

Town of North Yarmouth
Planning Board
Meeting Minutes of October 25, 2022
Special Meeting
(recording is available via [Town Hall Streams](#))

I. Call to Order

Jeff Brown, Secretary called the meeting to order at 6:36 PM

Present: Kimry Corrette (Board Member), Paul Metevier (Board Member), Trey Milam (Board Member), Sanford Peabody (Board Member), Jeff Brown (Secretary/Board Member), Paul Whitmarsh (Alternate Board Member) and Alexander Urquhart (Alternate Board Member).

II. Finding of Facts-Deacon Hayes Commons

1. Utilization of the Site

- The existing site is flat and the development is surrounded by residential homes, an auto shop, a preschool, North Yarmouth Town Hall, and Memorial Park.
- The proposed impervious area will be approximately 25,418 square feet.
- No wetlands, vernal pools, or significant wildlife habitat were identified within the project area.
- Toddy Brook stream is located east of the development and stream buffers are shown on the plan. See Sheet 1 Site & Demolition Plan dated February, 2022.
- Tree clearing on the site will be minimal and limited to those trees that line Parsonage Road.

2. Utilities

- The residential units will utilize underground electricity, cable communications, telephone and water supply.
- The 12" water main is shown on the Grading & Erosion Control Plan revised June 28, 2022 under Walnut Hill and Parsonage Road.
- The 1" domestic water lines will connect to each of the units.
- Each unit will connect to a septic sewer system. See Sheet 2 Grading & Erosion Control Plan dated February, 2022.
- The applicant has provided an updated groundwater impact analysis from Mark Cenci Geologic Inc. dated August 26, 2022. The single septic system exceeds 2,000 gallons per day and is regulated as an Engineered System by the Division of Environmental Health. The calculations provided shown that the wastewater plume does not exceed 5 mg/liter and is directed east.

3. Building Standards

- The applicant has submitted exterior building plans that comply with the building standards outlined in Section 10.4 of the Zoning Ordinance.

4. Impact on Community Facilities

- No adverse impact on community facilities will result from the development.

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5. Hazardous Materials and Emissions

- No hazardous materials and emissions will result from the development.

6. Exterior Lighting

- All residential units will include porch lights and entrance lights.
- The applicant is proposing full cutoff dark sky lighting for the units.

7. Financial and Technical Capacity

- The applicant has provided a letter of financial capacity from GenX Lending dated May 25, 2022.

8. Landscaping, Buffers and Screening

- An 8-foot-tall vinyl stockade fence is shown on the Site & Demolition plan revised June 28, 2022 along the northwestern property line to screen from abutting properties.
- One of the landscaped islands has been relocated to be further away from the disposal area shown on the updated Site & Demolition Plan.
- New trees and shrubs are shown on the site plan between the units and surrounding the parking area. The applicant has provided a list of trees and shrubs to be used on the amended site plan dated May 26, 2022.
- A 5 (five) foot wide grassed esplanade will be added between the sidewalk and Walnut Hill Road.

9. Noise

- The proposed development will not result in noise levels that will be objectionable to surrounding uses.

10. Signs

- No new signs will be included for the project.

11. Storage of Materials

- The project will not include any exposed hazardous outdoor storage material.
- The project will not include any garbage disposal units (see Subsurface Wastewater Disposal System application dated March 9, 2022).

12. Stormwater Control

- Drainage flows southwest towards the manmade stormwater pond. See Sheet WS-1 Watershed Plan dated April 18, 2022.

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- A 4-foot-wide drip edge has been provided around the homes to infiltrate stormwater runoff. See WS-1 Watershed Plan dated April 18, 2022.
- The applicant has provided both pre and post development stormwater calculations and the project is anticipated to mitigate peak flows to the stormwater pond.
- A new catch basin will be located over the existing 24" diameter culvert to capture the stormwater runoff from Walnut Hill Road. Details for the catch basin are shown on Sheet 3 Construction Drawings.
- The project will comply with DEP and Soil and Water Conservation District Best Management Practices for stormwater and erosion control.
- The project will add less than an acre of impervious area and therefore will not require a DEP permit under Chapter 500.

