



Town of North Yarmouth

Planning Board

FINDINGS OF FACT

October 11, 2022

Sweetwater Way – Subdivision Amendment

Overview

The applicant is amending an existing subdivision located at 26 Sweetwater Way. The original subdivision called “Plan of Land on Route #115, North Yarmouth, Maine for Ford S. Reiche” was approved July 9, 1985 and then revised August 7, 1991. The applicant is proposing to transfer 2.44 acres from Map 10 Lot 159 to Map 101 Lot 148. Both parcels are owned by LLCs that are under common ownership by the applicant. No additional lots, structures, dwellings, septic systems, or wells are proposed. The applicant should ensure that the lots referenced in the project description are consistent with what is labeled on the site plan.

The application will be discussed at the preapplication meeting on October 11. Due to the fact that this is an amended subdivision and the changes to the plan are very minor and will not impact the existing site conditions, the Board could reasonably take action on the project.



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Applicant: Mike Haines

Owner: same as the applicant

Location: 26 Sweetwater Way

Zoning: Village Center and Groundwater Overlay

Tax Map Number: Tax Map 10 Lot 147

Existing Land Use: subdivision

Proposed Land Use: amended subdivision

Acreage: 17 acres

Waivers: The applicant is not requesting any waivers.

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 Sweetwater Way Amended Subdivision Plan located at Tax Map 10 Lot 147 based on the Findings and Conclusions from the Planner memo dated October 4, 2022.



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Subdivision Review - Findings of Fact

1. General Layout: Lots, Blocks, Utilities, Monuments, and Back Lots
 - The subdivision amendments pertain to Lots 148, 158, and 159 of the original subdivision. Approximately 2.44 acres of Map 10 Lot 159 will be transferred to Map 10 Lot 148.
 - Stone post monuments are shown on the site plan.
 - Map 10 Lot 159 will retain access from a 50-foot right-of-way off Route 115.
 - 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 Colliers Engineering and Design to provide an updated site plan.
 - The applicant has paid all associate application fees.
 - 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
 - The soils are adequate to support development.
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.



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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