



Town of North Yarmouth

Planning Board

FINDINGS OF FACT

October 11, 2022

Delwin Drive –Subdivision Amendment

Overview

The applicants are proposing to sell their lot located at Map 10 Lot 100-3 and subdivide it into two lots. The existing lot is part of the “Walnut Hill Heights Phase III Subdivision Plan” that was approved April 18, 2005. The subdivision is located in the Village Residential Zoning District. No other changes to existing site conditions are proposed.

The subdivision will be discussed as a preapplication for the Planning Board meeting October 11. Due to the fact that the lot was part of a formerly approved subdivision, the review will be conducted as an amended subdivision plan. The findings of fact below are solely focused on those amendments pertaining to the lot split. The applicant will need to sign and date the application form and make sure abutter notices are accurate with the correct date of the Planning Board meeting and type of project.



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Applicant: Mike Washo

Owner: same as the applicant

Location: Delwin Drive

Zoning: Village Residential

Tax Map Number: Tax Map 10 Lot 100-3

Existing Land Use: subdivision

Proposed Land Use: amended subdivision

Acreage: 1.36 acres

Waivers: The applicant is requesting the following waivers:

Section 5.5 C.4.2.: A Soil and Erosion Control Plan

Section 10.2 B.6.: Lots, Interconnected Development

Section 5.5 C.4.J.: High Intensity Soil Survey

Section 5.5 C.A.Y.: Stormwater Management Plan

These waiver requests are not applicable to the project as the subdivision amendments only involve a lot split and do not involve changing any of the existing conditions currently.

Site Walk: A site walk for this project has not been scheduled.

Public Hearing: A public hearing for this project is not required for amended subdivisions. The Board should decide if a Public Hearing is necessary.

Completeness Review: A completeness review is not required for an amended subdivision.

Findings of Fact and Conclusions:

*The Planning Board **approved** the Delwin Drive Amended Subdivision Plan located at Tax Map 10 Lot 100-3 based on the Findings and Conclusions from the Planner memo dated October 5, 2022.*



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Subdivision Review - Findings of Fact

1. General Layout: Lots, Blocks, Utilities, Monuments, and Back Lots
 - The applicant is proposing to subdivide their property into two lots.
 - The existing lot currently has frontage off Delwin Drive.
 - Iron pins are labeled on the plan.
 - No new utilities are proposed for the subdivision.
2. Erosion and Sedimentation Control
 - No changes to soil erosion and sedimentation are proposed.
3. Financial and Technical Capacity
 - The applicant has retained the services of Wayne T. Wood & Co. to survey the site and layout lot lines.
 - Due to the nature of the project, a letter of financial capacity from a bank or financial institution is not necessary.
4. Floodplain Management
 - The subdivision is not located within the 100-year floodplain
5. Historic and Archaeological Sites
 - No historic or archeological properties are located within the subdivision.
6. Sewage and Solid Waste Disposal
 - No changes to sewage and solid waste disposal are proposed.
7. Soil Suitability
 - Mark Cenci conducted soil tests for both lots dated September 10, 2021. The soils are adequate for septic disposal (see Subsurface Wastewater Disposal System Application).
8. Recreation and Open Space Land Development



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- No recreation and open space development is proposed.
9. Water Supply
- No changes to water supply are proposed.
10. Water Quality
- No adverse impacts to water quality will result from the subdivision.
11. Subdivision Street Connectivity
- No changes to the existing subdivision street network are proposed.
 - The applicant should provide construction drawings and design details for Delwin Drive to ensure street dimensional standards are met.



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Subdivision - Conclusions of Law:

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **will** have sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **will not** cause unreasonable soil erosion or reduction in the capacity of the land to hold water.
5. The proposed subdivision **will not** cause unreasonable highway or public road congestion or unsafe conditions.
6. The proposed subdivision **will** provide for adequate solid and sewage waste disposal.
7. The proposed subdivision **will not** cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage.
8. The proposed subdivision **will not** place unreasonable burden on the ability of the local governments to provide municipal or governmental services.
9. The proposed subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area.
10. The proposed subdivision **will** be in conformance with a duly adopted subdivision regulation or ordinance.
11. The subdivider **will** have adequate financial and technical capacity to meet the standards.
- ~~12. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, the proposed subdivision **will/will not** adversely affect the quality of such body of water. (N/A)~~
- ~~13. The 100 year flood boundary **is/is not** shown on the plan. (N/A)~~
- ~~14. All freshwater wetlands **have/have not** been identified on maps submitted as part of the application. (N/A)~~
- ~~15. All farmland within the proposed subdivision **has/has not** been identified on maps submitted as part of the application. (N/A)~~
- ~~16. Any rivers, streams, or brooks within or abutting the proposed subdivision **have/have not** been identified on maps submitted as part of the application. (N/A)~~
17. The proposed subdivision **will** provide for adequate storm water management.
- ~~18. Any lots in the proposed subdivision with frontage on a river, stream, brook, or great pond **have/do not have** a lot depth to shore frontage ratio greater than 5 to 1. (N/A)~~



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19. The long term cumulative effects of the proposed subdivision ~~will/will not~~ unreasonably increase the great pond's phosphorus concentration during the construction phase and life of the proposed subdivision. **(N/A)**
20. If the subdivision crosses municipal boundaries, the proposed subdivision ~~will/will not~~ cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality. **(N/A)**
21. Timber on the parcel ~~has/has not~~ been harvested in violation of liquidation harvesting statutes and rules. **(N/A)**

Kimry Corrette, Acting Chair

Date