13. Protection of Significant Wildlife Habitat

- No significant wildlife habitat is located within the project area.

14. Access Management, Parking and Vehicular Circulation

- Access to the units will come from the paved driveway off Parsonage Road.
- The applicant has received a waiver from estimated peak hour traffic (Section 4.4f.13). Vehicular traffic to the site will be minimal.
- A turnaround space and "no parking" sign is marked on the site plan revised June 28, 2022 for emergency vehicle access.

15. Pedestrian Ways and Bicycle Access

- A new 5-foot-wide paved sidewalk will be added along Parsonage Road, Walnut Hill Road, and on the southern side of the parking lot.
- The sidewalk located along Walnut Hill Road has been moved further away from the street for safety and construction purposes shown on the Subdivision Plan dated June 28, 2022.
- A 5-foot wide path is shown connecting from the parking area to the manmade pond.
- Each residential unit will have direct access to the public sidewalk and the sidewalk from the parking area.

16. Off-Street Parking and Loading

- The development includes a 29-space parking lot with ADA accessible parking spaces. See Sheet 1, Site & Demolition Plan and Sheet 4 Construction Details updated March, 2022.
- Parking is adequate to accommodate users during the week.
- The locations of snow removal areas are shown surrounding the easterly side of the parking area on the Site & Demolition Plan revised June 28, 2022.

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Subdivision Review – Findings of Fact

1. General Layout: Lots, Blocks, Utilities, Monuments, and Back Lots
 - Each of the buildings are on their own individual lots and meet all dimensional requirements from the Ordinance.
 - Units 4, 8, and 11 will be reserved for affordable housing.
 - Iron pipe monuments are shown at the corners of development boundaries on the Boundary Survey dated May 18, 2021.
 - See #2 Site Plan Review for information about utilities.
2. Erosion and Sedimentation Control
 - See #12 Site Plan Review for information about erosion and stormwater management.
3. Floodplain Management
 - The development is not located in a 100-year floodplain.
4. Historic and Archaeological Sites
 - The development does not contain historic or archaeological resources.
5. Sewage and Solid Waste Disposal
 - The applicant has submitted a Subsurface Wastewater Disposal System application in compliance with the State of Maine Subsurface Wastewater Disposal Rules.
 - The applicant has provided an updated hydrogeologic assessment from Mark Cenci Geologic Inc. dated August 26, 2022. The original hydrogeologic assessment dated May 24, 2022 assumed groundwater flow direction towards the manmade pond from four wastewater disposal areas located 100 feet apart. The plan has since been revised to include a single combined wastewater disposal area to be used by all residential units (see Grading & Erosion Control Plan).
6. Soil Suitability
 - The soils are adequate to support the development. See Subsurface Wastewater Disposal System application, "Soil Profile Description and Classification" dated March 9, 2022.
7. Recreation and Open Space Land Development
 - The development will not include land for recreation or open space development.

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8. Water Supply

- The development will utilize public water.
- The applicant has attached a letter from Yarmouth Water District dated June 29, 2022 regarding capacity to serve the project.

9. Water Quality

- The development will not diminish or adversely impact water quality with conditions added by the Planning Board.

10. Subdivision Street Connectivity

- See #14 Site Plan Review access management and vehicular circulation standards.

Site Plan - Conclusions of Law:

1. The development **will** reflect the natural capabilities of the site to support development.
2. Utilities serving developments in the Village Center District and Village Residential District **will** be installed underground.
3. The proposed development, with conditions added by the Planning Board, **will not** result in a negative impact to the environment or to the community facilities or services.
4. The development **will not** contribute emission of dust, ash, smoke or other particular matter.
5. The proposed development **will** have adequate exterior lighting to provide for its safe use during nighttime hours.
6. The applicant **will** have the financial capacity to complete the project.
7. The landscape **will** be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.
8. The development **will** control noise levels such that it **will not** create a nuisance for neighboring properties.
9. ~~The size, location, design, color, texture, lighting and materials of all exterior signs **will/will not** detract from the design of proposed buildings and structures. (N/A)~~
10. ~~Exposed non-residential storage areas, exposed machinery, and areas used for storage **will/will not** have sufficient setbacks and screening. (N/A)~~
11. Adequate provisions **will** be made for the collection and disposal of all storm water that runs off proposed roads, parking areas, roofs and other surfaces.
12. Developments **will** be designed to protect and conserve important wildlife habitat to the greatest extent feasible.
13. The layout of the site **will** provide for the safe movement of passenger, service, and emergency vehicles throughout the site.
14. The site plan **will** provide for a system of pedestrian ways within the development appropriate to the type and scale of development.
15. Parking areas will be constructed to protect the natural environment and visual character of the community, improve pedestrian safety and accessibility, and promote the quality of life in developed areas.

