



### ***Findings of Fact***

*Planning Board, Town of Blue Hill*

*Regarding an application for*

**Salt Pond Road Subdivision**

Tax Map **32** Lot **23**

*Applicant*

**Geoffrey Bowley**

### **Findings of Fact**

***Street address:***

Salt Pond Road, Blue Hill

***Property owner:***

Salt Pond Road Development, LLC

***Description of the existing use(s) of the property:***

Open blueberry barren

***Description of the proposed use(s) of the property and the nature of the application:***

The project proposes to develop a 9-lot single family residential subdivision with approximately 2.5 acres of open space. Proposed lots range in size from approximately 2.4 acres to 7.85 acres and will be served by individual wells and subsurface wastewater disposal systems. A new 1640' linear foot road with two connections to Salt Pond Road is proposed to be constructed within 50' ROW.

***List of materials submitted at each stage of the application process:***

Materials submitted for the April 10, 2024 Planning Board Meeting:

1. Application form, property deed, tax map, existing condition figures, soils information, MDIFW Correspondence, MHPC Correspondence and archaeological survey, MNAP correspondence, subdivision review criteria narrative, stormwater report, financial capacity, abutter list and notices, preliminary drawings – 3/1/2024
2. Additional information requested at 4/10/2024 meeting – revised preliminary plan that includes total shore frontage for lots 1, 6, 7, 8, and 9 and draft declaration or covenants, conditions, restrictions, and easements – 4/18/2024
3. Groundwater extraction assessment – 4/26/2024
4. Revised review criteria narrative, MDEP review form, Illustrative cross section, letter from Maine Historic Preservation Commission, revised declaration of covenants, conditions, restrictions, and easements – 6/17/2024
5. Consolidated Application – 7/17/2024
6. Further information on: Groundwater Availability Assessment, Soil Erosion, and Stormwater – 1/23/2025

## **7. Model Blasting Plan and Buffer Restrictions – 3/5/2025**

### ***Date(s) on which the Board met to consider the application:***

4/10/2024, 5/8/2024, 6/5/2024, 8/27/2024 (site visit), 9/11/2024, 1/8/2025 (third party review materials), 2/12/2025, 4/9/2025

### ***Date(s) on which the Board conducted a public hearing on the application:***

5/8/2024, 8/14/2024, 3/13/2025

### ***Brief description of substantive materials and testimony received at the public hearing:***

Public hearing on this matter consisted of three (3) formal public hearings as set out above, the cumulative length of which is estimated to be between four (4) and six (6) hours. In addition, the board received numerous written submissions, including but not limited to: narrative comments, correspondence from legal counsel, and correspondence from independent subject matter experts such as hydrology, visual impact, and indigenous cultural importance.

Though public testimony was often directed to the specific enumerated review criteria of Title 30-A M.R.S. s. 4404 (as taken up and addressed during deliberation of the Planning Board on or about April 9<sup>th</sup>, 2025), generally the testimony can be summarized as set out below.

The Board heard testimony regarding concerns over pollution of salt pond during construction on the subject property, as well as during ultimate occupancy of the dwellings thereon; concerns over the nature of soils with respect to runoff from the site into the salt pond and surrounding areas; concerns over exposure of previously deployed pesticides and/or herbicides contained in the soil once ground is broken; the nature of the slope of property with respect to pollutant runoff to salt pond during construction and ultimate occupancy; concerns over groundwater extraction on the subject site depleting area wells and/or causing salt intrusion into area wells and/or future wells on the applicant property itself; concerns over increased traffic generally (occupants, deliveries, utilities, etc) with respect to both construction and ultimate occupancy; concerns over sewage contamination in salt pond as well as the visual impact of mounded septic solutions; concerns that specific septic design/plans had not yet been provided; and concerns about increased runoff from impervious surfaces contaminating the salt pond and/or surrounding areas.

The Board further heard lengthy testimony regarding adverse impact on the aesthetic, cultural and natural values of the subject property, the immediate surrounding area, and the community at large. More specifically, the Board heard concerns over the visual impact when viewing the property from road; visual impact when viewing the property from salt pond; concerns about access to a stream for historical and ongoing elver fisheries; indigenous heritage importance of the subject site; community importance for artists and the community; wildlife impact (eagles on a nearby island) during both construction and eventual occupancy; concerns over the effect on the salt pond wildlife and/or ongoing aquaculture operations therein. Further, it was brought to the attention of the Board the subject site

had previously been identified as an area of aesthetic significance including having been listed in the Downeast Coast Scenic Inventory 2010 and designated as an area in need of protection by the Town of Blue Hill Comprehensive Plan (1999).

