

**Town Of North Yarmouth
Planning Board Meeting
Meeting Minutes of August 9, 2016**

I. Call to Order

Present: Katryn Gabrielson (Chair), Steve Morrison, Gary North, Tom Hinman, Gary Dilisio, Ryan Keith (CEO)

II. Minutes of Previous Meeting(s)

Gary North moved to approve the minutes as amended, Steve Morrison seconded the motion. Discussion: None. **Vote 4- Yes, 0-No, 1- Abstention** (Gary Dilisio)

III. Communications

Information for picking a date for upcoming workshop was relayed to the Board.

IV. Old Business

a. Ridgewood Subdivision Application- Proposed 6 Lot Subdivision Map 8, Lot 16; 56.81 +/- acres

Findings of fact were presented by Katryn Gabrielson as follows:

1. The proposed subdivision will not result in undue water or air pollution. The project does not involve storage of any hazardous materials. The soil is adequate to support waste disposal. A Medium Intensity Soil Survey was provided.
2. The proposed subdivision will have sufficient water available. Water is to be supplied by private wells. Data from the Maine Geological Survey indicates adequate water supply in the area.
3. The proposed subdivision will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results. An erosion control plan was submitted.
4. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions. The applicant proposes to construct two roads which are proposed to remain as private ways. Homestead Road will run off of Route 231 for approximately 620 feet, and Ridgewood Lane will run off of Homestead Road for approximately 1520 feet. A Maine Department of Transportation entrance permit was obtained. The vehicular traffic generated by 6 residences will not have a significant impact on Route 231 traffic.
5. The proposed subdivision will provide for adequate sewage disposal and not cause unreasonable burden on municipal services. Sewage is to be disposed of by individual subsurface disposal systems. Site evaluations for each lot, meeting the requirements of the State of Maine Subsurface Wastewater Disposal Rules were completed by James Mancini, Licensed Site Evaluator #247, on June 9, 2015.
6. The proposed subdivision will not cause an unreasonable burden on municipal solid waste disposal. Solid waste will be placed at the end of Homestead Road for pick up.
7. The proposed subdivision will not have an undue adverse effect on scenic or natural beauty or aesthetics, historic sites, wildlife habitat, rare natural areas, or public access to shoreline. Almost 40 acres will be maintained as Private Open Scenic Space. No historic sites, rare natural areas or existing public access to shoreline exist on the property nor has any significant wildlife habitat been identified. The property is not within a shoreland zone. The property is not within a wading bird or water bird area or a

deer wintering area, nor are there any endangered species noted in the vicinity. The property abuts property identified as North Yarmouth Land Trust Conservation Easement. 50' no cut buffers will exist along the north and south perimeters of the property.

8. The proposed subdivision conforms with the Town's subdivision ordinance and comprehensive plan.
9. The subdivider has provided evidence of financial capacity to meet standards. See statement of TD Bank dated May 26, 2016. The subdivider has access to sufficient technical capacity to meet standards.
10. The proposed subdivision will not adversely affect water quality.
11. The proposed subdivision will not adversely affect quality or quantity of groundwater.
12. The property is not within a floodplain.
13. Freshwater wetlands are shown on the final plan. No vernal pools were identified.
14. The proposed subdivision does not contain any farmland.
15. Any rivers, streams or brooks have been identified on the final plan. A Maine DEP NRPA Permit by Rule has been received.
16. A storm water management plan has been deemed unnecessary. Impervious cover created by 6 house lots and roadway equals approximately 5% of the total land area.
17. No so-called spaghetti lots are created.
18. The proposed subdivision is not within the watershed of a great pond and therefore will have no impact on great pond phosphorus.
19. The proposed subdivision does not border an adjoining municipality.
20. The owner of the property has not owned any portion of it for less than 5 years, thus there is no impact from any prior timber harvesting.
21. No signs are proposed.
22. Construction waste will be removed by contractors.
23. The utilities will be overhead.
24. Possible future access is marked on final plan.
25. Each proposed lot will provide for off-street parking. There will be no common parking.
26. There will be a hammerhead turn around at the end of Ridgewood Lane instead of a cul de sac, which has also been approved by the Fire Chief.
27. Capped pin monumentation is permitted to replace stone monumentation.

