



RECEIVED
SEP 19 2022

TOWN OF NORTH YARMOUTH
10 VILLAGE SQUARE ROAD
NORTH YARMOUTH, MAINE 04097
PHONE: (207) 829-3705 X204
FAX: (207) 829-3743
WEBSITE: www.northyarmouth.org

9/19/22
2:52:52

CODE OFFICE HOURS
MONDAY - THURSDAY
8:00 AM - 5:00 PM

ADMINISTRATIVE, VARIANCE OR MISCELLANEOUS APPEAL APPLICATION

APPLICANT: Sol and Alicia Dostilio APPLICANT PHONE #: 207-232-5598
APPLICANT MAILING ADDRESS: 15 Parsonage Rd N. Yarmouth, Maine 04097
APPLICANT OWNER EMAIL: awellsdostilio@gmail.com

PROPERTY OWNER: 527 LLC (Laurie Bachelder) PROPERTY OWNER #: _____
PROPERTY OWNER ADDRESS: 865 Oak Hill Road, N. Yarmouth Maine, 04097
PROPERTY OWNER EMAIL: lbach@maine.rr.com

TAX MAP & LOT NUMBER: 62

PROPERTY USE: Residential

LOCATION/PROPERTY ADDRESS: 521 Walnut Hill Rd, N. Yarmouth, Maine 04097

ZONING DISTRICTS:

VILLAGE CENTER VILLAGE RESIDENTIAL FARM AND FOREST FLOODPLAN

OVERLAY ZONING DISTRICTS:

RESIDENTIAL SHORELAND (100') RESOURCE PROTECTION (150') RESOURCE PROTECTION (250')
 ROYAL RIVER CORRIDOR OVERLAY GROUND WATER PROTECTION OVERLAY


CASE DESCRIPTION – PROVIDE A CONCISE WRITTEN STATEMENT INDICATING WHAT RELIEF IS REQUESTED, A SKETCH AND WHY THE APPEAL OR VARIANCE SHOULD BE GRANTED:

See Enclosures

Digital copy of application and all enclosures available upon request.

IF A VARIANCE IS GRANTED, IT IS THE APPLICANT'S RESPONSIBILITY TO OBTAIN A VARIANCE CERTIFICATE FROM THE CODE ENFORCEMENT OFFICER AND TO RECORD THIS CERTIFICATE AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS. THE VARIANCE SHALL EXPIRE IF THE WORK INVOLVED IS NOT SUBSTANTIALLY COMPLETED WITHIN ONE YEAR.

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED IS COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Alicia Dostilio 
APPLICANT SIGNATURE

DATE: 9/19/2022

DATE OF PUBLIC HEARING: _____ DATE PAID: 9/19/22 TOTAL FEE AMOUNT: \$250.00

Together with abutters and concerned townspeople, Sol and Alicia Dostilio (immediate abutters to the Deacon Hayes Commons Project), request relief from the decision to approve the final application of the Deacon Hayes Commons Major Subdivision, located in North Yarmouth Maine on an interpretive basis. The decision to approve the application was based on inaccurate interpretation by the Planning Board on September 13, 2022. The decision to approve the Deacon Hayes Commons Project is inconsistent with the North Yarmouth Land Use Ordinance. The request for relief from the decision to approve the final application for the Deacon Hayes Commons Major Subdivision should be granted because the project does not meet all required land use ordinances and will have an adverse effect on the abutters and community in its current state. The Planning Board failed to properly interpret and enforce the following specific land use ordinances.

1. LUO 3.8 B

*Types of Guarantees: With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the **total construction costs** of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:*

At the 9/13/22 meeting the Planning Board failed to set a performance guarantee for an amount that would cover "total construction costs." The amount set by the Planning Board, \$100,000, only covered a small portion of the construction costs. The lack of a full performance guarantee violates the LUO and puts abutters at risk of being in full view of an incomplete project.

2. LUO 4.4 E 2 e

A map drawn to scale, showing the location, boundaries, dimensions, uses and size of the following: site; type of structure; setbacks from the front, side, rear lot lines; signage; parking areas; and existing and proposed driveways or right-of ways. The map shall also show the location of water lines, sewer lines, wells, septic systems and of all bodies of water, including wetlands and their distances from all structures proposed for the site.

The Planning Board failed to uphold the setback requirements for sidelines as they relate to that of the common land described in the application. The Planning Board also did not address the setback requirements for the side setbacks of the building on Walnut Hill Rd. This component of the LUO relates to determining a final application complete, therefore, a complete application was not filed.

3. LUO 5.7 A 3 c

Other Approvals: Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:

Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) or advanced wastewater treatment system is to be utilized.

At the 9/13/22 meeting, the Planning Board failed to rule the application incomplete after an engineered septic system was added to the plan following the 8/9/22 meeting. The public and Planning Board were not provided updated plans to the septic design within 14 days of the meeting. The public was not allowed to ask questions regarding the new septic design at the 9/13/22 meeting. The Planning Board did not have written approval from the State on the revised septic as required. Without that written approval the application was incomplete and the plan did not meet requirements for approval vote. A vote without written approval from the State violates the LUO and puts the abutters and the aquifer at risk.

See Enclosure A (page 9)- Maine Subsurface Wastewater

4. LUO 5.4 A

Special Submission Requirements: Yarmouth Water District Review Required for Subdivisions Within the Groundwater Protection Overlay District or Proposing to Utilize the Public Water Supply: If any portion of the subdivision is located within the Groundwater Protection Overlay District, or is to be served by the public water supply, the applicant shall submit complete preliminary and final plans, as submitted to the Planning Board, to the Yarmouth Water District, and obtain written comments from the Yarmouth Water District regarding the subdivision's impact on the public water supply, and/or the District's agreement to provide public water service to the development, if applicable. The Yarmouth Water District's input shall be advisory.

The Yarmouth water district did not receive the updated septic design until the start of the meeting on 9/13/2022. The Yarmouth Water District was not given the opportunity to provide written comments to the Planning Board given the submission at the start of the meeting on 9/13/22. Further, the abutters did not receive an updated septic design plan, even at the meeting on 9/13/2022. The updated plans were not submitted 14 days in advance of the meeting. The Planning Board failed to uphold the land use ordinance, and this has a direct and negative impact on the health and safety of the Dostilio family, the abutters and the public water supply.

5. LUO 5.6 B 4 (b, d):

The application for preliminary plan approval shall include the following information. The Planning Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S. §4404 or Section 5.12 Subdivision Review Criteria, are met.

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

d. 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.

The project application included a deed without a clear title, and in fact the deed included the Dostilio property. This means neither the applicant nor the code enforcement office read the deed to ensure it was up to date, failing to meet the application requirements for the land use ordinance. The Dostilios brought this matter to the attention of the Planning Board on 9/13/22 well before the meeting, and the Planning Board took absolutely no action to have this issue corrected. The decision to ignore the applicant's lack of clear title puts the Dostilio family at risk of significant financial harm. The auction of the home did not have clear title, nor did the purchase of the home. The application must be required to clear the deed for their property as they do not, as it stands, have a clear title to the property. See enclosure B (page 10) Deed, Dostilio Deed and L (page 20). Dostilio Concerns Email

6. LUO 5.12 B (12)

Review Criteria: The Planning Board shall consider the following criteria and, before granting approval, must determine that:

12. Groundwater: The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water on site or on adjacent properties, and in particular the quality and quantity of ground water within the Groundwater Protection Overlay District;

The Planning Board failed to meet this land use ordinance as they have no indication from the department of health and human services that the septic design will meet the health and safety guidelines for the project in the groundwater overlay. There have been no studies of the quality of the groundwater as the most recent plan submission was given to the Planning Board at the start of the 9/13/22 meeting. The Planning Board did not ask this direct question, and public comment was not allowed at the meeting. This violation of the land use ordinance puts the health and safety of the Dostilio family at significant risk. This failure to uphold the LUO further puts all those who use public water and the aquifer at significant health risk.

See Enclosure D (page 12). Email correspondence with DHHS 9/16

6. LUO 5.7 B.

Submissions: The final plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred (200) feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than twenty-four (24) by thirty-six (36) inches in size, and shall have a margin of two (2) inches outside of the borderline on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved on the plan for

endorsement by the Planning Board. The final plan submission shall consist of one reproducible, stable-based transparency to be recorded at the Cumberland County Registry of Deeds, and a paper copy for review by the Planning Board. Following approval of the Final Plan by the Planning Board, the applicant shall submit a copy of the Final Plan as recorded at the Cumberland County Registry of Deeds, to include all recording information and Planning Board signatures. Town of North Yarmouth Land Use Ordinance Page 52 of 289 In addition, the applicant shall submit ten (10) copies of the final plan reduced to a size of eleven (11) by seventeen (17) inches, and all accompanying information. A copy of the final plan(s) and all accompanying information shall be provided to each Planning Board member no less than (seven) 7 days prior to the meeting. If any portion of the subdivision is located within the Groundwater Protection Overlay District a reduced copy of the final plan and all accompanying information shall also be provided to the Yarmouth Water District.

The developer provided new plans at the start of the meeting on 9/13/2022; the Planning Board failed to uphold the land use ordinance standards for material submission deadlines. The applicant also never provided a full and complete application at the meeting for final approval. The Planning Board stated there were changes to the sidewalk setbacks on Walnut Hill Road, and entirely new septic design was presented at the start of the meeting on 9/13/22. See Enclosure O (page 23). Project submission for 9/13/22

Furthermore, the project proposal sits in the groundwater protection overlay district, and the septic tank will emit close to 3,240 gallons of wastewater daily, sending the wastewater directly onto the Dostilio property. The hydro geologist freely admitted that he is basing all his information for the flow of the septic design on "assumptions". He stated in the meeting on 9/13 that the Planning Board had new plans just minutes before the meeting, the system was "flipped" calling into question whether the new design does, in fact, meet the setback requirements for our property line and the building setbacks. However, the Planning Board did not ask the reason for the design change, nor did they question the setbacks as they relate to the new design in the LUO. Finally, the hydrogeologist stated he "would really like to study the system further", and the Planning Board failed to ask what he meant by this.

7. LUO 5.8(C):

If the superintendent of schools indicates that there is less than 20 percent excess classroom capacity existing in the school(s) which will serve the subdivision, considering previously approved but not built subdivisions, the Planning Board shall require the plan to be divided into sections to prevent classroom overcrowding. If the expansion, addition or purchase of the needed facilities is included in the town's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

The Planning Board voted to phase the project based on school overcrowding, however, the information used for this decision was not submitted by the applicant. Furthermore, the language of the LUO indicates phasing is based on a time period in the capital improvements program, but the basis for the phasing was made arbitrarily at the meeting. The Planning Board failed to uphold LUO 5.8 c putting the school district at risk of further overcrowding, and thereby the community at risk of educational and financial hardship. See Enclosure E. (page 13) Attorney email to town, and F (page 14). Letter from Archipelago Law

8. LUO 10.34 B

General Requirements: Proposals subject to development review shall be accompanied by plans and information making provision for off-street parking. Such plans shall attempt to balance the provision of adequate parking for the project under review while minimizing the development of visible paved areas. Parking areas must 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.

Throughout the review, the Planning Board failed to enforce a clear LUO around parking lot guidelines. The LUO states that the parking lot “must” “protect the visual character of the community.” The proposed 29-car, single-large lot is unprecedented in town and in no way resembles the visual character of abutting residential properties. The applicants decision to design one large lot instead of discrete parking options broken up around the townhouses did not minimize the development of “visible” paved areas. It essentially turned the paved parking lot into the most prominent feature of the entire development. See Enclosure E. (page 13) Attorney email to town, and F. (page 14) Letter from Archipelago Law

9. LUO 10.34 C 2 4

All plans for parking areas shall include a landscaping plan which adequately screens parking lots, and that provides interruptions of parking spaces.

By not enforcing LUO 10.34 B and forcing a change in the design, the Planning Board ensured the parking lot could not be adequately screened as no lot of that size could be. Further, new septic design submissions included removal of previously agreed upon visual barriers making the parking area even more poorly screened. See Enclosure E. (page 13) Attorney email to town, and F. (Page 14) Letter from Archipelago Law

10. LUO 10.14 B 2 b, and c

b. Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.

c. Any parking lot containing ten (10) or more parking spaces must include one (1) or more landscaped islands within the interior of the lot. There must be one (1) island for every twenty (20) spaces.

The applicant did not indicate the type of visual screening to be used around the parking area, making it unclear if barriers will provide screening year round.

While there are two small interruptions in the proposed lot, neither are islands. The Planning Board failed to enforce this LUO.

The parking area will be the one of the largest in the entire town second only to the Wescustogo Hall and Community Center Parking lot, and will be entirely in view of the Dostilio home.

The Planning Board failed to uphold the land use ordinance, causing adverse impacts to the Dostilio family and other abutters. See Enclosure E. (Page 13) Attorney email to town, and F (Page 14). Letter from Archipelago Law

11. LUO 9.2 H 4 a

Storm water from frequently used parking lots (e.g. for commercial establishments, and workplaces) shall be diverted away from the Groundwater Protection Overlay District, if possible, and shall not be channeled into bodies of water.

The size of the development and the parking lot (located in the Groundwater Protection Overlay District) ensures that it will be frequently used. The final application states that runoff from the parking lot will flow into the pond on the property. The pond to which storm water is set to drain has not been evaluated for wildlife. The pond has never before been used for drainage, but has been converted to such to meet the needs of the developer. The Planning Board failed to enforce the LUO.

12. LUO 10. 23.D.2

Ownership and Maintenance of Common Open Space and/or Recreation Land: Further subdivision of the common open space and/or recreation land and its use for other than non-commercial recreation, agriculture, forestry and/or conservation purposes, except for easements for underground utilities and subsurface wastewater disposal systems, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the town, there shall be a conservation easement deeded to the town prohibiting future development.

The Planning Board failed to uphold this LUO as they did not establish a deeded conservation easement prohibiting future development. This puts the abutters and the town at risk of further adverse impact to health, safety and quality of life.

13. LUO 11.2 C 7

Long-Term Affordability Required for All Affordable Housing: Long-term affordability must be assured for a period no less than twenty-five (25) years through deed restrictions or some other recorded instrument acceptable to the Town Attorney. The developer of affordable housing shall include provisions for preserving affordability, which shall be reviewed by the town attorney prior to Select Board and Planning Board review of the proposed long-term affordability agreement. A third party that has the expertise and resources to undertake and continue the task of assuring the long-term affordability of the housing may administer the affordability program.

The Planning Board failed to enforce a deed restriction and did not establish provisions for assuring affordability prior to final approval on 9/13/22. See enclosure G. (page 15) Affordable Housing not defined for approval 11.2

14. LUO 11.9 B. 1 (a, d, e)

If any of the open space, recreational or other facilities are to be reserved by the individual residential unit owners as common open space or facilities, each unit owner shall own a fractional interest in the common open space or facilities, and the developer shall be required prior to final subdivision plan approval to incorporate a homeowners' association consisting of the individual unit owners, which incorporation must comply with the following:

(a) Proposed covenants shall be placed in each deed from the developer to the individual unit owner, which deed covenants shall require mandatory membership in the homeowners' association, and shall set forth the unit owners' rights, interests, privileges and obligations in the association and in the common open space and/or facilities, including homeowners association's responsibility and obligation to maintain and/or monitor the common open space and/or any facilities.

(d) All such proposed deed covenants and other legal documents pertaining to the common open space and/or facilities shall be reviewed by the Town Attorney, and, if approved by the Planning Board, shall be recorded in the Cumberland County Registry of Deeds, and included or referred to in the deed to each unit.

(e) All legal documents required under this subsection must be submitted with the final subdivision plan application.

The Planning Board did not place covenants on deeds requiring mandatory membership in the HOA and in the common land indicating responsibility to maintain and monitor the open space. The Planning Board also failed to have the Town Attorney review legal documents pertaining to the deeds and other legal documents pertaining to the common land to approve these for recording them in the Cumberland County Registry of Deeds. The Planning Board also failed to uphold that all legal documents regarding this subsection (11.9 B 1 (a, d, and e) be submitted with the final plan application.

Sol and Alicia Dostilio request the reversal of the approval of the Deacon Hayes Commons Major Subdivision application on an interpretive basis. Sol and Alicia Dostilio have participated

in each Planning Board meeting where the Deacon Hayes Commons Major Subdivision was discussed (April 12, 2022, May 10, 2022, June 16, 2022, July 12, 2022 , August 9, 2022, and September 13, 2022 as well as all public hearings on the matter. Sol and Alicia Dostilio communicated concerns to the Planning Board and select board consistently before & at each meeting. Furthermore, there has been consistent communication and participation from several other abutters raising additional concerns that the project does not meet the North Yarmouth Land Use Ordinance. See enclosure H. (Page 16) The projects remains undefined, I. (Page 17) Unanswered public questions re: affordable housing, J. (Page 18) Unanswered questions regarding groundwater overlay density, K. (Page 19) Unanswered public concerns-building cap. affordable housing, L (Page20). Dostilio Concerns Email sent 9/13/22

The approval of the Deacon Hayes Commons Major Subdivision approval has a negative impact on the Dostilio's quality of life, property value, health and safety.

Further notes of significance are that the abutters share all of the aforementioned concerns. The abutters indicated this through signature on a letter of concern submitted to the Planning Board, select board, and the applicant prior to the public hearing on June, 16 2022. See enclosure M. (Page 21) Abutter objections, N.(page 22) Neighborhood disapproval included in EMAIL Abutter Obiections

The approval of the Deacon Hayes Commons Major subdivision was improper on an interpretive basis as indicated by lack of the project meeting application, parking, and septic requirements stated in the North Yarmouth Land Use Ordinance and should be reversed based on the evidence submitted to the Zoning Board of Appeals on September 19th, 2022. See enclosure for most recently submitted plan sketch provided at the meeting on 9/13/22 O. (Page 23) Project submission for 9/13/22 . Note this plan does not include all application materials, and the full final application has not been provided to the public.