### **Planning Board Approval Criteria**

**Board Members Present: Matthew Martin (Chair), Wilson King (Vice Chair), Gavin Riggall, Scott Blanchard, Diana Page, Suzanne Zelif (abstaining from vote)**

On or about April 9<sup>th</sup>, 2025, the Planning Board undertook this matter upon review for sufficiency, the results of which are set out more fully below. In performing the subject review, the Board deliberated and carefully considered all materials as set forth above, herein, including public testimony and in-person site visit of the subject property, and exhausted debate and discussion to the satisfaction of the Board.

Further, prior to consideration, Board member Zelif noted her reluctance to participate in voting on the subject application given her recent election to the Board (this meeting constituting her first as a member), and unfamiliarity with the application. As a result, member Zelif did not participate in any of the votes below, her presence was not considered in establishing a majority of present and voting members of the board, and the Board proceeded with a voting body of five (5).

***Pollution:*** Wilson made a motion that the materials provided by the applicant, taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number one Pollution. Gavin seconded. **VOTE:** 3 yay; 2 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

***Sufficient Water:*** Gavin made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number two Sufficient Water. Scott seconded. **VOTE:** 4 yay; 1 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

***Municipal Water Supply:*** Matthew made a motion that criteria of the enumerated number three Municipal Water Supply is not applicable. Scott seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the review criteria of this subsection is NOT APPLICABLE to the subject application.

***Erosion:*** Gavin made a motion that the materials provided by the taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number four Erosion. Wilson seconded. **VOTE:** 4 yay; 1 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

***Traffic:*** Diana made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the

criteria of the enumerated number five Traffic. Scott seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

***Sewage Disposal:*** Wilson made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number six Sewage Disposal. Scott seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

***Municipal Solid Waste Disposal:*** Matthew made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number seven Municipal Solid Waste Disposal. Scott seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

***Aesthetic, Cultural and Natural Values:*** Matthew made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number eight Aesthetic, Cultural and Natural Values. Gavin seconded. **VOTE:** 0 yay; 5 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application DOES NOT MEET the review criteria of this subsection.

***Conformity with Local Ordinances and Plans:*** Scott made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number nine Conformity with Local Ordinances and Plans. Wilson seconded. **VOTE:** 0 yay; 5 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application DOES NOT MEET the review criteria of this subsection.

***Technical and Financial Capacity:*** Wilson made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number ten Technical and Financial Capacity. Gavin seconded **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

***Surface Waters:*** Wilson made a motion that the materials provided by the taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number eleven Surface Waters. Diana seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

***Ground Waters:*** Wilson made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number twelve Ground Waters. Scott seconded. **VOTE:** 4 yay; 1 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

**Flood Areas:** Diana made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number thirteen Flood Areas. Wilson seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

**Freshwater Wetlands:** Scott made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number fourteen Freshwater Wetlands. Wilson seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

**Farmland:** Scott made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number fourteen subsection (a) Farmland. Wilson seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

**River, Stream, Brook:** Wilson made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number River, Stream, Brook. Diana seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

**Stormwater:** Wilson made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number sixteen Stormwater Scott seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

**Spaghetti Lots Prohibited:** Scott made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number seventeen Spaghetti Lots Prohibited. Diana seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

**Lake Phosphorous Concentration:** Scott made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number eighteen Lake Phosphorous Concentration. Wilson seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

**Impact on Adjoining Municipality:** Scott made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number nineteen Impact on Adjoining Municipality.

Diana seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

**Land subject to liquidation harvesting:** Scott made a motion that the materials provided by the applicant taken together with any and all third-party documents, the site walk-through(s), and/or public testimony, meets and satisfies the criteria of the enumerated number twenty Land subject to liquidation harvesting. Gavin seconded. **VOTE:** 5 yay; 0 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application MEETS the review criteria of this subsection.

<b>Decisions</b>
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**Date Application Accepted as Complete for Review:**

4/10/2024

**Waiver(s) Granted:**

None requested or granted

**Decision(s) voted on by Planning Board:**

(From the April 10th, 2024 minutes)

**Motion:** Scott motioned to accept the application as presented with the conditions of having the tie lines represented on the plans, the amount of each lot that is within the 250' shoreland zone be represented on the plans, a visual impact from the roadway be presented, and a ground water extraction impact assessment must be completed prior to final review and approval. Matthew seconded. Approved 6-0.

(From the April 9th, 2025 meeting)

Scott motioned to approve the overall application and to find that it meets all of the review criteria provided in Title 30-A M.R.S. § 4404. Gavin seconded. **VOTE:** 0 yay; 5 nay. As a result of the foregoing, and based upon careful consideration, the Board finds as a matter of fact the application DOES NOT MEET the review criteria as set out in Title 30-A M.R.S. § 4404.

**Final Plan Denial Date:**

April 9<sup>th</sup>, 2025

**Conditions for Final Approval (if any):**

**Expiration Date (if conditions are not satisfied):**

None



Chair, Planning Board

4-15-25

Date