions: Not applicable because no archaeological or historical resources have been identified.

7. Avoid problems associated with flood plain development and use

Findings and Conclusions: Not applicable because the proposed use is not within a floodplain as regulated through the Town's Floodplain Ordinance.

8. Be in conformance with the provisions of Section 15, Land Use Standards

Findings and Conclusions: The proposal will be in-conformance with the applicable Section 15, with the following conditions of approval:

1. The applicant will submit an updated soil subsurface wastewater disposal report to the CEO and obtain a subsurface wastewater disposal/plumbing permit from the CEO
2. Removal of trees and vegetation within the Resource Protection District shall be limited to what is necessary for the residential use and shall comply with the provisions of this Ordinance

Section 16 Summary Conclusions:

Section 16 Summary Conclusions:

Upon a motion and second that the application conforms to all requirements of the Shoreland Zoning Ordinance Section 16, the motion carried

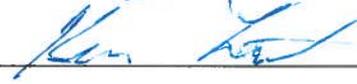
Because the Planning Board concludes that the application conforms to both the Town's Site Review Ordinance and the Shoreland Zoning Ordinance, the Board grants the applicable Permits with the conditions as outlined herein.

Any expansion, significant modification or changes to the original plan will require further Planning Board approval.

Upon a motion and second to approve the application and grant the applicable permits, the motion carries.

Approved: Town of Starks Planning Board

Gwen Hilton  Date 10/20/2021

Ken Lust  Date 20 Oct 21

Claire Nelson  Date 10/20/21

Joe Hartigan  Date 10-20-21

John Newsom  Date 10/20/21