Respectfully submitted along with abutters and concerned citizens,

Sol and Alicia Dostilio

Enclosure A

10-144

Chapter 241

STATE OF MAINE
SUBSURFACE WASTEWATER DISPOSAL RULES



DEPARTMENT OF HEALTH & HUMAN SERVICES
MAINE CENTER FOR DISEASE CONTROL & PREVENTION
DIVISION OF ENVIRONMENTAL HEALTH
11 STATE HOUSE STATION
AUGUSTA, MAINE 04333

EFFECTIVE DATE: ~~January 18, 2011~~ 2014

Appropriation 014-10A-2426-012-2658

**SECTION 10
MISCELLANEOUS SYSTEMS**

A. ENGINEERED DISPOSAL SYSTEMS

Scope: This Section governs the design and installation of engineered systems with design flows of 2,000 gpd or more, or disposing of wastewater with a combined BOD5 and total suspended solids concentration greater than 1,400 mg/l (see Table 4B).

B1. RESPONSIBILITIES

- a. ~~1-~~ General: The size and/or complexity of engineered systems require that analysis, design construction, operation, and maintenance be undertaken at a level that is higher than the minimum requirements for small residential systems.
- b. ~~2-~~ Owner/operator: The owner/operator shall accurately describe the intended uses (present and future) for the system, and designate to the Department a Maine professional engineer to serve as design engineer. The owner shall operate the system within the design parameters, except as provided for in Section 9(A)(3), following the designer's recommendations for inspection and maintenance, as well as any State or local regulations.
- c. ~~3-~~ Design engineer: The design engineer is responsible for defining the needs of the client, investigating the site, designing the system, overseeing construction, and recommending operation and maintenance practices at an appropriate level of professional practice. In order to assure proper functioning of the engineered systems under expected conditions, the design engineer should consider relevant factors, including, but not by way of limitation, peak effluent levels, minimum recharge, deep frost and power failure.
- d. ~~4-~~ Department of Health and Human Services: The Department will conduct a desk review of the proposal, check for completeness of submittal (all necessary documents and signatures), review the reasonableness of data and assumptions, spot-check calculations, check for compliance with minimum requirements of these Rules and this Section, and give permission to the local government to issue the necessary permits. The Department is not responsible for the accuracy of the field data, assumptions or conclusions of the designer, the suitability of the design, or its performance. In accordance with the Memorandum of Agreement dated June 1998, the Department of Environmental Protection (DEP) may provide assistance to the Department in evaluating environmental impacts of these systems. DEP may submit comments to the Department for consideration, prior to final decision.
- e. ~~5-~~ Local government: The local government, operating through the LPI(s), may issue the necessary permit(s) after it has received permission from the Department to do so and when it is satisfied that the pre-construction conditions shown on the design are representative of the actual conditions. The local official may inspect the site in a timely manner, in order to be able to state with reasonable assurance that the system was installed as described in the approved plans.

C2. REQUIREMENTS FOR ENGINEERED DISPOSAL SYSTEM DESIGNS

- a. ~~1-~~ Department approval: An engineered system requires Department approval. A preliminary discussion between the Department, the design engineer and any other consultants, as appropriate, shall take place to identify any specific requirements related to the application before a final submission for review and approval is made. From the preliminary discussion through acceptance of the Engineer's statement of compliance, the design engineer shall be the primary point of contact.
- b. ~~2-~~ Plan submission: The plans submitted to the Department must contain all the information requested on the Engineered System Application Form, required in Section 5, and any specific requirements identified in the preliminary discussion, in addition to meeting the requirements of this Section. Two sets of plans are required, or one set of plans and one set of copies no larger than 11 inches by 17 inches. Additionally, plans may be submitted in Autodesk AUTOCAD *.dwg format, version 14 or earlier.

- c. ~~3~~. Definition of the facility served: The submission must define the facility to be served, the flow of the effluent (including variations in quality and quantity), and the current and projected uses of the facility. Design flows should be measured, estimated, and compared to historical (code) values, and safety factors should be used.
- d. ~~4~~. Determination of soil and site conditions: The soil conditions must be determined by a Licensed Site Evaluator. The submission must show site data that represents the soil conditions under the proposed disposal field as indicated in Section 4(Q)(11) and under the down slope fill extension. The level of investigation is a function of the basic quality of the site (topography and soils) and the relative size of the system and disposal fields. Observation holes used for design purposes must be located at representative points within the proposed subsurface wastewater disposal area.
- e. ~~5~~. Minimum number of observation holes: The number of observation holes must be sufficient to determine the soil and site characteristics beneath the entire disposal field, including the down slope fill material extensions, but must not be less than three observation holes per engineered disposal field.
- f. ~~6~~. State of the art designs: The submission must be based on current acceptable practices as it relates to the design of systems.
- g. ~~7~~. Contour lines: The submission must include: surficial contours, elevation of observation holes, and location of all site features within 300 feet that require consideration. Pre-development and post-development contours must be shown both in the areas to be occupied by parts of a system and for a distance of 100 feet beyond the system. The contour intervals must be no greater than two feet.
- h. ~~8~~. Elevations: The elevation of the bottom of the disposal field(s), the original ground surface at each observation hole, and the top of the distribution pipes or proprietary disposal devices within the disposal field(s), must be established.
- i. ~~9~~. Localized mounding analysis: The submission must include an analysis of the proposed system design and site hydraulics to determine that there will be an adequate vertical separation between the bottom of the disposal field and any mounded water table. This analysis must include all calculations, justification of methodology and assumptions, and other supporting data and documentation. Any additional vertical separation distance needed to offset mounding effects and maintain compliance with Table 4F must be stated in the mounding analysis report.
- j. ~~10~~. Site transmission analysis: The submission must include an analysis of the proposed system design and site hydraulics to determine that the native soil and/or fill material will have sufficient capacity to prevent wastewater from surfacing down gradient of the disposal field. This standard does not include normal discharges of groundwater to springs, major or minor watercourses, or other surface waters and wetlands located at or beyond setback distances established in Sections 7 and 8, or lesser setbacks approved by variance, even if these discharges may contain some amount of treated wastewater. Nothing in this paragraph may be interpreted to limit the scope or enforcement of 38 M.R.S. § 413, or other applicable statutes.
- k. ~~11~~. Operations and Maintenance Manual: The submission must include an operations and maintenance manual for the owner with written recommendations for the operation and maintenance of the system, including inspection schedules, pumping schedules, and record keeping procedures. Manufacturer's operations and maintenance manuals for devices and/or equipment may be included in this exhibit, but must not be a substitute for the exhibit.
- l. ~~12~~. Pertinent laws, etc.: The submission must include evidence of compliance with all pertinent laws, ordinances, and regulations.
- m. ~~13~~. Signatures: The submission and plans must bear the seal of a professional engineer licensed in Maine and the soil logs should bear the signature of a Site Evaluator licensed in Maine.

- n. ~~14.~~ System: The proposed system must be sized in compliance with Sections 4 and 6. It must meet the minimum setback distances in Tables 7B and 8A.
- o. ~~15.~~ Grades: Existing and finished grade within the area of engineered disposal fields, their shoulders and fill material extensions using relative elevations, referenced to a permanent system elevation reference point, must be provided;
- p. ~~16.~~ Reserve area for first-time systems: A reserve area with suitable soil conditions must be delineated on the plan and reserved for the possible expansion or replacement of the proposed engineered system.
- q. ~~17.~~ Pump dose volume: For engineered systems the pump-on and pump-off switches must be set at appropriate levels to provide a dose volume as required by the manufacturer. The pump-off switch must be set 6 inches above the pump intake. The pump-on switch must be set at a distance "d", in inches above the pump-off switch, that which is calculated by means of Equation 10A.

Equation 10A

$D = [1.6][Vd+Vap+Vpd]/[A]$ where:

D is the inches above the pump-off switch;

Vd is the required dose volume, in gallons, determined as prescribed in Section 6(Q)(4).

Vap is the internal volume of all distribution pipes and connector piping that will drain back into the dosing tank at the end of a dosing cycle, in gallons;

Vpd is the volume displacement, in gallons, of the pump and controls; and

A is the internal horizontal area of the dosing tank, in square feet.

- r. ~~18.~~ Site location map: The submission must include a copy of the relevant section of the USGS 7.5 foot topographic map, if available, or 15 foot topographic map showing the location of the proposed engineered disposal system. The map must also indicate locations of any public and private water supply wells within 300 feet of the system.
- s. ~~19.~~ Other information: The Department may request additional information from the applicant through the design engineer. If the applicant fails to provide any additional information requested by the Department within 180 days of the request, the application will automatically be denied.

D3. INSTALLATION AND INSPECTION

- a. ~~1.~~ Engineered system permit issuance: The LPI shall not issue a permit for an engineered system without first receiving a letter of approval from the Department.
- b. ~~2.~~ Construction inspections: The LPI must inspect engineered disposal systems in accordance with Section 11(I). In addition, the property owner shall retain the design engineer to inspect the construction of the system. The inspection must be sufficient for the engineer to determine that the system was installed as designed.
- c. ~~3.~~ Engineer's statement of compliance: The design engineer shall provide the LPI, the owner and the Department with a written statement that the system was installed in compliance with these Rules and the conditions of the permit. Any changes from the approved drawings and specifications must be noted.

Enclosure B

DLN: 1002140144249

AFTER RECORDING RETURN TO:

Nicholas J. Merrill, Esq.
Jensen Baird
P.O. Box 4510
Portland, Maine 04112-4510

MAINE REAL ESTATE TAX PAID

QUITCLAIM DEED WITH COVENANT

KNOW ALL BY THESE PRESENTS, that, **Maine Capital Mortgage, LLC f/k/a MCM 2, LLC, d/b/a Approved Home Mortgage**, a Maine limited liability company with a mailing address of 2320 Congress Street, Suite D, Portland, Maine 04101, hereby grants to **527 LLC**, a Maine limited liability company, with a mailing address of 865 Oak Hill Road, North Yarmouth, Maine, with **QUITCLAIM COVENANT**, a certain lot or parcel of land, together with the improvements situated thereon, located in the Town of North Yarmouth, County of Cumberland and State of State of Maine:

A certain lot or parcel of land with the buildings thereon, situated on the easterly side of Route 115 in the Town of North Yarmouth, County of Cumberland and State of Maine bounded and described as follows:

Beginning at the intersection of the easterly sideline of said Route 115 and the southerly sideline of Parsonage Road;

Thence South 86° 40' 55" East along said Parsonage Road 441.63 feet to an iron pipe and land of Carol A. Dubay et al;

Thence South 08° 31' 40" East along said land of Dubay 352.87 feet to an iron pipe;

Thence South 72° 54' 35" West along said remaining land of the Grantors herein 71.37 feet to land now or formerly of Stephen K. Libby;

Thence continuing South 72° 54' 35" West along said land of Libby 290.00 feet to Route 115;

Thence North 17° 05' 25" West along said Route 115 a distance of 502.94 feet to the point of beginning.

All bearings are magnetic of the year 1988 based on a survey by Owen Haskell, Inc.

Together with a right of way in common with others 50 feet in width along the easterly side of the premises herein conveyed and the westerly boundary of the property now or formerly of Carol Dubay; said right of way shall be for pedestrian and vehicular ingress and egress and for all utility purposes above and beneath the ground. Being the same premises conveyed to Maine Capital Mortgage, LLC f/k/a MCM 2, LLC, d/b/a Approved Home Mortgage by virtue of a Quitclaim Deed from Maine Capital Mortgage, LLC f/k/a MCM 2, LLC, d/b/a Approved Home Mortgage dated November 23, 2020 and recorded in the Cumberland County Registry of Deeds in Book 37542, Page 232.

MAINE REAL ESTATE TAX-Paid

SHORT FORM WARRANTY DEED

James A. Mickand of 13 Parsonage Road, North Yarmouth, ME, 04097 and Tamara Mickand of 343 Main Street, Cumberland, ME, 04021, FOR CONSIDERATION PAID, grant to Allela S. Dostilla and Sel A. Dostilla of 151 Forest Street, Westbrook, ME, 04092, as joint tenants and not as tenants in common, with WARRANTY COVENANTS, the following described real property located in the Town of North Yarmouth, County of Cumberland and State of Maine:

A certain lot or parcel of land, with the buildings thereon, situated on the southerly side of Parsonage Road, in the Town of North Yarmouth, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point marked by a pin found on the southerly side of Parsonage Road, at the land now or formerly of Carol Dubay and Allison Dubay, as described in an instrument recorded in the Cumberland County Registry of Deeds in Book 8113, Page 53; thence

SOUTH 10° 03' 04" EAST and by land now or formerly of said Dubay, and land now or formerly of the Town of North Yarmouth, as described in an instrument recorded in said Registry of Deeds in Book 15964, Page 281, a distance of three hundred fifty-two and 87/100 (352.87) feet to a pin found marking a corner; thence

SOUTH 71° 25' 38" WEST by land now or formerly of the Town of North Yarmouth, and land now or formerly of Stephen Libby and Janice Libby, as described in an instrument recorded in said Registry of Deeds in Book 6744, Page 198, a distance of one hundred sixty-eight (168) feet to a pin set at land now or formerly of Douglas J. O'Donnell and Tamara F. O'Donnell; thence

NORTH 14° 05' 23" WEST and by land now or formerly of said O'Donnell, a distance of four hundred nineteen and 95/100 (419.95) feet to a pin set on the southerly side of Parsonage Road; thence

SOUTH 88° 10' 46" EAST and by the southerly line of Parsonage Road, a distance of two hundred (200) feet to a pin found at the point of beginning.

This conveyance is made subject to a right of way, in common with others, conveyed by Matthew L. Sharp, et al to the Town of North Yarmouth by deed recorded in the Cumberland County Registry of Deeds in Book 15964, Page 281, fifty (50) feet in width, along the easterly side of the premises herein conveyed and the westerly boundary of the property now or formerly of Carol Dubay; said right of way being for pedestrian and vehicular ingress and egress and for all utility purposes above and beneath the ground. Said right of way was reserved in a deed recorded in the Cumberland County Registry of Deeds in Book 8477, Page 296.

Bearings are based on a magnetic observation taken in October 2001. Reference is made to a certain "Plan of Land on Parsonage Road and Route #115 in North Yarmouth, Maine;" by Daniel T.C. LaPointe, dated October 2001 (Surveyor's Fieldbook 33, Page 5).

DLR#1001740018253

Enclosure C

- bb. Information regarding timber harvesting as required by State Statute (See Section 512,19). [Amended 06/16/12]

SECTION 5.7 FINAL PLAN FOR MAJOR SUBDIVISION [AMENDED 6/19/21;4/30/22]

A. Procedure.

1. Within six (6) months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least thirty (30) days prior to a scheduled meeting of the Planning Board. Applications shall be submitted to the Planning Board in care of the CEO. If the application for the final plan is not submitted within six (6) months after preliminary plan approval, the Planning Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Planning Board.
2. If an applicant cannot submit the final plan within 6 months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Planning Board prior to the expiration of the filing period. The request for an extension shall state the reason for the delay and set forth a timetable for final plan submission. In considering the request for an extension the Planning Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that town ordinances or regulations which may impact on the proposed development have not been amended.
3. **Other Approvals:** Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:
 - a. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a wastewater discharge license is needed.
 - b. Maine Department of Human Services, if the applicant proposes to provide a public watersystem.
 - c. Maine Department of Human Services, if an engineered subsurface wastewater disposalsystem(s) or advanced waster water treatment system is to be utilized.
 - d. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
 - e. Maine State Fire Marshall's Office, as appropriate.
 - f. Any other approvals required by local, state or federal law.
4. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the final plan. At the meeting at which an application for final plan approval of a major subdivision is initially presented, the Planning Board shall issue a dated receipt to the applicant.
5. **Determination of a Complete Application:** Within thirty (30) days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

Enclosure D

Cc: Alicia Dostilio <awellsdostilio@gmail.com>; Lawson, Brent <Brent.Lawson@maine.gov>

Subject: Fwd: Abutters to Engineered Septic System Under State Review

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Alex - I received your email in Brent's OOO. I'm wondering if you could take a look at the email below and let us know if you or Brent might be the right person to connect with regarding abutter concerns to an engineered septic system under State review.

Thank you for your time. I appreciate it!

Sol

Sol Dostilio

Client Strategist

207-856-5785 *Direct*

[Redacted signature]

17 Ash Street
Westbrook, ME 04092

Check out our blog at vontweb.com!

Begin forwarded message:

From: Sol Dostilio <sdostilio@vontweb.com>

Subject: Abutters to Engineered Septic System Under State Review

Date: September 16, 2022 at 12:20:10 AM EDT

To: brent.lawson@maine.gov

Cc: Alicia Dostilio <awellsdostilio@gmail.com>

Hi Brent - We were given your name as someone to connect with re: concerns as abutters to a new proposed engineered septic system. We live at 15 Parsonage Rd in North Yarmouth and our property abuts a proposed development at 521 Walnut Hill Rd. We understand that the State is reviewing the proposed septic setup and we would like to connect with that reviewer to share our concerns and questions to understand if they will be covered by the State's review.