Gary Dilisio moved to approve the findings as written and verbally given by Katryn Gabrielson, Gary North seconded the motion. Discussion: None. **Vote 5- Yes, 0-No**

It was noted that they have obtained the permit by rule for crossing of the stream for the road.

b. Stone Post Subdivision – Peer Review Submission 7 Lot Subdivision, Map 7, Lot 69, 4 +/- acres
Discussion about the conditions placed on the approval and if any of those conditions have been met.

Discussion about the Peer Review on the septic monitoring plan conducted by Stephen Bradstreet of Ransom Consulting. Katryn Gabrielson noted she would like it to be every six months for the testing of the water. The Board also stated that they would want the monitoring wells to be in place before any

Certificate or Occupancy be issued. They also want the monitoring plan to be submitted to the Yarmouth Water District for their review.

Findings of fact were presented by Katryn Gabrielson as follows:

1. The proposed subdivision will not result in undue water or air pollution. The project does not involve storage of any hazardous materials. The soil is adequate to support waste disposal. Soils maps were submitted, and soil profile classifications were performed. Sevee & Maher Engineers, Inc. concluded that there will be no adverse increase in nitrate concentrations in off-site groundwater as a result of the proposed leachfield. See Groundwater Nitrate Evaluation dated March 29, 2016 and Groundwater Nitrate Evaluation Addendum dated May 31, 2016.
2. The proposed subdivision will have sufficient water available. Water is to be supplied by Yarmouth Water District. A fire hydrant will be installed.
3. The proposed subdivision will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
4. The proposed subdivision is anticipated to result in 70 motor vehicle trips per day and will not cause unreasonable highway or public road congestion or unsafe conditions. The applicant proposes to construct a road of approximately 200' in length ending in a cul de sac, which is proposed to remain as a private way.
5. The proposed subdivision will provide for adequate sewage disposal and not cause unreasonable burden on municipal services. Sewage is to be disposed of by a shared subsurface disposal system with common leach field located in open space, regulated in the homeowner's association documents. A Subsurface Wastewater Disposal System Design Application (HHE-200) was submitted. Each home will have an advanced aerobic treatment unit designed to treat septic tank effluent to 30 milligram nitrogen per liter or less, and a combined 5-day biochemical oxygen demand and total suspended solids of 30 milligrams per liter or less. Site evaluations for each lot, meeting the requirements of the State of Maine Subsurface Wastewater Disposal Rules, were completed by Steven Marcotte, Licensed Site Evaluator #387, on March 28, 2016.
6. The proposed subdivision will not cause an unreasonable burden on municipal solid waste disposal.
7. The proposed subdivision will not have an undue adverse effect on scenic or natural beauty or aesthetics, historic sites, wildlife habitat, rare natural areas, or public access to shoreline. No historic sites, rare natural areas or existing public access to shoreline exist on the property nor has any significant wildlife habitat been identified. The property is not within a shoreland zone. A letter from the State of Maine Department of Inland Fisheries & Wildlife dated April 22, 2016 identified no known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and fisheries habitat within the vicinity.
8. The proposed subdivision conforms with the Town's subdivision ordinance, as modified by the approved contract zone, and comprehensive plan.
9. The subdivider has provided evidence of financial capacity to meet standards. See statement of Milk Street Capital, LLC. The subdivider has access to sufficient technical capacity to meet standards.
10. The proposed subdivision will not adversely affect water quality.
11. The proposed subdivision will not adversely affect quality or quantity of groundwater. A Septic System Groundwater Impact Monitoring Plan dated July 26, 2016 was prepared by Sevee & Maher Engineers, Inc. for the applicant, and requires installation of a monitoring well, baseline sampling and

annual sampling thereafter, submission of samplings to a State of Maine certified analytical laboratory, reporting to the homeowner's association and the Town, and corrective actions if standards are exceeded.

12. The property is not within a floodplain.
13. Freshwater wetlands are shown on the final plan.
14. The proposed subdivision does not contain any farmland.
15. Any rivers, streams or brooks have been identified on the final plan.
16. A storm water management report has been submitted.
17. No so-called spaghetti lots are created.
18. The proposed subdivision is not within the watershed of a great pond and therefore will have no impact on great pond phosphorus.
19. The proposed subdivision does not border an adjoining municipality.
20. The owner of the property has not owned any portion of it for less than 5 years, thus there is no impact from any prior timber harvesting.
21. No signs are proposed.
22. Construction waste will be removed by contractors.
23. A .4 acre parcel is reserved as private common open space, which will contain the common septic field.
24. Road connection to adjoining lots is not practical.
25. Each proposed lot will provide for off-street parking. There will be no common parking.