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Paul Whitmarsh, Alternate Board Member- He gave background on the timeline and approvals prior to the vote. He confirmed that the finding of facts is a reflection on what took place at the meeting on September 13th.

Jeff Brown made the motion to approve the Deacon Hayes Finding of Facts with the 5 conditions as presented, seconded by Sanford Peabody. Vote. 4 Yes/ 0 No. Paul Whitmarsh participated in the vote due to Trey Milam and Paul Metevier abstaining from the vote.

Jeff Brown, Secretary- He stated that they do not rule on state required approvals. He stated that he had a conversation with someone about Fuji Systems. He said that Maine Septic Solutions is the distributor and when septic systems are not renewed or not being followed, they receive notice so that they know who is maintaining their systems.

Kimry Corrette, Board Member pointed out that the maintenance agreement be communicated to the Yarmouth Water District.

III. Bylaw Discussion

Jeff Brown made the motion to approve updates to the Planning Board Bylaws as presented. seconded by Kimry Corrette. Motion withdrawn

Kimry Corrette made the motion the approve the Town of North Yarmouth Planning Board Bylaws as amended with the exception of Section 2, A to be further amended by changing Chairperson to Officer and Section 4, C to “add and to amend these Bylaws” allowing Alternate members to vote on Bylaw changes, seconded by Sanford Peabody. Vote 7/0

Paul Whitmarsh, Alternate Board Member- He suggested an amendment to Section 4, C to allow all members to vote on bylaw changes and to amend these bylaws.

Jeff Brown, Secretary- He stated that he was pleased that the Town Attorney was consulted and proposed amendments to the Bylaws.

Kimry Corrette, Board Member- She expressed her confusion regarding the election of an Alternate Board Member to Chair.

Alexander Urquhart-Alternate Board Member- He questioned the redundancy of sections of the bylaws regarding the election process.

An amendment was made to Section 2, A changing Chairperson to Officer, and Section 4, C allowing all members to vote on bylaw changes and to amend the Bylaws.

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Jeff Brown made the motion to nominate Paul Whitmarsh as Planning Board Chair for the remainder of this year's term ending June 30, 2023, seconded by Kimry Corrette. Vote 6 Yes/ 1 Abstained (Paul Whitmarsh).

Jeff Brown, Secretary- He feels Paul Whitmarsh would make a good chair for the Planning Board based on his background.

Alexander Urquhart, Alternate Board Member- He commented on making this appointment permanent instead of on a meeting-to-meeting basis.

Paul Whitmarsh, Alternate Board Member- He stated that if the vote was on a meeting-to-meeting basis, then according to the Bylaws, the Secretary would be the Chair each time unless another appointment was made at each meeting.

Mike Mallory, Walnut Hill Road- He asked if Paul would automatically become a voting Member.

Paul Whitmarsh, Alternate Board Member- He responded that no he would not automatically become a voting member.

Kevin Robinson, Walnut Hill Rd He pointed out that if there wasn't a quorum, then both Alternate Members would become voting members for that meeting.

Special meeting adjourned at 7:21 PM.

Planning Board Members



Paul Whitmarsh - Chair

Sanford Peabody, Board Member

Kimry Corrette, Board Member



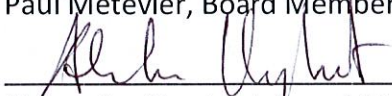
Trey Milam, Board Member



Jeffrey Brown - Secretary



Paul Metevier, Board Member



Alexander Urquhart, Board Member