Are you the right person to connect with here? If not, might you be able to point us in the right direction? Our concerns/questions are as follows:

- Will the State be evaluating the potential impact of the proposed system on the abutters property?
- This was a last minute change to the plan and much of the report on the revised plan relies on assumptions from the original plan (the original plan featured four smaller septic systems). We have specific concerns that we would urge the State to raise as part of the review:
 - **There are no detailed calculations included with the revised report to support the conclusions (i.e. plume length of 40 feet).** Does the state's evaluation back up the claim that the plume length will be 40 feet? Does the state's evaluation show that the nitrate levels at 5ft from our property line meet North Yarmouth's required maximum under the land use ordinance?
 - The updated assessment states on page 2 that the variables assumed in the analysis were the same as the variables used in the original assessment (even though the system is completely different). Since the complete set of nitrate assessment values are not included, the report lacks the necessary supporting documentation and is incomplete.
 - **A summary list of the same or different input variables should be provided given the change from four separate systems to the updated design where all of the wastewater is discharged from one large system.**

Please let us know. Thank you for your time.

Sol & Alicia Dostilio

15 Parsonage Rd.

North Yarmouth

Enclosure E



Alicia Dostilio <awellsdostilio@gmail.com>

Deacon Hayes Commons Development Application

Keith Richard <krichard@archipelagona.com> Mon, Aug 8, 2022 at 3:31 PM
To: "ccabot@northyarmouth.org" <ccabot@northyarmouth.org>,
"kcorrette@northyarmouth.org" <kcorrette@northyarmouth.org>,
"pmetevier@northyarmouth.org" <pmetevier@northyarmouth.org>,
"speabody@northyarmouth.org" <speabody@northyarmouth.org>,
"jbrown@northyarmouth.org" <jbrown@northyarmouth.org>
Cc: Alicia Dostilio <awellsdostilio@gmail.com>, Sol Dostilio
<sdostilio@vontweb.com>, "bscipione@northyarmouth.org"
<bscipione@northyarmouth.org>

Good afternoon,

Please see attached.

Best,

Keith P. Richard, Esq., Principal

Archipelago

22 Free Street, Suite 403

Portland, ME 04101

(207) 558-0102



3 attachments



2022.08.08 KPR to PB.pdf
213K



Ltr Ex 1.pdf
234K



Ltr Ex 2.pdf
96K

Enclosure F



Archipelago

Keith P. Richard, Esq.
Principal
krichard@archipelagona.com

22 Free Street, Ste 403
Portland, Maine 04101
(207) 558-0102

August 8, 2022

VIA EMAIL

Town of North Yarmouth Planning Board

Chair Chris Cabot (ccabot@northyarmouth.org)
Member Kimry Corrette (kcorrette@northyarmouth.org)
Member Paul Metevier (pmetevier@northyarmouth.org)
Member Sanford Peabody (speabody@northyarmouth.org)
Member Jeff Brown (jbrown@northyarmouth.org)

RE: Deacon Hayes Commons Development Application

Dear Chair Cabot and Members of the Planning Board:

I represent Alicia and Sol Dostilio, direct abutters to the proposed Deacon Hayes Common project. I write to highlight various deficiencies in the application and inconsistencies with North Yarmouth's ordinance requirements. The Dostilios have serious and meritorious concerns about impacts, and they ask that the Board take additional steps to ensure that they and members of the public are not harmed.

I. School Capacity Requirements have not been met.

Section 5.8(C) of the ordinance provides:

If the superintendent of schools indicates that there is less than 20 percent excess classroom capacity existing in the school(s) which will serve the subdivision, considering previously approved but not built subdivisions, the Planning Board *shall require* the plan to be divided into sections to prevent classroom overcrowding. If the expansion, addition or purchase of the needed facilities is included in the town's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

Town of N. Yarmouth, Land Use Ord. § 5.8(C) (April 30, 2022) (emphasis added).

Attached hereto is Exhibit 1, which is an email from Superintendent Jeff Porter

indicating that the school district is not only at less than 20 percent excess classroom

ARCHIPELAGO

Dostilio/NY Planning Board

August 8, 2022

Page 2 of 5

capacity, but has no excess capacity whatsoever. (Exhibit 1). Under these circumstances, Section 5.8(C) requires that the Planning Board split the proposed development into phases to prevent school overcrowding.

In the final application, it appears the applicant misunderstands the school capacity requirements of the ordinance. There is an email (attached hereto as Exhibit 2) from Superintendent Porter indicating that the school district would not turn a child away, but that graceful gesture does not remove the Board's independent, mandatory obligation to prevent school overcrowding by phasing development so that the District is not placed in a position of having to step up without capacity.

The record does not support a positive finding on Section 5.8(C) and the Board must deny the application in its current form.

II. Ordinances regulating parking are not satisfied.

The proposed 29-space parking lot to service the development does not comply with several mandatory requirements governing parking and parking areas.

A. Section 10.34(B)

Such plans shall attempt to balance the provision of adequate parking for the project under review while minimizing the development of visible paved areas. Parking areas must be constructed to protect the natural environment and visual character of the community

Ord. § 10.34(B).

This proposal does not minimize the development of visible paved areas. 29 spots for 12 units is well above required minimums. The configuration of the parking, on one large lot in the middle of the property, is not designed to protect the visual character of the community. The resulting runoff from such a large paved surface does not protect the natural environment of the land.

B. Section 10.34(C)(4)

All plans for parking areas shall include a landscaping plan which adequately screens parking lots, and that provides interruptions of parking spaces.

Ord. § 10.34(C)(4).

ARCHIPELAGO

Nothing in the current plans sufficiently conceals this parking lot from abutting households or streets. A complete redesign of screening and buffering controls is needed to adequately screen according to the ordinance.

C. Section 10.14(B)(2)(c)

Any parking lot containing ten (10) or more parking spaces must include one (1) or more landscaped islands within the interior of the lot. There must be one (1) island for every twenty (20) spaces. Landscaping must screen the parking area from adjacent residential uses and from the street.

Ord. § 10.14(B)(2)(c)

While there are two small interruptions in the proposed lot, neither are islands. Section 10.14(B)(2)(c) is therefore not met.

D. Section 11.6(D)(2)(g)

Parking lots within a Pocket Neighborhood¹ may provide no more than one (1) parking space per unit constructed within the Pocket Neighborhood. One additional parking space per four (4) units may be provided for guest parking.

Section 11.6(D)(2)(g) limits parking spaces per unit to one, with an additional space for every four units for guest parking. As applied to the Deacon Hayes project, the proposed 29 space lot is nearly twice the limit imposed by Section 11.6(D)(2)(g).

III. Environmental Concerns

There are both public and private concerns regarding environmental impacts of the project.

Based on the materials in the final application as posted on the Town website (in particular the letter from the Yarmouth Water District on July 29), the Water District was still waiting on additional documentation that addressed their concerns and which committed any and all future owners or renters to the conditions and restrictions requested. To date, we are unaware of any information from the applicant that speaks directly to the

¹ The Deacon Hayes project proposes townhouse buildings. The only provisions of the North Yarmouth ordinances that speak to townhouses are Pocket Neighborhoods. See Ord. § 7.6(D)(2)(b). The requirements that apply should therefore apply to this project.

Water District's concerns. We ask that the Planning Board receive formal, written approval from the Yarmouth Water District that the applicant has responded to the July 29 issues, and that the Water District is now satisfied with the applicant's response. This must occur before a final vote on the project. The safety of the public's water supply is at stake.

Specific to my clients, the Dostilios are distressed by how close the septic system will be sited to the basement of their home and septic area. We request compliance with all state imposed setbacks from neighboring basements and septic areas. Relatedly, as set forth below, the Dostilios are requesting independent, third-party review of the stormwater analysis as the current report makes several assumptions about the flow of the groundwater from the septic areas.

IV. Peer Review: Section 4.4(D)(2)

This project implicates a variety of technical standards and data points. The Board is not obligated to accept the opinion of the developer's paid engineer and has the independent power to require peer review. Ord. § 4.4(D)(2) ("In addition, the Planning Board may refer the developer to a firm, or individual chosen by the Planning Board, for peer review of all submissions.").

Given the nature of this development, the housing density level it represents, the Water District concerns (specifically regarding the Hayes Well aquifer), the general disapproval of the abutters, the potential physical impact of the development on its closest abutters (given the proximity of the septic area to their basement and septic area), we request the Planning Board require a third-party review of all submissions.

V. Project Definition: Square Peg and Round Hole

More broadly, this project was never properly defined and as a result the Planning Board has struggled to determine how this fits. The Board faces the problem of a square peg and a round hole. Townhouses are not specifically permitted and there is a dearth of regulatory guidance in the ordinance. Without placing the project within a specific category, the Planning Board has no defined guardrails to ensure compliance with the letter and spirit of the ordinance. If the Planning Board cannot categorize this particular development with the existing ordinance framework, then the Planning Board should deny (or table) the application until the ordinance can be properly, and publicly, updated to reflect public input on guidelines for this type of development.

Thank you for your time and thoughtful consideration. We encourage the Board to carefully consider the evidence and the ordinance standards set forth herein and otherwise applicable to the project. We expect that any decision will be the result of diligent and

ARCHIPELAGO

Dostilio/NY Planning Board

August 8, 2022

Page 5 of 5

reasoned deliberation based on compelling evidence, consistent with all ordinance and

state-imposed standards.

Sincerely,

Keith P. Richard, Esq.

C. Alicia Dostilio

Sol Dostilio

CEO Ben Scipione (bscipione@northyarmouth.org)

Enclosure G

XI. STANDARDS FOR SPECIFIC ACTIVITIES

SECTION 11.1 ACCESSORY APARTMENTS [AMENDED 5/17/08]

- A. **Purpose:** The purpose of this provision is to allow an affordable housing option that is in keeping with the character of the community. This provision allows for the creation of a single, subordinate dwelling unit accessory and incidental to an existing or new single-family dwelling. An accessory apartment is intended to be a separate suite of rooms where one or two people occupy the unit.
- B. **Standards and Requirements:** An accessory apartment may be constructed within or attached to an existing or new single-family dwelling, or constructed as a separate structure within the vicinity of an existing or new single-family dwelling, for the purpose of adding a separate living area for rental purposes, as well as for "in-laws", as long as the conversion is carried out in compliance with the following criteria:
1. The accessory apartment is limited to one (1) bedroom, and does not utilize more than forty (40) percent of the available living area of the principal single-family dwelling (excluding the basement of the single-family dwelling).
 2. The Code Enforcement Officer (CEO) approves the accessory apartment. The CEO shall require certification that the existing or proposed wastewater disposal system has the capacity for the additional waste to be generated. The conversion must also comply with all provisions of the State of Maine Plumbing Code and all sections of BOCA Building Code.
 3. No single-family dwelling may be converted in such a manner to provide an accessory apartment, unless
 - a. the dwelling sits on a lot that is in compliance with the minimum lot size for the zoning district in which it is located or
 - b. is located on a subdivision lot that has received prior Planning Board approval.
 4. The owner of the property must occupy either the accessory apartment or the principal dwelling unit.
 5. Only one accessory apartment shall be permitted per single-family owner-occupied dwelling unit.
 6. Accessory apartments shall be exempted from meeting the requirements of Section 3.3.E. Residential Growth Limitation.

SECTION 11.2 AFFORDABLE HOUSING [AMENDED 6/19/21]

- A. **Purpose:**
1. The purpose of these provisions is to provide incentives for the development of affordable housing, with the following priorities:
 - a. To provide an adequate supply of affordable housing to meet the needs of senior citizens, municipal and school employees, and others with modest incomes.
 - b. To encourage lifetime residency - to facilitate townspeople remaining in the town after their children have grown up and during retirement years by providing affordable senior housing that is compatible with "senior living lifestyles".

- c. To encourage the development of affordable housing consistent with the existing character of the town.
 2. These provisions are intended to provide the Planning Board with flexibility to waive requirements that impede development of qualified affordable housing, provided that the Planning Board, in its discretion, determines that the proposed affordable housing meets the purposes of this Section to the maximum extent feasible.
- B. **Applicability:** These provisions shall apply to any affordable housing as defined in Section XII. Definitions. Affordable housing pursuant to these provisions must be approved by the Planning Board through Site Plan Review or Subdivision Review.
- C. **Standards and Requirements:**
1. Affordable housing units shall be geographically dispersed throughout the development where feasible, and the dwelling units shall be compatible with the design of the remainder of the development in terms of appearance.
 2. An affordable housing unit shall not have more than fifteen hundred (1,500) square feet of living space. The Planning Board shall require deed restrictions that prohibit future expansion of the square footage of living space.
 3. The affordable housing lots/units shall be constructed concurrently with the remainder of the project.
 4. An affordable housing development may be developed as a clustered housing development pursuant to Section 11.3. Clustered Housing Developments. Affordable housing may be condominiums.
 5. **Net Residential Density Bonus:** The Planning Board may grant a twenty percent (20%) net residential density bonus for the development of affordable housing units, if the developer can assure to the Planning Board's satisfaction that at least twenty percent (20%) of the total number of residential dwelling units in the proposed development will remain affordable to low and/or moderate income families for the next twenty-five (25) years, and that preference will be given to individuals and families as described in A.1 above. The density bonus shall be calculated such that when the percentage of lots or units is more than .5 the bonus number of lots/units shall be rounded up, and when percentage of lots or units is .5 or less the bonus number of lots/units shall be rounded down. For example, if 12 lots are proposed, two (2) of the lots must be affordable housing units (12 times 20% = 2.4, rounded down to 2 lots) If thirteen (13) lots are proposed, three (3) of the lots must be affordable housing units (13 times 20% = 2.6, rounded up to 3 lots). The Planning Board shall not grant a net residential density bonus within the Royal River Corridor Overlay District, Residential Shoreland District or the Resource Protection District. **The Planning Board shall not grant a net residential density bonus for any development located within the Groundwater Protection Overlay District, unless sewer serves the development.**
 6. **Residential Growth Limitation Waiver:** The Planning Board shall waive the requirements of Section 3-3.E. Residential Growth Limitation, for the affordable housing units, if the developer can assure to the Planning Board's satisfaction that at least twenty percent (20%) of the total number of residential dwelling units in the proposed development will remain affordable to low and/or moderate income families for the next twenty-five (25) years, and that preference will be given to individuals and families as described in A.1 and A.2 above.

Enclosure H

From: Alicia Dostilio awellsdostilio@gmail.com
Subject: Fwd: Proposed Deacon Hayes Major Subdivision
Date: Jul 26, 2022 at 4:59:48 PM
To: Judy Potter mmallory@maine.rr.com

----- Forwarded message -----

From: **Sol Dostilio** <sdostilio@vontweb.com>
Date: Mon, Jul 25, 2022 at 10:15 AM
Subject: Proposed Deacon Hayes Major Subdivision
To: <aberry@northyarmouth.org>, <phodgetts@northyarmouth.org>, Brian Sites
<bsites@northyarmouth.org>, <kperrin@northyarmouth.org>,
<ahaile@northyarmouth.org>
CC: Alicia Dostilio <awellsdostilio@gmail.com>

Hi Amy, Andrea, Brian, Katherine, and Paul -

I am reaching out again regarding this proposed development. You have heard my pleas regarding the inability of the current LUO to provide any guidance (any public guardrails) for this first of its kind development.

It's not just me who thinks this. I ask that you all take a moment to listen to your planning board members making the exact same arguments and struggling with the same concerns (link, timestamps, and quotes below). They are asking for help. I contend they are specifically asking for *your* help. They do not have the tools that they need to properly do their job on this project.

I ask the Select Board to put a moratorium on development until the LUO can be properly, and publicly, updated to reflect public input on guidelines for this type of development. As the planning board members have stated on the record, there is no consideration for this type of development in the LUO. It would be irresponsible to not call a timeout so that glaring loophole can be addressed.

Once this development is in place, once this precedent is set, there will be no turning back. There is no reason not to take our time to ensure it is what the town wants.

I look forward to your thoughts. Please confirm that you were able to read this note. Thank you for your time and energy on this.

Sol

Meeting link (7/12): https://townhallstreams.com/stream.php?location_id=62&id=46420

Some highlights (with timestamps) from their comments below:

Jeff - 2:27:20

"I gotta be honest. I am kind of leery of approving this because our LUO does not speak to these kind of multi-unit complexes. It is the first of its kind. We are doing our best to follow a LUO that in my mind doesn't speak to this kind of thing.

We haven't seen anything like this.

Our LUO here...it's like swiss cheese. We are trying to find ways to make something work that isn't even considered in this (the LUO).

We have a LUO...that doesn't even talk about this kind of thing. I feel really, really leery of passing this in its form right now.

We've had opportunities to fix the LUO and we haven't been able to.

It's the first of it's kind. There's nothing like this."

Kimry - 2:32:08

"I feel like it is non-conforming to our standards...the land use."

Kimry - 2:34:05

"I mean there is a reason for these standards and it is just a lot to ask from a small parcel of land.

It's a townhouse. The only reference to a townhouse is within the pocket neighborhood capacity. I also do not feel comfortable approving this without properly defining it and finding a place for it in the ordinance. And then following that part of it.

It's about protecting the land and building responsibly. This might be a little...I think it might be irresponsible of us to approve this without properly finding a place where it belongs in the ordinance."

Sol Dostilio
15 Parsonage Rd.

Enclosure I

From: **Rich Parenteau** rparenteaume@maine.rr.com
Subject: **FW: Deacon Hayes subdivision questions (2)**
Date: **Jun 8, 2022 at 2:15:37 PM**
To: **Judy** mmallory@maine.rr.com, **Linc Merrill** metinic@aol.com, **Scott Kerr** scottkerr@maine.rr.com

Hi Judy,

You may find the email trail below interesting.

I included one FF permit by mistake so like you noted in your email, 6 in VC/VR have been issued leaving 9 to get to the cap.

Audrey's response is completely inadequate in my opinion.