Conditions:

1. Peer review required, to be submitted to the Planning Board and the Code Enforcement Officer. [submitted] Any significant changes to the plan, including but not limited to the septic system, must be submitted to the Planning Board.
2. The homeowners' agreement must be submitted to the Code Enforcement Officer.
3. The monitoring plan for the common septic system as set forth in the letter from Sevee & Maher Engineers, Inc. to the applicant dated July 26, 2016 is amended by the peer review letter from Ransom Consulting, Inc. to the Code Enforcement Officer dated August 3, 2016, requiring an initial six month sample.
4. Contract zone must be approved by Board of Selectmen and special Town Meeting, with no significant changes to the plan. [approved]
5. Yarmouth Water District to review and approve septic system monitoring plan described in #3 above, and confirm sufficient water capacity.
6. Documentation to be provided that OxyPro 1000 effluent meets the 50% nitrate reduction or 20 mg/L specification.
7. The septic system monitoring well to be installed and baseline sample collected before issuance of any certificates of occupancy.
8. It be noted on the plan that the road will remain private.

Steve Morrison moved to approve the findings. Gary Dilisio seconded the motion. Discussion: None.
Vote 5-Yes, 0-No.

c. Amber Woods Subdivision Application- Proposed 4 Lot Subdivision, May 14, Lot 70; 15 +/- acres

Wayne Wood representing John Libby presented plan for a 4 Lot subdivision off of New Gloucester Road. With individual septic's and wells.

Board reviewed the check list.

Board discussed waivers for j., y., z., and they are requesting a letter from a well driller.

Gary Dilisio moved to find the application complete pending well driller/hydrologist letter for ground water supply and quality for Amber Wood Subdivision, Steve Morrison seconded the motion. Discussion: None. **Vote 5-Yes, 0-No**

Steve Morrison moved to approve the three checklist waivers, j., y., z., Gary Dilisio seconded the motion. Discussion: None. **Vote 5-Yes, 0-No**

Katryn Gabrielson moved to table Amber Wood until next month pending receipt of final application materials. Steve Morrison seconded the motion. Discussion: None. **Vote 5-Yes, 0-No**

d. Chandler Brook Findings

Findings of fact were presented by Katryn Gabrielson as follows:

1. The proposed subdivision will not result in undue water or air pollution. The soil is adequate to support waste disposal.
2. The proposed subdivision will have sufficient water available. Water is to be supplied by private wells.
3. The proposed subdivision will not be serviced by public water.
4. The proposed subdivision will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
5. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions. An existing private way (Meehan Lane) off of Milliken Road will be expanded from 12' to 16' in width and extended to a total length of 1500'. The final plan indicates an area to be reserved for future use as a roadway connector for all purposes for which a town road may be used, including a right of way for access by foot and vehicle and utility usage and paving.
6. The proposed subdivision will provide for adequate sewage disposal and not cause unreasonable burden on municipal services. Sewage is to be disposed of by individual subsurface disposal systems. A soil characterization performed April 26, 2016 indicated well drained subsoil consisting primarily of fine sand. Site evaluations for each undeveloped lot, meeting the requirements of the State of Maine Subsurface Wastewater Disposal Rules, were completed by David Chapman, Licensed Site Evaluator, on June 9, 2015.
7. The proposed subdivision will not cause an unreasonable burden on municipal solid waste disposal.
8. The proposed subdivision will not have an undue adverse effect on scenic or natural beauty or aesthetics, historic sites, wildlife habitat, rare natural areas, or public access to shoreline. No historic sites, rare natural areas or existing public access to shoreline exist on the property nor has any significant wildlife habitat been identified.