Diane Barnes is meeting with Audrey tomorrow and will ask her to get me a reply prior to the Thursday 6/16/22 public hearing

Rich

Sent from Mail for Windows

From: Audrey Lones

Sent: Tuesday, June 7, 2022 2:29 PM

To: Rich Parenteau

Cc: Diane Barnes; Ryan Keith; Chris Cabot; Sandra Falsey; Jeff Brown; Paul Metevier; Sanford Peabody; Kimry Corrette; Town Planner; Tracey Cox

Subject: Re: Deacon Hayes subdivision questions (2)

Hi Rich,

Thank you for asking these question and providing the supporting information prior to the Planning Board meeting next week. The board will be prepared to address your questions when you ask them at the at the June 16 Public Hearing on the Deacon Hayes Commons Major Subdivision application

Best regards,

Audrey

Audrey Lones
Chairwoman, Planning Board
Town of North Yarmouth
Telephone 207-829-3705 option 1

Notice: Under Maine's Freedom of Access ('Right to Know') law Title 1

M.R.S. Section 402 (3), all email and email attachments received or prepared for matters concerning Town business are likely to be regarded as public records. These records are open to inspection, including members of the media, there should be no expectation of privacy unless otherwise made confidential by law. If you have received this message in error, please notify this office immediately by return email. Thank you.

From: Rich Parenteau <rparenteau@maine.rr.com>
Sent: Monday, June 6, 2022 11:17 AM
To: Ryan Keith; Audrey Lones; Chris Cabot; Kimry Corrette; Sandra Falsey; Jeff Brown; Paul Metevier; Sanford Peabody
Cc: Diane Barnes
Subject: Deacon Hayes subdivision questions (2)

Hello Planning Board and Code Enforcement Office,

I have two questions regarding the Deacon Hayes Commons Major Subdivision scheduled for Public Hearing on June 16, 2022. The first is about the building cap exemption for affordable housing and the second is about the limit of 6 permits per year per developer.

The Land Use Ordinance now has a building cap of 15 dwellings per year in the Village Center and Village Residential district. I understand the Deacon Hayes Commons Major Subdivision is planned to include 12 dwelling units which will require 12 dwelling unit building permits. From 3/16/22 - 6/1/22, there have been 6 SFD building permits in the Village Center and Village Residential districts issued since the new building cap became effective. This leaves 9 dwelling unit building permits available for 2022.

4/4/2022	Walnut Hill Investments	L10	Dozer Dr	VC	BP	22-41	SFD
4/4/2022	Walnut Hill Investments	L11	Dozer Dr	VC	BP	22-42	SFD
4/4/2022	Walnut Hill Investments	L8	Dozer Dr	VC	BP	22-43	SFD
4/4/2022	walnut Hill Investments	L13	Dozer Dr	VC	BP	22-44	SFD
4/27/2022							SFD
5/16/2022	MGM	Bacon Farm	<u>010-024-</u>				
5/12/2022	Builders	LB Rd	<u>002</u>	VR	BP	22-58	SFD

I further understand there is an exclusion to the building cap count for each dwelling unit that qualifies as affordable housing.

5. **Exemptions:** Exempted from the provisions of this section shall be the following:
- a. Lots which are created by way of a gift, sale or lease to a person related to the donor (that means a spouse, parent, grandparent, brother, sister, child, grandchild related by blood, marriage or adoption);
 - b. A dwelling to be built upon a lot that has been owned by a resident of North Yarmouth for at least 10 years, provided that resident both owned the property and has been a resident of North Yarmouth for at least 10 years, and that the dwelling will be occupied by that resident.
 - c. Accessory apartments
 - d. Affordable Housing, as defined herein

Affordable Housing: Residential dwelling units that may be rented or purchased for occupancy by buyers with low incomes and moderate incomes as established for the Portland Statistical Area by the Maine State Planning Office or the Greater Portland Council of Governments. An owner-occupied housing unit is affordable to a household if the unit's sale price is reasonably anticipated to result in monthly housing costs (including mortgage principal and interest payments, mortgage insurance costs, homeowners' insurance costs, and real estate taxes) that do not exceed twenty-eight percent (28%) of the household's gross monthly income. Determination of mortgage amounts and payments are to be based on down payment rates and interest rates generally available to households in this target group. A renter-occupied housing unit is affordable to a household if the unit's monthly housing costs, including rent, do not exceed twenty-eight percent (28%) of the household's gross monthly income.

Low income: Family income, which is less than eighty (80) percent of the median family income for the Portland Statistical Area as established by the State Planning Office or the Greater Portland Council of Governments.

Page 271 of 288

Town of North Yarmouth Land Use Ordinance

Moderate income: Family income which is between eighty percent (80%) and one hundred fifty percent (150%) of the median family income for the Portland Statistical Area as established by the State Planning Office or the Greater Portland Council of Governments.

My first question is, given only 8 building permits are available under the building cap, would the Deacon Hayes subdivision require at least 4 units be qualified as affordable housing to able to obtain the full 12 building permits required to begin the full project in 2022?

Secondly, the building cap also includes a restriction that no single person, entity, corporation or developer may apply for more than 6 new dwelling permits per year.

Town of North Yarmouth Land Use Ordinance

1. **Calendar Year 2007 and Beyond.** For calendar year 2007 and beyond, the following shall apply:
 - a. In the **Village Center District and Village Residential District**, combined, issuance of building permits for residential dwelling units shall not exceed 15 dwelling units per year. No single person, entity, corporation, or developer may apply for more than 6 new dwelling permits per year.

My understanding is the exemption of building permits for affordable housing applies only to the number of permits issued for the year, but is not an exemption to the rule of no single person, entity, corporation or developer may apply for more than 6 new dwelling permits per year. Can you please verify?

Best Regards,
Rich Parenteau

Sent from Mail for Windows

5. **Exemptions:** Exempted from the provisions of this section shall be the following:
 - a. Lots which are created by way of a gift, sale or lease to a person related to the donor (that means a spouse, parent, grandparent, brother, sister, child, grandchild related by blood, marriage or adoption);
 - b. A dwelling to be built upon a lot that has been owned by a resident of North Yarmouth for at least 10 years, provided that resident both owned the property and has been a resident of North Yarmouth for at least 10 years, and that the dwelling will be occupied by that resident.
 - c. Accessory apartments
 - d. Affordable Housing, as defined herein

Affordable Housing: Residential dwelling units that may be rented or purchased for occupancy by buyers with low incomes and moderate incomes as established for the Portland Statistical Area by the Maine State Planning Office or the Greater Portland Council of Governments. An owner-occupied housing unit is affordable to a household if the unit's sale price is reasonably anticipated to result in monthly housing costs (including mortgage principal and interest payments, mortgage insurance costs, homeowners' insurance costs, and real estate taxes) that do not exceed twenty-eight percent (28%) of the household's gross monthly income. Determination of mortgage amounts and payments are to be based on down payment rates and interest rates generally available to households in this target group. A renter-occupied housing unit is affordable to a household if the unit's monthly housing costs, including rent, do not exceed twenty-eight percent (28%) of the household's gross monthly income.

Low Income: Family income, which is less than eighty (80) percent of the median family income for the Portland Statistical Area as established by the State Planning Office or the Greater Portland Council of Governments.

Page 271 of 288

Town of North Yarmouth Land Use Ordinance

Moderate Income: Family income which is between eighty percent (80%) and one hundred fifty percent (150%) of the median family income for the Portland Statistical Area as established by the State Planning Office or the Greater Portland Council of Governments.

Town of North Yarmouth Land Use Ordinance

1. **Calendar Year 2007 and Beyond.** For calendar year 2007 and beyond, the following shall apply:
 - a. In the **Village Center District and Village Residential District**, combined, issuance of building permits for residential dwelling units shall not exceed 15 dwelling units per year. No single person, entity, corporation, or developer may apply for more than 6 new dwelling permits per year.

Enclosure J

From: **Benjamin Scipione** bscipione@northyarmouth.org
Subject: **RE: Another question**
Date: **Aug 2, 2022 at 2:27:31 PM**
To: **Judy** mmallory@maine.rr.com

Hi Judy,

I am not sure, but will look into this. Not sure when I can get to it as I am currently swimming in to-do's. Your patience is appreciated.

Thanks,

Ben
Ben Scipione
Code Enforcement Officer
Town of North Yarmouth
Telephone 207-829-3705 option 1

Notice: Under Maine's Freedom of Access ("Right to Know") law Title 1 M.R.S. Section 402 (3), all email and email attachments received or prepared for matters concerning Town business are likely to be regarded as public records. These records are open to inspection, including members of the media, there should be no expectation of privacy unless otherwise made confidential by law. If you have received this message in error, please notify this office immediately by return email. Thank you.

-----Original Message-----

From: Judy <mmallory@maine.rr.com>
Sent: Wednesday, July 27, 2022 8:09 AM
To: Benjamin Scipione <bscipione@northyarmouth.org>
Subject: Another question

I know you must be out straight, but wondering if you had the chance to look (in all your spare time.... haha), and see if there are 450 residential units over the groundwater protection overlay district, as per Section 9.2 C, pg 119 in LUO - Monitoring and Follow up. The CEO is suppose to track total number of residential

units at least once a year and consult with YWD to discuss groundwater monitoring results. Data would be used to re-evaluate maximum of threshold of 450 residential units and minimum lot size and density standards of these provisions. Did Ryan ever do this? If so, are there reports?

There were all ready dwellings on these areas, and all the new developments are over the groundwater overlay district, making residents nervous on quality of water.

Thanks Ben.... Have a good day!
Judy Potter

Sent from my iPad

→ Sewer Capacity

emails to
PH, SB,
DB

From: **Judy** mmallory@maine.rr.com

Subject: **Deacon Hayes Project**

Date: **Jun 22, 2022 at 10:21:55 PM**

To: **Diane Barnes** dbarnes@northyarmouth.org, **Brian Sites** bsites@northyarmouth.org, **Paul Hodgetts** phodgetts@northyarmouth.org, **Jeff Brown** jbrown@northyarmouth.org, **Chris Cabot** ccabot@northyarmouth.org, **Audrey Lones** alones@northyarmouth.org, **Paul Metevier** pmetevier@northyarmouth.org, **Sandra Falsey** sfalsey@northyarmouth.org, **Sanford Peabody** speabody@northyarmouth.org, **Kimry Corrette** kcorrette@northyarmouth.org, **Ryan Keith** codeoffice@northyarmouth.org, **Planner** planner@northyarmouth.org, **Tracey Cox** tc Cox@northyarmouth.org

We received the explanation regarding questions on cap for this project. It has been confirmed that the builder is only allowed to build six (6) dwelling units per year as per the building cap. The developer has stated she is only having two (2) affordable units for this project. Therefore only eight (8) units can be built for this project not twelve (12).

A memo was sent to the Planning Board June 9, 2022, as abutters having questions on side set backs. Questions specifically are to Building 2, 3, and 4 that do not meet the 25ft. maximum side set back requirement according to Table 7.2 of the Land Use Ordinance.

If you are using the affordable housing net density bonus calculation formula, you must use the last sentence in the paragraph of Section 11.2, Subsection C, Item 5, in bold print "The Planning Board shall not grant a net residential density bonus for any development located within the Groundwater Protection Overlay District unless sewer serves the development". This is contradictory as the Town does not have public sewer.

We received a confirmation response from the Chair on our June 9th memo stating questions can be addressed at the June 16th meeting. We were never provided answers.

As abutters of this project, we received a package via mail, and since then the look of this project is different and the structures have changed completely. At the April 12 meeting, abutters were shut down by Chair, at the May 10 meeting, the Chair did not allow abutters to speak, and at the June 16 meeting, abutters questions were asked and not answered.

At June 16 public hearing, a copy of a new sketch was handed out to come of the public showing a red line drawn changing the lot line . There was no survey information with this sketch or copy of registry of deeds to indicate this change is legal.

Therefore all abutters must be provided what these changes are, legal documents on lot change, the approvals referenced in LUO , 5.7 A 3 a-f, 5.8 C which reference impact to the school , what the project will look like, and also abutters must have another public hearing with answers to all questions asked.

Judy and Mike

Sent from my iPad

Enclosure K

From: Judy mmallory@maine.rr.com

Subject: Planning Board Meeting

Date: Jun 17, 2022 at 11:44:15 AM

To: Diane Barnes dbarnes@northyarmouth.org

We attended public hearing on Deacon Hayes Project last night with several abutters, all not in favor of this. Several people asked questions and they were not answered until the public hearing was closed, which means we could not get any clarification on answers.

Mike sent a memo to all board members on June 9, 2022, regarding set backs and residential density asking for verification for meeting on June 16th. The same questions were asked again, during the public hearing. Chair stated that net density could not be repealed because it was not noted in the cap referendum.

We feel when something is changed in LUO, it should be the responsibility of planning board and code office to make amendments throughout the LUO that would apply to that change. Also on pages 246-247, under Section 11.2, Subsection C, Item 5 of LUO, the last sentence in bold print states "The Planning Board shall not grant a net residential density bonus for any development located within the Groundwater Protection Overlay District, unless sewer serves the development". This is contradictory since the Town does not have public sewer.

Set back questions were not answered because Ryan was not there. They had a week to get an answer from Ryan and provide to us. The developer for the project stated the whole project was considered one structure, it is not. It is four separate structures and each structure must meet front, side and rear setbacks, see Table 7.2, which it does not. This table also says street frontage must be 18-100ft. and all structures are more.

I know a memo was sent by Rich Parenteau, regarding the cap in VC and VR, on number of dwellings built by same developer, and number allowed before meeting the 15 permit limit. His memo of June 7, also asked for clarification to be made at June 16th meeting. These questions were also asked again during public, and again, none of them were answered.

A procedural comment was made by Mike Mallory, regarding Plannin Laws and voting procedure of alternate able to vote in absence of a member. They argued the point before he was done making it. He was cut off and was, in my opinion, treated with disrespect by two Board members. Mike knew the vote would not make a difference, he wanted it to be done legally.

We are frustrated, along with other abutters, not having questions answered. This project cannot go forward, it goes against LUO, which we pointed out numerous times referencing with Sections and page numbers. It seems the Chair is actively fighting the public, and we do not know what to do.

Sent from my iPad

~~CONFIDENTIAL~~

From: **Judy** mmallory@maine.rr.com
Subject: **Fwd: Planning Board Meeting**
Date: **Jun 17, 2022 at 4:22:57 PM**
To: **Brian Sites** bsites@northyarmouth.org, **David Reed** dreed@northyarmouth.org, **Paul Hodgetts** phodgetts@northyarmouth.org
Cc: **Diane Barnes** dbarnes@northyarmouth.org

I sent this to Diane this morning being Ryan's supervisor, but realized the Select Board is over the Planning Board. I wish some action would be done as this behavior has happened too many times at their meetings. There were quite a few abutters present and all upset on this project, it's too big, it does not fit with the town of No Yarmouth, it will definitely disturb Dostillo's home life and privacy, the Board did not answer our questions, but mostly we all feel it is not legal and goes against the LUO as described to Diane. The Planning Board had over a week to get answers to memos provided for the Thursday meeting and didn't bother to get answers. We are beyond frustrated and it is not getting better.

Judy and Mike

I am providing a copy to Jim Moulton.

Sent from my iPad

Begin forwarded message:

From: Judy <mmallory@maine.rr.com>
Date: June 17, 2022 at 11:44:15 AM EDT
To: Diane Barnes <dbarnes@northyarmouth.org>
Subject: **Planning Board Meeting**

We attended public hearing on Deacon Hayes Project last night with several abutters, all not in favor of this. Several people asked questions and they were not answered until the public hearing was closed, which means we could not get any clarification on answers.

Mike sent a memo to all board members on June 9, 2022, regarding set backs

and residential density asking for verification for meeting on June 16th. The same questions were asked again, during the public hearing. Chair stated that net density could not be repealed because it was not noted in the cap referendum.

We feel when something is changed in LUO, it should be the responsibility of planning board and code office to make amendments throughout the LUO that would apply to that change. Also on pages 246-247, under Section 11.2, Subsection C, Item 5 of LUO, the last sentence in bold print states "The Planning Board shall not grant a net residential density bonus for any development located within the Groundwater Protection Overlay District, unless sewer serves the development". This is contradictory since the Town does not have public sewer.

Set back questions were not answered because Ryan was not there. They had a week to get an answer from Ryan and provide to us. The developer for the project stated the whole project was considered one structure, it is not. It is four separate structures and each structure must meet front, side and rear setbacks, see Table 7.2, which it does not. This table also says street frontage must be 18-100ft. and all structures are more.

I know a memo was sent by Rich Parenteau, regarding the cap in VC and VR, on number of dwellings built by same developer, and number allowed before meeting the 15 permit limit. His memo of June 7, also asked for clarification to be made at June 16th meeting. These questions were also asked again during public, and again, none of them were answered.

A procedural comment was made by Mike Mallory, regarding Planning Board By-Laws and voting procedure of alternate able to vote in absence of a board member. They argued the point before he was done making it. He was correct, and was, in my opinion, treated with disrespect by two Board members. Mike knew the vote would not make a difference, he wanted it to be done legally.

We are frustrated, along with other abutters, not having questions answered. This project cannot go forward, it goes against LUO, which we pointed out numerous times referencing with Sections and page numbers. It seems the Chair is actively fighting the public, and we do not know what to do.

Sent from my iPad

Enclosure L

S

Sol Dostilio

11:52 AM (6 hours
ago)

to Chris, Kimry, Paul, brown,
Benjamin, pwhitmarsh, tmlam,
speabody

Hi Chris, Kimry, Paul, Jeff, & Ben - I appreciate you hanging in there with me on a second email. During a review of the application we discovered some concerning issues with the deed that we ask the Code Enforcement Office and Planning Board to investigate (LUO Section 5.6, B4). I ask that this issue is publicly raised by the PB if no public comment is allowed.

The deed included in the application for the Deacon Hayes project is inaccurate and describes a lot that includes MY property. As I understand it, you cannot make any decisions for approval of the Deacon Hayes project because the applicant has not presented a deed with a clear title.

I urge all members of the Planning Board to read the deed submitted for the Deacon Hayes application. It is unreasonable to expect the Planning Board to make an informed decision on a major subdivision when the materials submitted for the location of the property are unclear. The process cannot move forward until the title for the property description describes the appropriate lot and ONLY the appropriate lot.

As I understand it, based on indirect feedback from a real estate attorney, the foreclosure on lot 62 and the subsequent transactions might have to be redone.

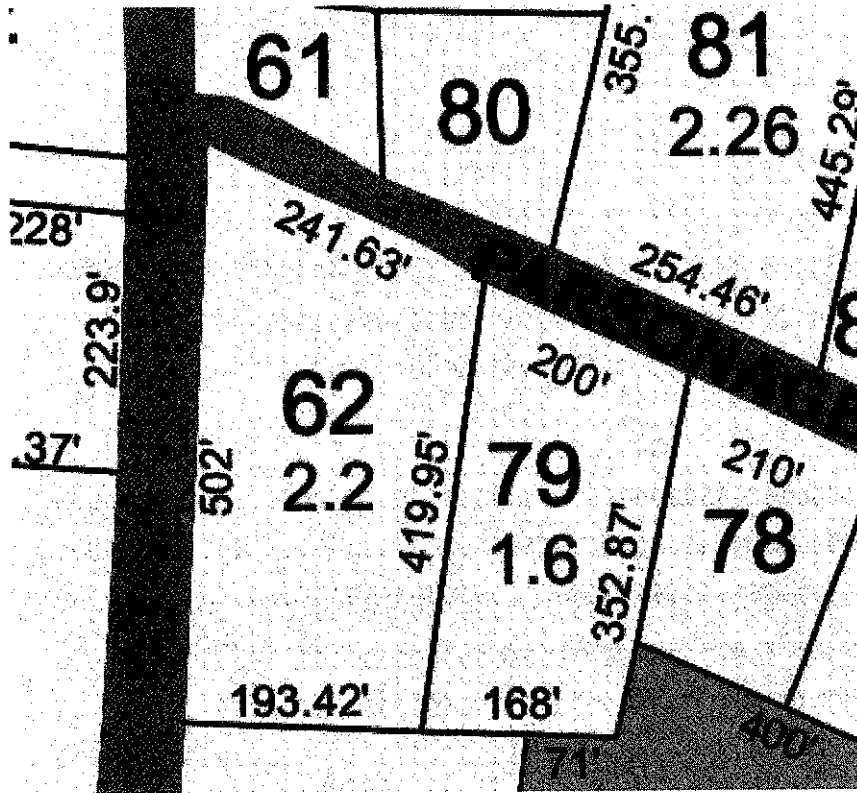
The fact that the application in front of the planning board today continues to have an inaccurate deed serves as evidence that the applicant did not do a proper title search, the code enforcement officer did not read the deed, and the planning board could not be given accurate guidance as to whether the project accurately meets the land use ordinance.

If the deed is indeed incorrect then this is yet another distressing example that the code enforcement office's review of this application was insufficient. Every aspect of the application and the town's review process should be under question. How many glaring oversights will we allow before the application/proposal is denied? How can any detail in the application/proposal be trusted?

Thank you for your time reviewing this email and investigating the concerns raised above.

Sol

Notes on the deed:



Tax map #7: The deed submitted as part of the application describes a lot line along Parsonage measuring 441.63 inches. The deed further reads a back line totaling 361.37 inches. These are both totals of lots 62 + 79. The deed further states a side lot line including an easement to Sharp's Field for a total of 352.87', which is the lot line and easement also included in the deed for our property at lot 79, and does not at all reference the lot line for lot 62 of 419.95'.

S

Sol Dostilio

10:09 AM (8 hours ago)

to Chris, Kimry, Paul, brown,
Benjamin, pwhitmarsh, tmlam,
speabody

Hi Chris, Kimry, Paul, & Jeff -

I am reaching out on behalf of the abutters with two emails this morning re: the proposed Deacon Hayes development. I am unsure about whether or not public comment will take place in today's meeting and so I ask that you each give these a read and that you publicly voice the abutter's concerns for the record if no public comment is allowed.

I've reviewed the most recent documents posted on the website (re: updates to the septic) and remain convinced that the Planning Board should deny the project. The latest round of updates continues the trend of minimal appeasement to one-off issues while the core issue, that the development is too big for the buildable acreage, goes unaddressed (in other words, the changes continue to try to treat the symptoms instead of the disease).

I have several concerns at this time and several reasons for the Planning Board to deny the project (not all of which can fit into this email):

The update to the septic system raises more questions than answers:

- First off, it is disconcerting that clear issues with the original septic system setup went unnoticed by the code enforcement office. As mentioned last month, this glaring oversight casts doubt over the code enforcement office's judgment throughout the application.
- No detailed calculations are included with the revised report to support the conclusions (i.e. plume length of 40 feet). The updated assessment states on page 2 that the variables assumed in the analysis were the same as the variables used in the original assessment. Since the complete set of nitrate assessment values are not included, the report lacks the necessary supporting documentation and is incomplete. A summary list of the same or different input variables should be provided given the change from four separate systems to the updated design where all of the wastewater is discharged from one large system.

- Even if you use their updated projections (which I question above), the updated design still pushes the impact at our property line to the absolute limit. A properly sized development would not need to flirt with the ordinance or abutter safety in such a way.
- The materials posted on the town website do not reference any feedback on the new design from the Yarmouth Water District or the State of Maine (as required).
 - Attached is an excerpt from the town's Land Use Ordinance and an excerpt of the state wastewater disposal rules for engineered systems. The Land Use Ordinance indicates that other approvals shall be obtained in writing by the applicant before a final plan application is submitted....this includes the DHS approval of the engineered system.
 - The engineered system requirements include a mounding and transmissivity analysis, as well as an operations & maintenance plan (which should include testing and reporting requested by the Yarmouth Water District). Such analysis should also be provided to the town after the state weighs in.

The number of open questions remaining is beyond disconcerting.

The proposed development remains in violation of several additional land use ordinances. A few of which include:

Parking Lot

- The size of the parking lot violates several land use ordinances:
 - Because the developer does not have enough space (b/c the size of the development is too big for the plot of land) the development's one, large parking lot does not "minimize the development of visible paved areas" (LUO Section 10.34, B).
 - Because of its size and configuration it does not "protect the visual character of the community" (LUO Section 10.34, B).
 - Because of its size it is impossible to "adequately screen the parking lot or provide interruptions of parking spaces." The current version of the plan is nowhere close to adequate on screening or interruptions and in fact, screenings have been removed to account for the updated septic plans (LUO Section 10.34, C4).
- The proposal has runoff from the large parking lot being fed into the pond on the property (and the stream that flows out of it) which violates the LUO.

- o LUO Section 9.2 (Groundwater Protection Overlay District: Best Management Practices) 4a: *Storm water from frequently used parking lots (e.g. for commercial establishments, and workplaces) shall be diverted away from the Groundwater Protection Overlay District, if possible, and shall not be channeled into bodies of water.*

In short, the project was never properly defined (the only references to townhouses are in a pocket neighborhood capacity), the application is incomplete (and has been shown to be filled with errors), the project would have a negative impact on the surrounding neighborhood, and the development itself continues to be non-conforming to the land use ordinances of the town.

Given all of the above, given the potential harm posed to the abutters, and given that this is not something that cannot be undone, I ask the Planning Board to deny the application.

Thank you for your time.

Sol

Enclosure M

From: Sol Dostilio <sdostilio@vontweb.com>

Subject: Neighborhood Opposition to Proposed Deacon Hayes Major Subdivision

Date: July 12, 2022 at 9:42:13 AM EDT

To: Brian Sites <bsites@northyarmouth.org>, jbrown@northyarmouth.org, Chris Cabot <ccabot@northyarmouth.org>, Kimry Corrette <kcorrette@northyarmouth.org>, Paul Metevier <pmetevier@northyarmouth.org>, speabody@northyarmouth.org, bscipione@northyarmouth.org, dbarnes@northyarmouth.org, ahaile@northyarmouth.org, aberry@northyarmouth.org, phodgetts@northyarmouth.org, kperrin@northyarmouth.org

To the North Yarmouth Select Board, Planning Board, Town Manager, and Code Enforcement Officer.

On behalf of the neighbors to the proposed Deacon Hayes Major Subdivision development, I am reaching out to share the attached letter in united opposition to said development.

The letter is signed by 30 of the development's closest neighbors, representing property owners and residents across Parsonage Rd., Walnut Hill Rd., and Dexter Ln. The names on this list do not necessarily make up the totality of the neighborhood opposition, as we were not able to reach all of our neighbors over the past few days.

The purpose of the letter is to express our extreme displeasure and concern over the size of the proposed development. Quite frankly, the size of the proposed development does not reflect the neighborhood we chose to move to and wish to live in.

We ask the town to consider the will of the people of this neighborhood and deny the proposed development in its current state. We ask to be part of a collaborative process in the development of a revised plan that produces a result that can work for the town, the neighborhood, and the property owners. We also ask to have our voices heard and request a second public hearing on the proposed development.

As part of our request for the planning board to reject the current proposal we also wish to take this opportunity to point out that the proposal remains in violation of the LUO as it relates to the parking lot (among several other items).

- The size of the 29-car parking lot puts it in direct violation of the LUO:
 - Because the developer does not have enough space (b/c the size of the development is too big for the plot of land) the development does not minimize the development of visible paved areas (section 10.34, B).
 - Because of its size it cannot protect the visual character of the community (section 10.34, B).

- o Because of its size it is impossible for it to adequately screen the parking lot or provide interruptions of parking spaces. The current version of the plan is nowhere close to adequate on screening or interruptions (section 10.34, C4).

Please read our letter and view the signatures in the attachment below. Thank you for your time and attention to these concerns.

Text of the letter:

We, the undersigned abutters to the proposed Deacon Hayes Commons Major Subdivision, submit this letter to the Town of North Yarmouth Select Board, Planning Board, and the developer of the project as a means to express our unified concern and disapproval for the proposed development.

We seek to have the Town's Select and Planning Boards recognize, prioritize, and act upon the neighborhood's objection to the proposed development.

We have several serious concerns about the proposed Major Subdivision plan:

- *Put simply, the size of the proposed development is too big and 12 residential units within such a small space is too many. The size of the proposed development does not reflect the neighborhood that we chose for our families.*
- *The proposed (unprecedented) concentration of residential units does not fit the visual character of our neighborhood or the town in general.*
- *The scale of the development would negatively impact our quality of life and the enjoyment of our property.*
 - *24 - 48 additional residents and their vehicles would negatively impact noise, traffic, and lighting levels.*
 - *The 29-space parking lot, which would be one of the largest in the entire town, would be an eyesore.*
- *The development rests on top of the Hayes Well aquifer. A 12-unit development, with the accompanying parking and septic demands, unnecessarily puts the aquifer at serious risk.*
- *The current land use ordinance is incomplete and inadequate as it relates to providing guidance on the development of multi-unit lots. The public deserves the right to formally weigh in on an update to the LUO to account for such projects before any should proceed.*
 - *The proposed development would set a dangerous precedent for the town, as the lack of guidelines for multi-unit lots equates to a lack of public input on the nature of development in town.*

We also have several specific concerns as it relates to the proposed development's compliance with the Town's land use ordinance. We will continue to raise those concerns to the planning board but the purpose of this letter is to loudly and clearly declare that the proposed development is unwanted by its immediate neighbors.

As a result, we respectfully request that the Select and Planning Boards deny the existing proposal for the Deacon Hayes Commons Major Subdivision.

Finally, we want to add that we recognize that we're all neighbors here. If we work together we can find a properly-sized solution that adds additional housing units to the town, that maintains the quality of life that our neighborhood cherishes, and that provides a return on investment for the property owners. We have to collaborate to get there; we have to work together. We hope to have the opportunity to do just that.

Sol Dostilio

Client Strategist

207-856-5785 Direct

Enclosure N

To the North Yarmouth Select Board, Planning Board, Town Manager, Code Enforcement Officer, and the Developer of the Proposed Major Subdivision:

We, the undersigned abutters to the proposed Deacon Hayes Commons Major Subdivision, submit this letter to the Town of North Yarmouth Select Board, Planning Board, and the developer of the project as a means to express our unified concern and disapproval for the proposed development.

We seek to have the Town's Select and Planning Boards recognize, prioritize, and act upon the neighborhood's objection to the proposed development.

We have several serious concerns about the proposed Major Subdivision plan:

- **Put simply, the size of the proposed development is too big and 12 residential units within such a small space is too many. The size of the proposed development does not reflect the neighborhood that we chose for our families.**
- **The proposed (unprecedented) concentration of residential units does not fit the visual character of our neighborhood or the town in general.**
- **The scale of the development would negatively impact our quality of life and the enjoyment of our property.**
 - **24 - 48 additional residents and their vehicles would negatively impact noise, traffic, and lighting levels.**
 - **The 29-space parking lot, which would be one of the largest in the entire town, would be an eyesore.**
- **The development rests on top of the Hayes Well aquifer. A 12-unit development, with the accompanying parking and septic demands, unnecessarily puts the aquifer at serious risk.**
- **The current land use ordinance is incomplete and inadequate as it relates to providing guidance on the development of multi-unit lots. The public deserves the right to formally weigh in on an update to the LUO to account for such projects before any should proceed.**
 - **The proposed development would set a dangerous precedent for the town, as the lack of guidelines for multi-unit lots equates to a lack of public input on the nature of development in town.**

We also have several specific concerns as it relates to the proposed development's compliance with the Town's land use ordinance. We will continue to raise those concerns to the planning board but the purpose of this letter is to loudly and clearly declare that the proposed development is unwanted by its immediate neighbors.

As a result, we respectfully request that the Select and Planning Boards deny the existing proposal for the Deacon Hayes Commons Major Subdivision.

Finally, we want to add that we recognize that we're all neighbors here. If we work together we can find a properly-sized solution that adds additional housing units to the town, that maintains the quality of life that our neighborhood cherishes, and that provides a return on investment for the property owners. We have to collaborate to get there; we have to work together. We hope to have the opportunity to do just that.

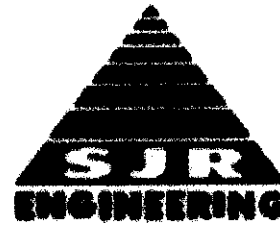
Respectfully submitted,

Date	Printed Name	Street Address	Signature
7/8/22	Gire Lamade	508 Walnut Hill	<i>[Signature]</i>
7/8/22	Jonathan Lamade	508 Walnut Hill	<i>[Signature]</i>
7/8/22	Emily Thompson	518 Walnut Hill Rd	<i>[Signature]</i>
7/8/22	Ryan Thompson	518 Walnut Hill rd	<i>[Signature]</i>
7/9/22	Sol Destilio	15 Parsonage Rd	<i>[Signature]</i>
7/9/22	Alicia Destilio	15 Parsonage Rd	<i>[Signature]</i>
7-9-22	S. MASSING	99 MEMORIAL	<i>[Signature]</i>
7/9/22	DAW BURKE	28 Parsonage Rd	<i>[Signature]</i>
7/9/22	^{Dorothy} Dorothy Stedjele	534 Walnut Hill Rd	<i>[Signature]</i>
7/9/22	Kelly Crotty	500 Walnut Hill	<i>[Signature]</i>
7/9/22	Melissa Giroux	560 Walnut Hill	<i>[Signature]</i>
7-9-22	Tudith B. Potter	551 Walnut Hill Rd	<i>[Signature]</i>
7-9-22	Kevin Robinson	290 Walnut Hill Rd	<i>[Signature]</i> (N4VMP)
7-10-22	Max Libbey	34 Parsonage Rd	<i>[Signature]</i>
7/10/22	M Elizabeth Ingram	19 Parsonage Rd	<i>[Signature]</i>
7/10/22	Tristan Ingram	19 Parsonage Road	<i>[Signature]</i>
7/10/22	Jeffrey Chandler	18 Dexter Ln.	<i>[Signature]</i>
7/10/22	Jim McNeil	212 DEXTER LN	<i>[Signature]</i>
7/10/22	Jennifer Hay	464 Walnut Hill Rd	<i>[Signature]</i>
7/10/22	Sandra Beunton	494 Walnut Hill Rd	<i>[Signature]</i>
7/10/22	JOHN FARRELL	29 PARSONAGE RD.	<i>[Signature]</i>
7/10/22	Heather Elliott	29 Parsonage Rd	<i>[Signature]</i>
7/10/22	Michelle Ashhead	34 Parsonage Rd	<i>[Signature]</i>
7/10/22	Henry M. Israel	544 Walnut Hill Rd	<i>[Signature]</i>

Enclosure O

August 30, 2022

North Yarmouth Planning Board
10 Village Square Road
North Yarmouth, Maine



Re: Updates to Proposed Deacon Hayes Commons, Parsonage/Walnut Hill Roads

Dear Board Members,

At the August Planning Board meeting, a public hearing was completed with questions and answers about the project provided to the Board. The Board then determined the final application materials complete. The Board had no significant concerns during the final review of the project as each item in the NorthStar Planners memo was discussed. The Board then reviewed and agreed with the Site Plan - Conclusions of Law, and the Subdivision - Conclusions of Law as written by NorthStar Planning August 9 memo to the Board. A motion was made and seconded for approval of the project with minor conditions, but failed to gain a majority vote. The board wanted more information from the YWD in regard to ground water flow which would ultimately determine nitrate levels. The applicant has decided to have a new engineered disposal system that will meet setback requirements and the Towns 5 mg/l requirement at the property line. We contacted the Town and asked to be rescheduled for the next scheduled meeting of Sept 13 so revisions to the plan to reflect the new sewer system design could be completed.