9. The proposed subdivision conforms with the Town's subdivision ordinance and comprehensive plan.
10. No evidence of the subdivider's financial and technical capacity to meet standards was required, since no improvements requiring significant financial or technical capacity are proposed.
11. The proposed subdivision will not adversely affect the quality of Chandler Brook or unreasonably affect the shoreline of Chandler Brook.
12. The proposed subdivision will not adversely affect quality or quantity of groundwater.
13. The FEMA Flood Zone A (100 year flood elevation) is shown on the final plan. No structures will be constructed in a flood prone area.
14. Freshwater wetlands are shown on the final plan.
15. The proposed subdivision does not contain any farmland.
16. Any rivers, streams or brooks have been identified on the final plan.
17. The proposed subdivision will not create conditions requiring a storm water management plan.
18. Three of the proposed lots have shore frontage on Chandler Brook; however, none of those lots will have a depth to shore frontage ratio greater than 5:1.
19. The proposed subdivision is not within the watershed of a great pond and therefore will have no impact on great pond phosphorus.
20. The proposed subdivision does not border an adjoining municipality.
21. The owner of the property has not owned any portion of it for less than 5 years, thus there is no impact from any prior timber harvesting.
22. No signs are proposed.
23. Construction waste will be removed by contractors.
24. Utilities will be overhead.
25. Each lot will provide for off-street parking. There will be no common parking.

Katryn moved to ratify the findings as set forth tonight including date of site walk and the road length discrepancy being taken corrected of. Gary North seconded the motion. Discussion: None. **Vote 4- Yes, 0-No, 1- Abstention** (Gary Dilisio)

V. New Business

a. Big Red Barn- Site Plan review of event center- Located at 329 Greely Road- Map 4, lot 53: 1 acre
Christine and Peter Hein presented their plan for an Event Center to be on their property at 329 Greely Road. They are looking to provide a space for small events, hours between 4:00pm-10:00pm. All parking for guests will be at the White Pine Church located on Cumberland Rd. Shuttle service will be available throughout the event. It will be exclusively catered by Doc's Café from Cumberland. They will have an onsite Manager for the events. Max number of guests is 150 people.

Discussion about noise levels, and testing of those levels be provided. The Board also asked for clarity on the end time.

The board also stated they would need a copy of the deed, parking agreement, and also a third party noise level testing. Katryn Gabrielson also requested if they have any letters of support from the neighbors to provide them.

Discussion about the Fire Codes was discussed; Ryan Keith (CEO) noted that the Fire Chief has contacted the Fire Marshall about the plan. The Board also asked if there was any concern from the Cumberland Fire Chief.

Hours of operation were discussed. The applicants stated it would be weekends only.

Discussion followed about the application checklist. Discussion about the White Pine Church's ability to house parking for all vehicles for each event, and as to whether they are zoned to be able to do so. White Pine Church has 54 parking spots and three handicap spots.

Two abutting neighbors expressed their opposition to the plan, citing noise issues, and diminishing quality of life for those whom live abutting to the Hein property.

Katryn Gabrielson moved to table application, Steve Morrison seconded the motion. Discussion: None. **Vote 5-Yes, 0-No**

b. Brookwood Subdivision Amendment- Proposed lot line Amendments- Map 4, Lot 63; 5.12 +/- acres
Erik Lake, spoke on behalf of the interested parties. They are looking for an amendment to current subdivision plan splitting lot between two current neighboring properties, curbing any future development.

The Board had questions and needs clarity on removing property from the subdivision, and does it require written notice from all members of the subdivision. Katryn Gabrielson stated it would need opinion of council.

Katryn Gabrielson moved to table the amendment, Gary Dilisio seconded the motion. Discussion: None. **Vote 5- Yes, 0-No**

VI. Any Other Business

a. Review and Approval of Amended Bylaws

Katryn Gabrielson moved to table the review and approval for next meeting with a scheduled public hearing. Gary Dilisio seconded the motion. Discussion: None. **Vote 5- Yes, 0- No.**

b. Mylar Signing- Eagle Ridge Villas and Condominiums

c. Signing of the June 13, 2016 Minutes

VII. Adjournment

Katryn Gabrielson moved to adjourn, Steve Morrison seconded the motion. Discussion: None. **Vote 5 Yes- 0- No.**

Recorded by: Stacey Ruby- ASC I

Planning Board Members



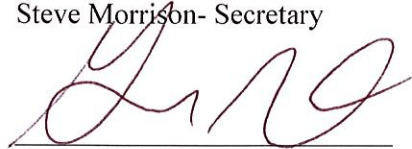
Katryn Gabrielson- Chair



Steve Morrison- Secretary



Tom Hinman



Gary Dilisio

Gary North

Vacant - Alternate