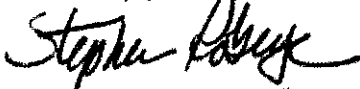
We have attached the updated plans and provided additional information as requested by the Planning Board during the August meeting. Changes with this submission include:

1. Design of a new engineered disposal system.
2. A revised groundwater nitrate study specific to the engineered disposal area meeting the Towns 5 mg/l nitrate level at the property line.
3. Relocated previously proposed landscaping planting away from the disposal system.
4. Updated the sidewalk along Walnut Street (location of proposed sidewalk was relocated further away from Walnut St. for safety and construction reasons).
5. Updates to the subdivision and site plan suitable for Planning Board signatures and recording in the registry.
6. Units 4, 8, and 11 are designated to be "Affordable Housing".

**Deacon Hayes Commons
North Yarmouth, Maine**

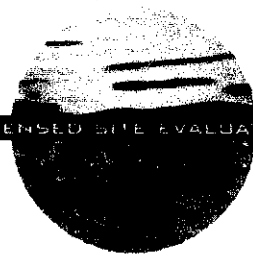
We hope you will find this additional information satisfactory for a final approval by the Planning Board. Please contact me if you have any questions.

Sincerely yours



**Stephen Roberge, PE
for SJR Engineering Inc.**

Attachments: Updated plan sheets (SUB, Sheets 1 and 2), Cenci nitrate study for the engineered system.



Hydrogeologic Assessment of an Engineered System Deacon Hayes Commons Walnut Hill Road, North Yarmouth

Date: August 26, 2022

Summary:

A nitrate plume was modelled from an Engineered wastewater disposal system, serving all units of a proposed development. The system uses nitrogen removing aeration technology. The analysis assumed the groundwater flow direction used by the Yarmouth Water District. The 5 mg/liter NO₃-N concentration is predicted to meet the ordinance of the Town of North Yarmouth regarding the project property line.

Background information:

The *Hydrogeologic Assessment, Deacon Hayes Commons, Walnut Hill Road, North Yarmouth*, dated May 24, 2022, by Mark Cenci Geologic, Inc., assumed a local groundwater flow direction toward a pond and stream drainage from four wastewater disposal areas located 100 feet apart. The wastewater disposal systems were modelled to use aerating pre-treatment technology to somewhat reduce the concentration of NO₃-N entering the aquifer. Under this assumption, the local groundwater protection ordinance was satisfied.

A review by Matt Reynolds, PE, LG, of Drumlin Environmental, Inc., reasonably questioned the groundwater flow direction assumption, as their contracted work with the Yarmouth Water District suggests a flow direction not influenced by the pond and stream. In a telephone conversation with Matt Reynolds, the possibility of a perched water table beneath the pond and stream was discussed, as the water table elevation in a monitoring well at the corner of Parsonage Road reveals a measured water table well below the pond elevation.

While it may be possible that a perched water table extends to the areas proposed for the four wastewater disposal systems, it is preferable to avoid further subsurface soil explorations and

revise the wastewater disposal plan, particularly because the Yarmouth Water District prefers nitrogen removing aeration technology to be used on this site.

Therefore, a single, combined wastewater disposal area to be used by all residential units is proposed. This system will be more centrally located on the property and will use nitrogen removing aeration treatment technology. Because the design flow of this single system exceeds 2,000 gallons per day, the system is regulated as an Engineered System by the Division of Environmental Health of the State of Maine.

Geologic and hydrogeologic assumptions:


The same permeability, porosity and hydraulic gradient assumptions were used to analyze the groundwater effects of one large system. The concentration of NO₃-N entering the groundwater beneath the disposal area is assumed to be 10 mg/liter. This is based on controlled National Sanitary Foundation testing of the FujiClean products, which had results ranging from 7 mg/liter to 12 mg/liter after treatment.

The groundwater flow direction assumption was changed to the regional assumption used by Drumlin Environmental, which is perpendicular to the topographic trend of Walnut Hill. On this property that direction is approximately True North, 98 degrees. A depiction of modelling results is attached.

Results and conclusions:

Using the same modelling program used in the *Assessment*, with a reduced initial concentration of NO₃-N based on nitrogen removal technology, the 5 mg/liter NO₃-N plume is estimated to be 40 feet in length.

The disposal area will be approximately 45 feet from the nearest project property line, which will satisfy the North Yarmouth groundwater ordinance.



Mark Cenci, LG # 467

no lot lines
for individual
buildings
at 19. Septic

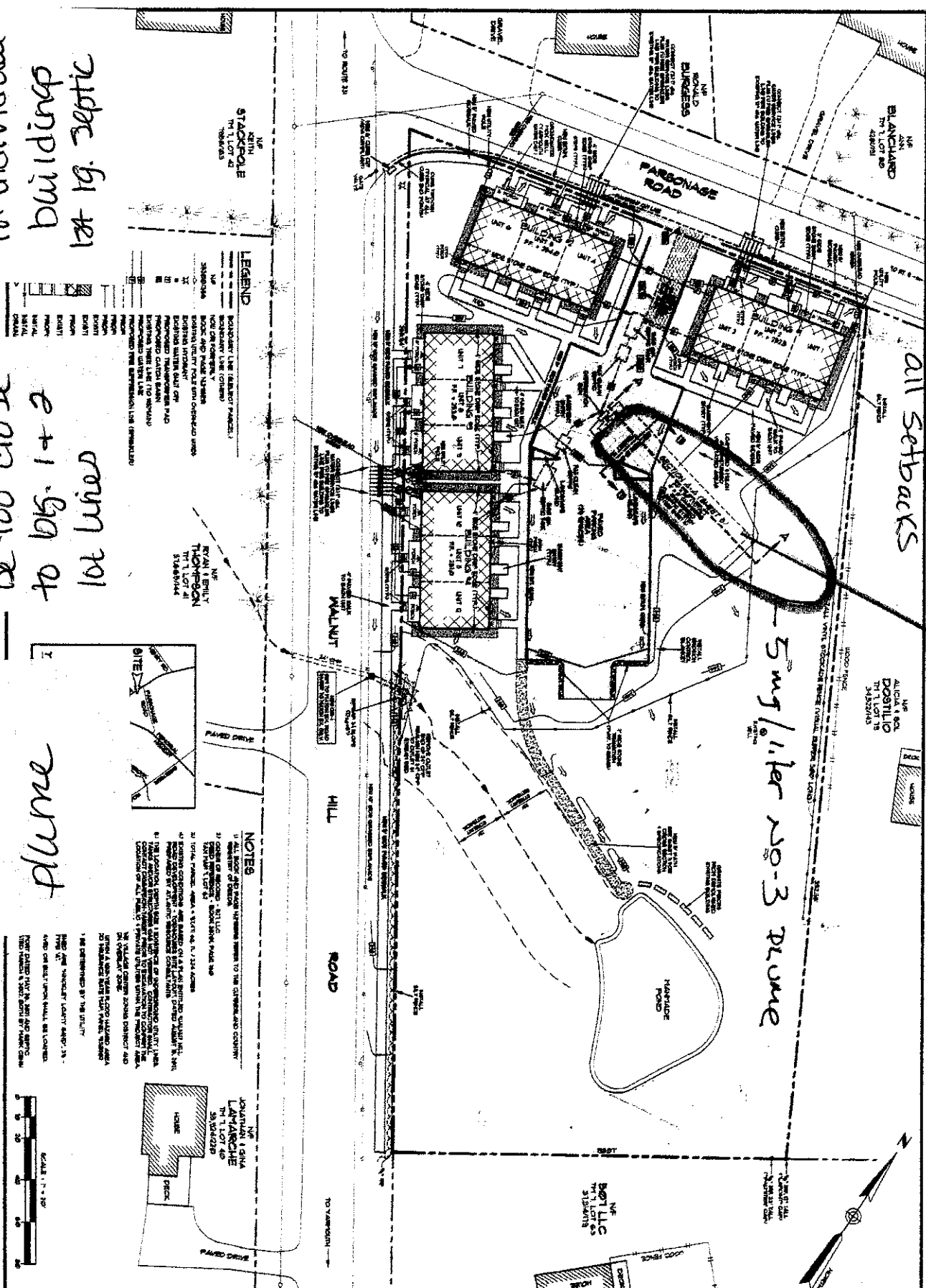
Septic could
be too close
to bldg. 1+2
lot lines

Shade
flume

No lot lines to show
all setbacks

5 mg/l. per sq-ft
ROADSIDE FLOOD PROTECTION

9/13/2022



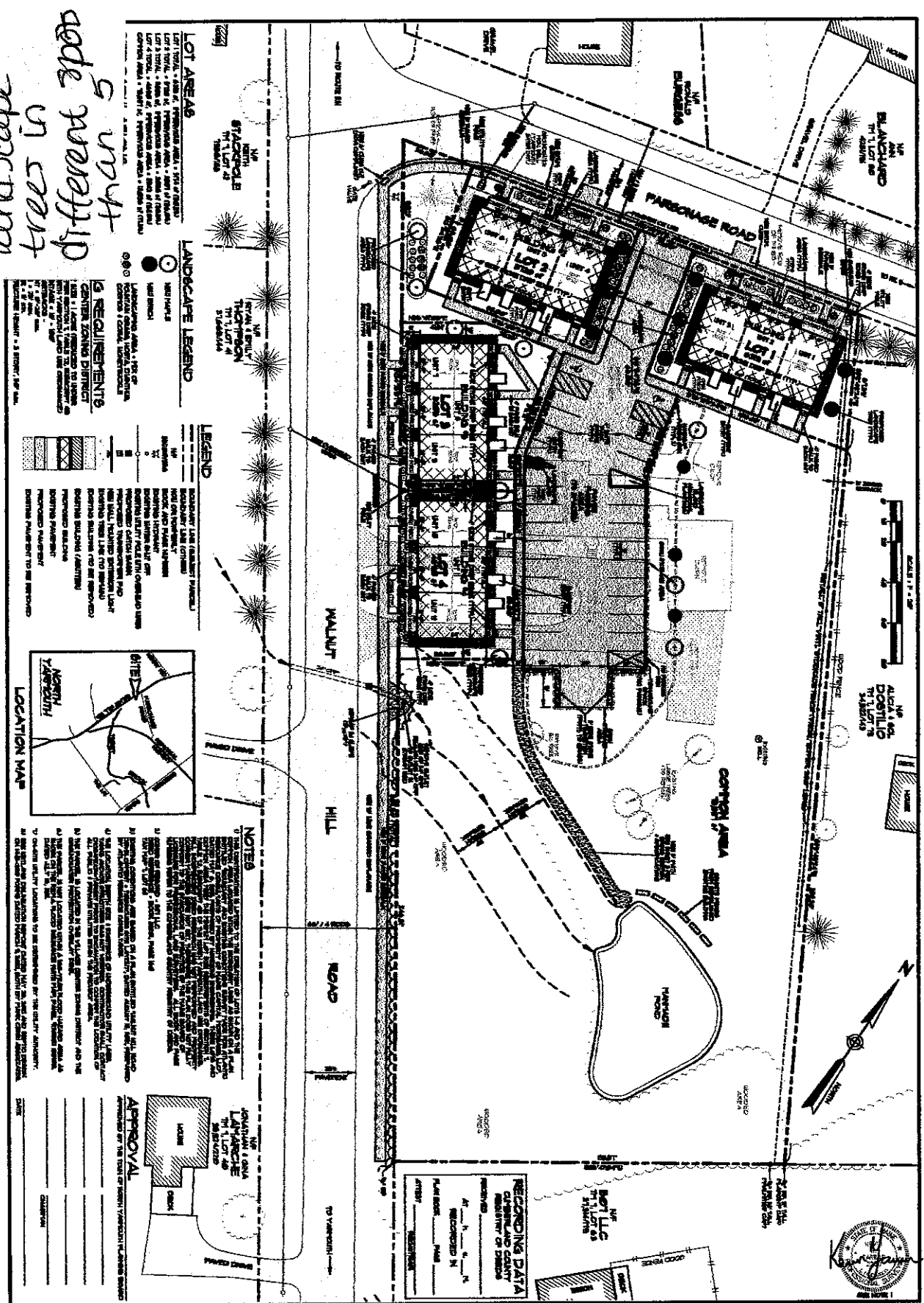
GRADING & EROSION CONTROL PLAN
DEACON HAYES COMMONS
 531 WALNUT HILL ROAD - NORTH YARMOUTH MAINE
 PREPARED FOR
527 LLC
 665 OAK HILL ROAD - NORTH YARMOUTH, ME

SJR ENGINEERING, INC.
 16 THURSTON DRIVE
 MONMOUTH, MAINE 04255
 (207) 242-6240 ext 181
 sje@sje-eng.com

REV.	DATE	DESCRIPTION
1	09-13-2022	ISSUE FOR PERMIT
2	09-13-2022	REVISIONS TO PERMIT
3	09-13-2022	REVISIONS TO PERMIT
4	09-13-2022	REVISIONS TO PERMIT
5	09-13-2022	REVISIONS TO PERMIT
6	09-13-2022	REVISIONS TO PERMIT
7	09-13-2022	REVISIONS TO PERMIT
8	09-13-2022	REVISIONS TO PERMIT
9	09-13-2022	REVISIONS TO PERMIT
10	09-13-2022	REVISIONS TO PERMIT



Handwritten: Landscape trees in different spots than 5

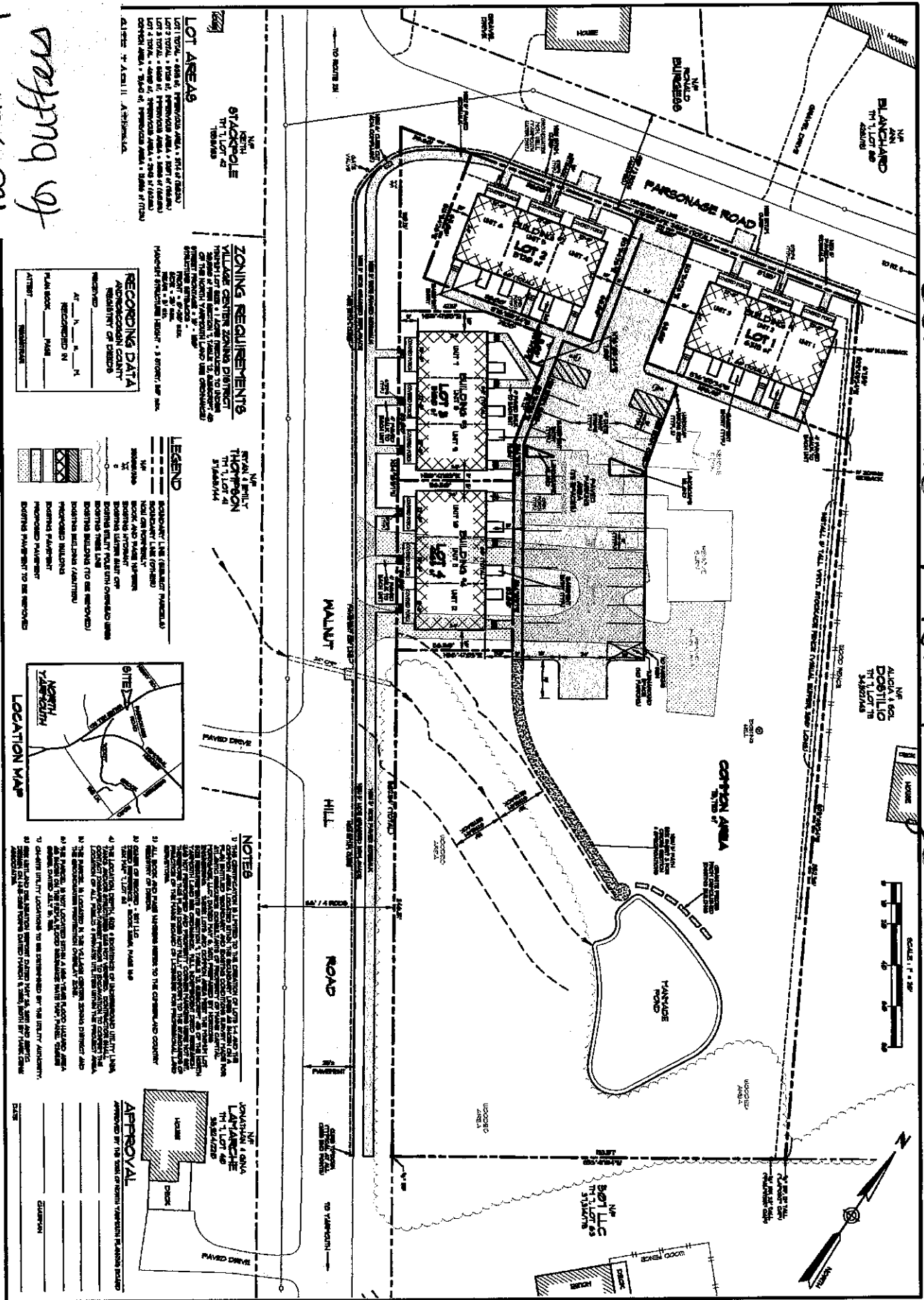


LOT AREAS LOT 1: 10,000 sq. ft. (100' x 100') LOT 2: 10,000 sq. ft. (100' x 100') LOT 3: 10,000 sq. ft. (100' x 100') LOT 4: 10,000 sq. ft. (100' x 100') LOT 5: 10,000 sq. ft. (100' x 100') LOT 6: 10,000 sq. ft. (100' x 100') LOT 7: 10,000 sq. ft. (100' x 100') LOT 8: 10,000 sq. ft. (100' x 100') LOT 9: 10,000 sq. ft. (100' x 100') LOT 10: 10,000 sq. ft. (100' x 100')		RECORDING DATA DRAWING NO. _____ SHEET NO. _____ OF _____ DATE: _____	
NOTES 1. ALL EXISTING BUILDINGS TO BE DEMOLISHED AND REMOVED FROM THE SITE. 2. ALL EXISTING UTILITIES TO BE REMOVED AND RELOCATED AS SHOWN ON THIS PLAN. 3. ALL EXISTING LANDSCAPE TO BE REMOVED AND REPLACED AS SHOWN ON THIS PLAN. 4. ALL EXISTING PAVEMENT TO BE REMOVED AND REPLACED AS SHOWN ON THIS PLAN. 5. ALL EXISTING FENCES TO BE REMOVED AND REPLACED AS SHOWN ON THIS PLAN. 6. ALL EXISTING SIGNAGE TO BE REMOVED AND REPLACED AS SHOWN ON THIS PLAN. 7. ALL EXISTING LIGHTING TO BE REMOVED AND REPLACED AS SHOWN ON THIS PLAN. 8. ALL EXISTING SECURITY TO BE REMOVED AND REPLACED AS SHOWN ON THIS PLAN. 9. ALL EXISTING UTILITIES TO BE REMOVED AND REPLACED AS SHOWN ON THIS PLAN. 10. ALL EXISTING UTILITIES TO BE REMOVED AND REPLACED AS SHOWN ON THIS PLAN.		APPROVAL PROJECT: _____ DRAWN BY: _____ CHECKED BY: _____ DATE: _____	

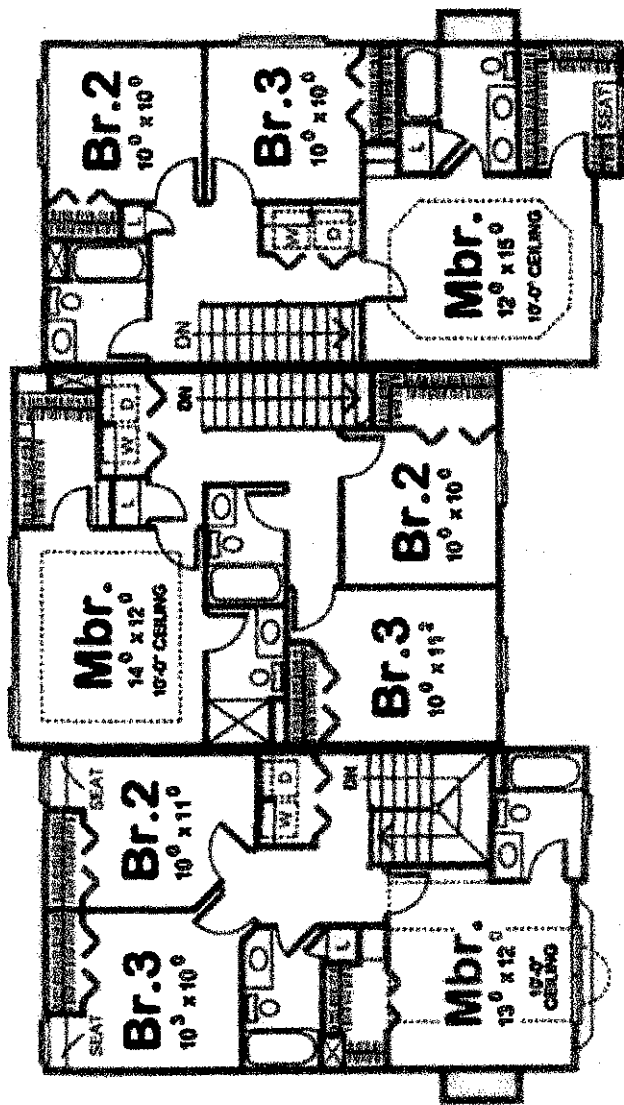
SITE & DEMOLITION PLAN DEACON HAYES COMMONS 301 WALNUT HILL ROAD - NORTH YARMOUTH MAINE OWNER OF RECORD 527 LLC 860 OAK HILL ROAD - NORTH YARMOUTH, ME	GUR ENGINEERING, INC. 16 THURSTON DRIVE MONTECALA, MAINE 04255 (603) 242-6348 gur@gur-engineering.com	<table border="1"> <tr> <th>REV.</th> <th>DATE</th> <th>CHANGES</th> </tr> <tr> <td>1</td> <td>01/15/20</td> <td>ISSUE FOR PERMIT</td> </tr> <tr> <td>2</td> <td>02/10/20</td> <td>REVISIONS TO PERMIT</td> </tr> <tr> <td>3</td> <td>03/05/20</td> <td>REVISIONS TO PERMIT</td> </tr> <tr> <td>4</td> <td>04/01/20</td> <td>REVISIONS TO PERMIT</td> </tr> <tr> <td>5</td> <td>05/01/20</td> <td>REVISIONS TO PERMIT</td> </tr> <tr> <td>6</td> <td>06/01/20</td> <td>REVISIONS TO PERMIT</td> </tr> <tr> <td>7</td> <td>07/01/20</td> <td>REVISIONS TO PERMIT</td> </tr> <tr> <td>8</td> <td>08/01/20</td> <td>REVISIONS TO PERMIT</td> </tr> <tr> <td>9</td> <td>09/01/20</td> <td>REVISIONS TO PERMIT</td> </tr> <tr> <td>10</td> <td>10/01/20</td> <td>REVISIONS TO PERMIT</td> </tr> <tr> <td>11</td> <td>11/01/20</td> <td>REVISIONS TO PERMIT</td> </tr> <tr> <td>12</td> <td>12/01/20</td> <td>REVISIONS TO PERMIT</td> </tr> </table>	REV.	DATE	CHANGES	1	01/15/20	ISSUE FOR PERMIT	2	02/10/20	REVISIONS TO PERMIT	3	03/05/20	REVISIONS TO PERMIT	4	04/01/20	REVISIONS TO PERMIT	5	05/01/20	REVISIONS TO PERMIT	6	06/01/20	REVISIONS TO PERMIT	7	07/01/20	REVISIONS TO PERMIT	8	08/01/20	REVISIONS TO PERMIT	9	09/01/20	REVISIONS TO PERMIT	10	10/01/20	REVISIONS TO PERMIT	11	11/01/20	REVISIONS TO PERMIT	12	12/01/20	REVISIONS TO PERMIT	
REV.	DATE	CHANGES																																								
1	01/15/20	ISSUE FOR PERMIT																																								
2	02/10/20	REVISIONS TO PERMIT																																								
3	03/05/20	REVISIONS TO PERMIT																																								
4	04/01/20	REVISIONS TO PERMIT																																								
5	05/01/20	REVISIONS TO PERMIT																																								
6	06/01/20	REVISIONS TO PERMIT																																								
7	07/01/20	REVISIONS TO PERMIT																																								
8	08/01/20	REVISIONS TO PERMIT																																								
9	09/01/20	REVISIONS TO PERMIT																																								
10	10/01/20	REVISIONS TO PERMIT																																								
11	11/01/20	REVISIONS TO PERMIT																																								
12	12/01/20	REVISIONS TO PERMIT																																								

lot lines on landscape buffers of

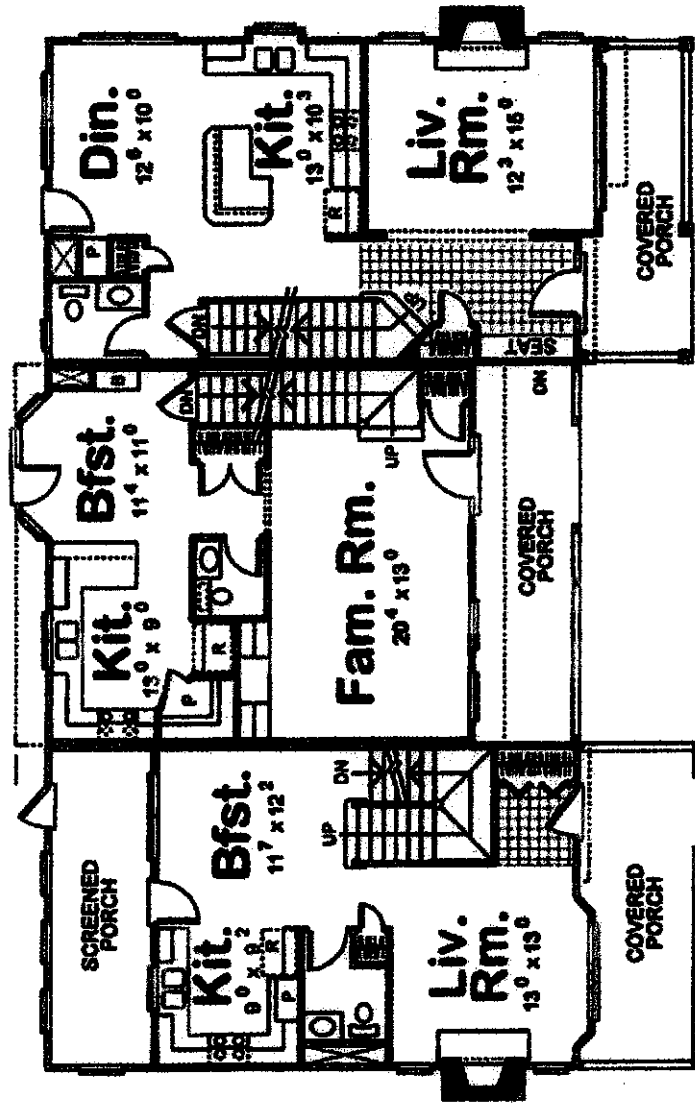
lot line w/ No foliage



SUBDIVISION PLAN DEACON HAYES COMMONS 527 WALNUT HILL ROAD - NORTH YARMOUTH MAINE OWNER OF RECORD 527 LLC 865 OAK HILL ROAD - NORTH YARMOUTH, ME	SJR ENGINEERING, INC. 16 THURSTON DRIVE NORTH YARMOUTH, MAINE 04263 (207) 741-8248 ext steve@sjreng.com	RECD. BY: _____ DATE: _____ CLASS: _____	
		THIS PLAN SHALL NOT BE RECORDED UNLESS APPROVED BY THE BOARD OF TOWN ENGINEERS, INC.	



old sketch



new lighting line
201
NO

MADE BY: [illegible]
DATE: [illegible]

SCALE: 1" = 20'

DATE: [illegible]

PROJECT: [illegible]

REVISIONS: [illegible]

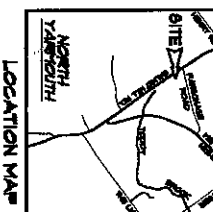
DATE: [illegible]

PROJECT: [illegible]

DATE: [illegible]

ATTIONS
 1. REMOVE EXISTING LIGHTING FIXTURES AND WIRING.
 2. INSTALL NEW LIGHTING FIXTURES AND WIRING AS SHOWN ON THIS PLAN.
 3. VERIFY ALL WORK WITH THE OWNER.

LEGEND
 [Symbol] EXISTING LIGHTING FIXTURES
 [Symbol] NEW LIGHTING FIXTURES
 [Symbol] EXISTING WIRING
 [Symbol] NEW WIRING
 [Symbol] EXISTING LIGHTING PANELS
 [Symbol] NEW LIGHTING PANELS
 [Symbol] EXISTING LIGHTING TRUNKING
 [Symbol] NEW LIGHTING TRUNKING
 [Symbol] EXISTING LIGHTING CONDUITS
 [Symbol] NEW LIGHTING CONDUITS
 [Symbol] EXISTING LIGHTING RIGGING
 [Symbol] NEW LIGHTING RIGGING
 [Symbol] EXISTING LIGHTING HOUSINGS
 [Symbol] NEW LIGHTING HOUSINGS
 [Symbol] EXISTING LIGHTING GROUNDING
 [Symbol] NEW LIGHTING GROUNDING



NOTES
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE ALARM AND SIGNALING CODE (NFPA 72).
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL EXISTING LIGHTING FIXTURES AND WIRING THAT IS NOT TO BE REMOVED.
 6. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITIES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL EXISTING LIGHTING FIXTURES AND WIRING THAT IS NOT TO BE REMOVED.
 8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL EXISTING LIGHTING FIXTURES AND WIRING THAT IS NOT TO BE REMOVED.
 10. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITIES.

APPROVAL
 [Signature Line]
 [Signature Line]
 [Signature Line]
 [Signature Line]
 [Signature Line]

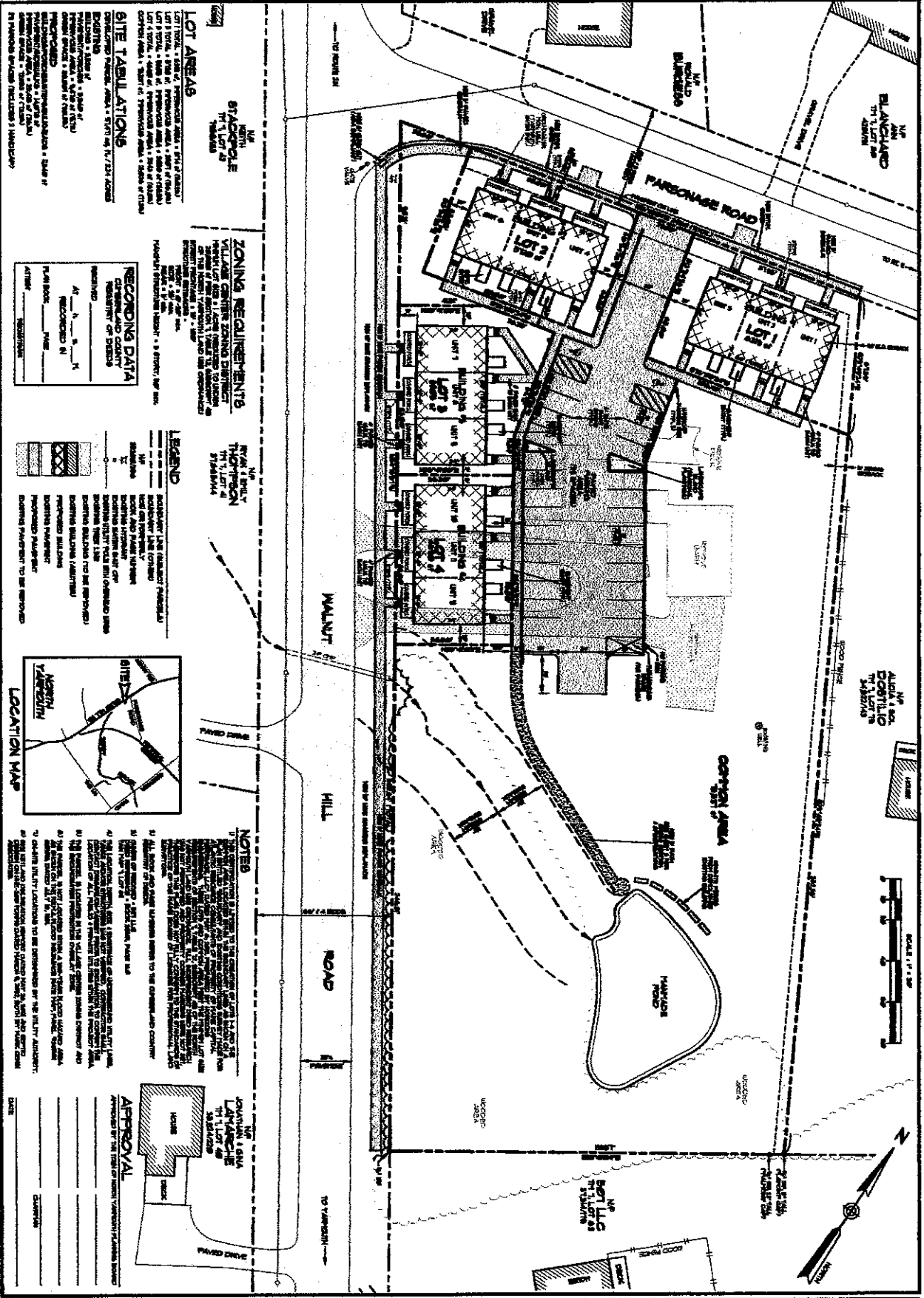
SITE & DEMOLITION PLAN
KENNY COMMONS
 231 WALNUT HILL ROAD - NORTH YARMOUTH MAINE
 PREPARED FOR:
MAINE CAPITAL MORTGAGE, LLC
 4 CITY CENTER - PORTLAND, MAINE 04101

SJR ENGINEERING, INC.
 16 THURSTON DRIVE
 MONMOUTH, MAINE 04252
 (207) 243-8248
 sls@sjr-engineering.com

REV	BY	DATE	CHANGES

STEPHEN BAKER
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF MAINE
 LICENSE NO. 10000

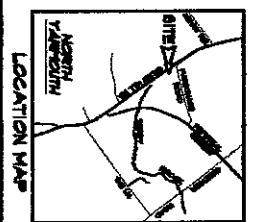
THIS PLAN SHALL NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM SJR ENGINEERING, INC. FOR APPROVAL ONLY



LOT AREAS
 LOT 1: 1.00 AC
 LOT 2: 1.00 AC
 LOT 3: 1.00 AC
 LOT 4: 1.00 AC
 LOT 5: 1.00 AC
 LOT 6: 1.00 AC
 LOT 7: 1.00 AC
 LOT 8: 1.00 AC
 LOT 9: 1.00 AC
 LOT 10: 1.00 AC

ZONING REQUIREMENTS
 VILLAGE CENTER ZONING DISTRICT
 THE TOWN OF YARMOUTH
 CHAPTER 100: SUBDIVISIONS AND THE CONSTRUCTION OF HIGHWAYS

RECORDING DATA
 DEACON HAYES COMMONS
 527 LLC
 AT _____
 RECORDED IN _____
 PLAT BOOK _____ PAGE _____
 DATE _____



NOTES
 1. THE SUBDIVISION IS SUBJECT TO THE EXISTING RECORDS OF THE TOWN OF YARMOUTH, MAINE.
 2. THE SUBDIVISION IS SUBJECT TO THE EXISTING RECORDS OF THE TOWN OF YARMOUTH, MAINE.
 3. THE SUBDIVISION IS SUBJECT TO THE EXISTING RECORDS OF THE TOWN OF YARMOUTH, MAINE.
 4. THE SUBDIVISION IS SUBJECT TO THE EXISTING RECORDS OF THE TOWN OF YARMOUTH, MAINE.
 5. THE SUBDIVISION IS SUBJECT TO THE EXISTING RECORDS OF THE TOWN OF YARMOUTH, MAINE.
 6. THE SUBDIVISION IS SUBJECT TO THE EXISTING RECORDS OF THE TOWN OF YARMOUTH, MAINE.
 7. THE SUBDIVISION IS SUBJECT TO THE EXISTING RECORDS OF THE TOWN OF YARMOUTH, MAINE.
 8. THE SUBDIVISION IS SUBJECT TO THE EXISTING RECORDS OF THE TOWN OF YARMOUTH, MAINE.
 9. THE SUBDIVISION IS SUBJECT TO THE EXISTING RECORDS OF THE TOWN OF YARMOUTH, MAINE.
 10. THE SUBDIVISION IS SUBJECT TO THE EXISTING RECORDS OF THE TOWN OF YARMOUTH, MAINE.

APPROVAL
 DEACON HAYES COMMONS
 527 LLC
 DATE _____

SUBDIVISION PLAN
DEACON HAYES COMMONS
 527 LLC
 665 OAK HILL ROAD - NORTH YARMOUTH, ME

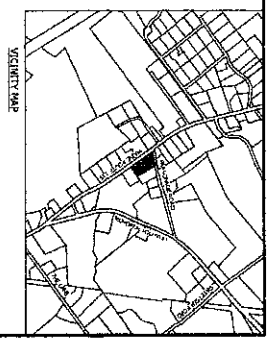
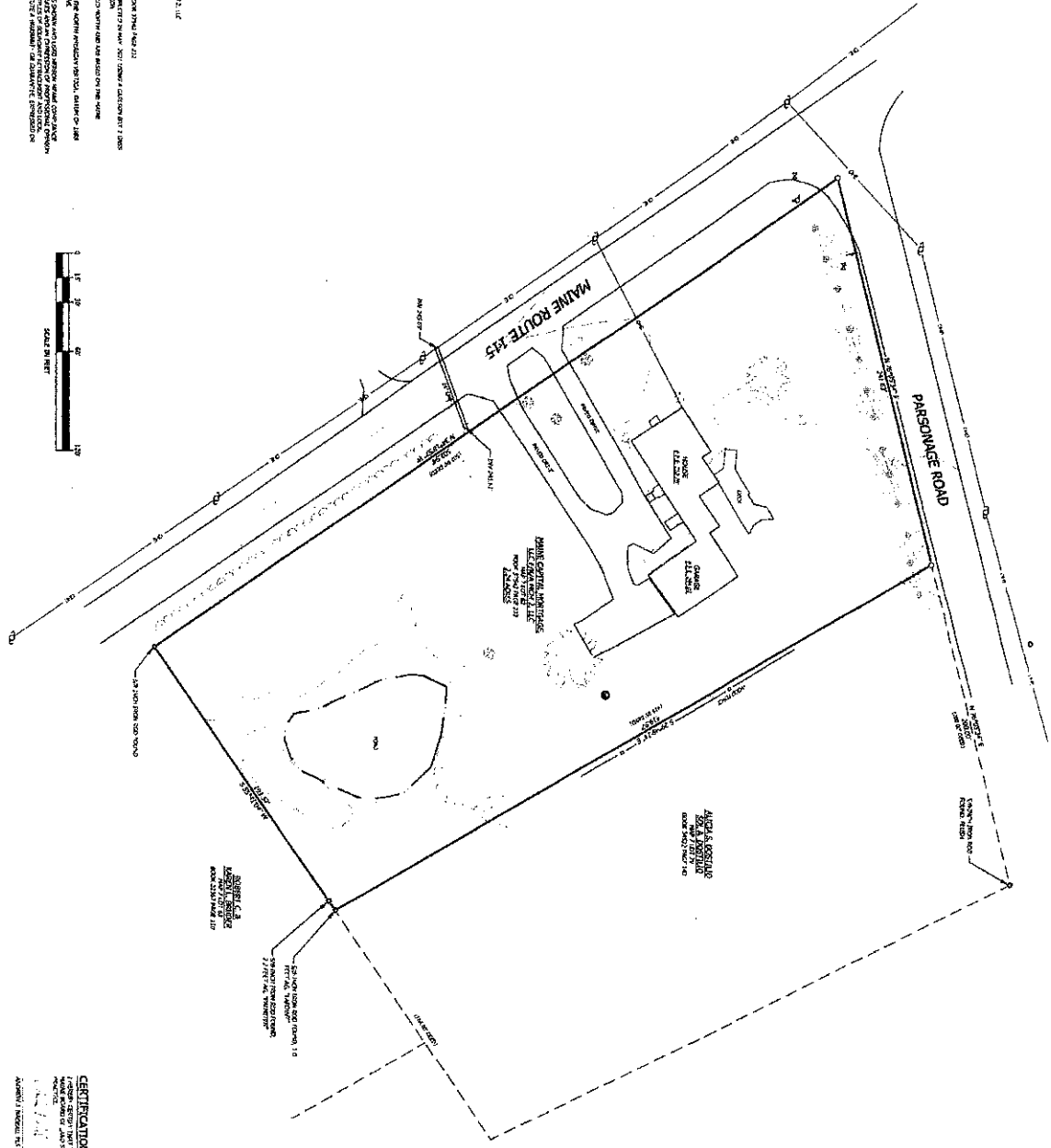
GJR ENGINEERING, INC.
 16 THURSTON DRIVE
 MONMOUTH, MAINE 04255
 (207) 242-6240
 www.gjrengineering.com

NO.	DATE	BY	DESCRIPTION
1	08-27-2020	GJR	RELOCATE WALNUT HILL ROAD SIDEWALK
2	08-27-2020	GJR	ADD BRICKSIDE FENCE
3	08-27-2020	GJR	CONCRETE





- GENERAL NOTES**
1. OWNER: MRS. JANE D. SMITH, 123 MAIN ST., PORTLAND, ME 04101
 2. CONTRACT NO. 2024-001
 3. DESIGN DATE: 10/26/2024
 4. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
 5. THE CLIENT REPRESENTS THAT ALL INFORMATION PROVIDED IS TRUE AND ACCURATE.
 6. THE CLIENT REPRESENTS THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED.
 7. THE CLIENT REPRESENTS THAT ALL NECESSARY UTILITIES HAVE BEEN LOCATED AND MARKED.
 8. THE CLIENT REPRESENTS THAT ALL NECESSARY ADJACENT PROPERTY OWNERS HAVE BEEN NOTIFIED.
 9. THE CLIENT REPRESENTS THAT ALL NECESSARY ADJACENT PROPERTY OWNERS HAVE GIVEN THEIR WRITTEN CONSENT.
 10. THE CLIENT REPRESENTS THAT ALL NECESSARY ADJACENT PROPERTY OWNERS HAVE GIVEN THEIR WRITTEN CONSENT.



- LEGEND**
- PROPOSED DRIVEWAY
 - PROPOSED WALKWAY
 - PROPOSED BIKEWAY
 - PROPOSED LANDSCAPE
 - PROPOSED TREES
 - PROPOSED SHRUBS
 - PROPOSED GRASS
 - PROPOSED PATIO
 - PROPOSED PERGOLA
 - PROPOSED COURTYARD
 - PROPOSED WATER FEATURE
 - PROPOSED BIKE RACKS
 - PROPOSED CROSSWALK
 - PROPOSED CROSSWALK LIGHTS
 - PROPOSED CROSSWALK SIGNAGE
 - PROPOSED CROSSWALK MARKINGS
 - PROPOSED CROSSWALK CURBS
 - PROPOSED CROSSWALK BENCHES
 - PROPOSED CROSSWALK BOLLARDS
 - PROPOSED CROSSWALK LIGHT FIXTURES

CERTIFICATION:
 I, the undersigned, being a duly licensed Professional Engineer in the State of Maine, do hereby certify that the above is a true and correct copy of the plans as shown to me by the client.

DATE: 10/26/2024
 SIGNATURE: [Signature]

horizons
Engineering

100 WATER STREET, SUITE 200
 PORTLAND, ME 04101
 TEL: (603) 876-1234
 FAX: (603) 876-5678
 WWW.HORIZONS-ENG.COM

PROJECT: MAINE ROUTE 115 AND PARSONAGE ROAD
 CLIENT: MRS. JANE D. SMITH
 DATE: 10/26/2024
 SHEET: 1 OF 1

Superstium

PROJECT INFORMATION: [Illegible text]

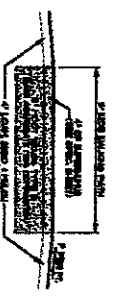
PROJECT LOCATION: [Illegible text]

DATE: [Illegible text]

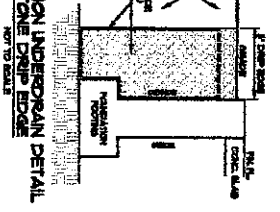
SCALE: [Illegible text]

SUPERSTIUM SPECIFICATION SHEET

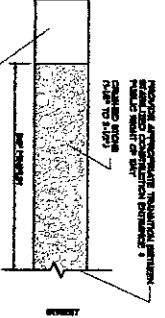
FOOTPATH AND SIDE SLOPE CROSS SECTION



FOUNDATION UNDERDRAIN DETAIL



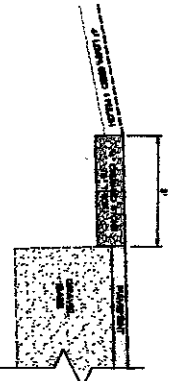
STABILIZED CONSTRUCTION ENTRANCE DETAIL



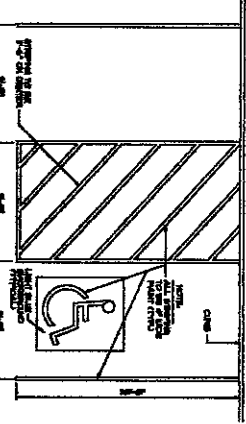
EROSION CONTROL FILTER BERRY



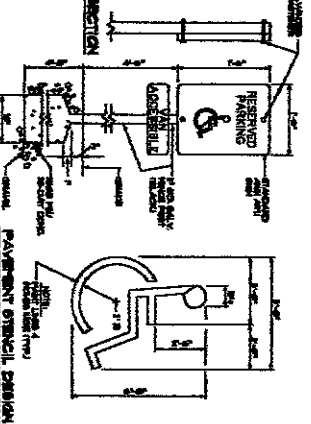
STONE TRANSITION AREA PAVEMENT TO GRADES



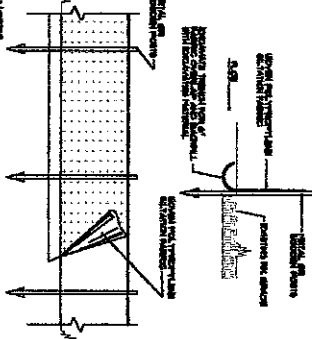
HANDICAPPED PARKING SPACE DETAIL



HANDICAP SIGN DETAIL



SILT FENCE DETAIL



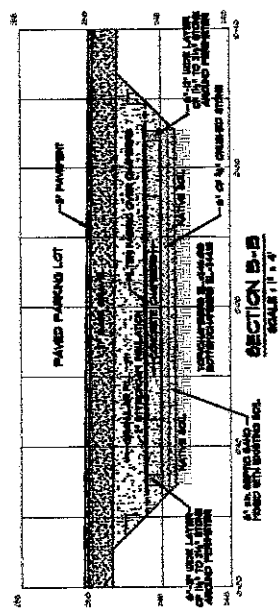
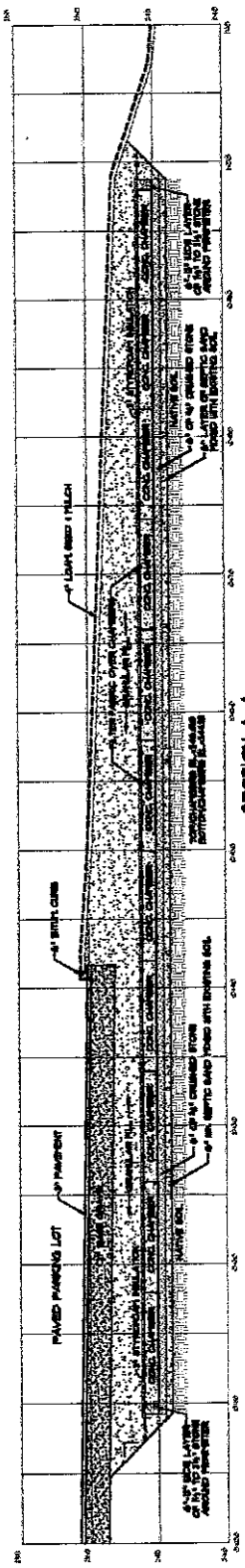
CONSTRUCTION DETAILS
 DEACON HAYES COMMONS
 282 BALMIST HILL ROAD - NORTH YARMOUTH, NS
 PREPARED FOR
521 LLC
 262 OAK HILL ROAD - NORTH YARMOUTH, NS

G.R. ENGINEERING, INC.
 16 TAVISTOCK DRIVE
 NEWBRIDGE, NANTUCKET, MA 02546
 (508) 625-4676 ext 4 fax
 gae@gr-engineering.com

NO.	DATE	BY	DESCRIPTION
1	04-20-2006	SP	ISSUE PERMIT SETS & TITLE BLOCK
2	05-23-2006	SP	ISSUE CLIENT SETS & TITLE BLOCK
3	06-01-2006	SP	ISSUE



DATE	PROJECT
SCALE	NO.
BY	CHKD
APP'D	DATE



HOME OWNERS ASSOCIATION REQUIREMENTS
 TO BE COMPLETED AND HAVE RECORD ASSOCIATION FILED FOR INSPECTION

ENGINEERED SYSTEM NOTES

1. MATERIALS AND METHODS OF CONSTRUCTION SHALL BE AS SHOWN ON THESE DETAILS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL HEALTH DEPARTMENT AND LOCAL GOVERNMENT AGENCIES.
2. ALL SEPTIC SYSTEMS SHALL BE DESIGNED TO SERVE THE ENTIRE HOUSEHOLD AND SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL PLUMBING CODE AND THE INTERNATIONAL MECHANICAL CODE.
3. THE SEPTIC SYSTEM SHALL BE INSTALLED ON A PERMANENTLY STABILIZED AREA OF THE LOT. THE SYSTEM SHALL BE INSTALLED AT A MINIMUM OF 10 FEET FROM ANY ADJACENT PROPERTY LINE AND AT A MINIMUM OF 5 FEET FROM ANY EXISTING SEWER LINE.
4. THE SEPTIC SYSTEM SHALL BE INSTALLED ON A PERMANENTLY STABILIZED AREA OF THE LOT. THE SYSTEM SHALL BE INSTALLED AT A MINIMUM OF 10 FEET FROM ANY ADJACENT PROPERTY LINE AND AT A MINIMUM OF 5 FEET FROM ANY EXISTING SEWER LINE.
5. THE SEPTIC SYSTEM SHALL BE INSTALLED ON A PERMANENTLY STABILIZED AREA OF THE LOT. THE SYSTEM SHALL BE INSTALLED AT A MINIMUM OF 10 FEET FROM ANY ADJACENT PROPERTY LINE AND AT A MINIMUM OF 5 FEET FROM ANY EXISTING SEWER LINE.
6. THE SEPTIC SYSTEM SHALL BE INSTALLED ON A PERMANENTLY STABILIZED AREA OF THE LOT. THE SYSTEM SHALL BE INSTALLED AT A MINIMUM OF 10 FEET FROM ANY ADJACENT PROPERTY LINE AND AT A MINIMUM OF 5 FEET FROM ANY EXISTING SEWER LINE.
7. THE SEPTIC SYSTEM SHALL BE INSTALLED ON A PERMANENTLY STABILIZED AREA OF THE LOT. THE SYSTEM SHALL BE INSTALLED AT A MINIMUM OF 10 FEET FROM ANY ADJACENT PROPERTY LINE AND AT A MINIMUM OF 5 FEET FROM ANY EXISTING SEWER LINE.
8. THE SEPTIC SYSTEM SHALL BE INSTALLED ON A PERMANENTLY STABILIZED AREA OF THE LOT. THE SYSTEM SHALL BE INSTALLED AT A MINIMUM OF 10 FEET FROM ANY ADJACENT PROPERTY LINE AND AT A MINIMUM OF 5 FEET FROM ANY EXISTING SEWER LINE.
9. THE SEPTIC SYSTEM SHALL BE INSTALLED ON A PERMANENTLY STABILIZED AREA OF THE LOT. THE SYSTEM SHALL BE INSTALLED AT A MINIMUM OF 10 FEET FROM ANY ADJACENT PROPERTY LINE AND AT A MINIMUM OF 5 FEET FROM ANY EXISTING SEWER LINE.
10. THE SEPTIC SYSTEM SHALL BE INSTALLED ON A PERMANENTLY STABILIZED AREA OF THE LOT. THE SYSTEM SHALL BE INSTALLED AT A MINIMUM OF 10 FEET FROM ANY ADJACENT PROPERTY LINE AND AT A MINIMUM OF 5 FEET FROM ANY EXISTING SEWER LINE.

