

MEMORANDUM

TO: North Yarmouth Planning Board
Through Tracey Cox, Assistant to Code Enforcement

CC: Byron Kern, applicant

From: Sam Peikes, Associate Planner, North Star Planning *SP*

RE: 173 Cumberland Road - Preapplication Meeting May 10, 2022

Date: April 28, 2022

Overview

The applicant is looking to change the use of a residential property at 173 Cumberland Road to commercial in order to develop a brewery. The brewery would include a parking area between the building and the street and an outdoor seating area behind the existing building. The development is in both the Village and Groundwater Protection Overlay zones and is located at Tax Map 4 Lot 25.

Because this is a preapplication, the Board is not expected to vote on the project. Along with the maps, the applicant should also submit a written narrative describing the project and a copy of the deed to the property. The findings of fact are included below to let the applicant know the standards that will be applicable to the project and the standards that will not be applicable. The attached checklist includes a list of submission requirements for sketch plan review and change of use projects.

Applicant: Byron Kern

Owner: same as the applicant

Location: 173 Cumberland Road

Zoning: Village Center and Groundwater Protection Overlay

Tax Map Number: Map 4 Lot 25

Existing Land Use: residential

Proposed Land Use: commercial/brewery

Acreage:

Waivers:

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

Public Hearing: a public hearing for this project has not been scheduled

Site Plan Review - Findings of Fact:

1. Utilization of the Site
 - The applicant is proposing to change the use of a property from residential to commercial in order to develop a brewery.
 - The development is surrounded by predominantly residential properties and an auto repair shop.
 - The surrounding topography is very flat.
 - The applicant should confirm if any wetlands, vernal pools, or significant wildlife habitat are located within the project area.
2. Utilities
 - The applicant should confirm project utilities and show locations on the plan.
3. Impact on Community Facilities

- The applicant should confirm that the project will not have a negative impact on community facilities, such as schools, sewer, water, streets, solid waste, and/or public or municipal facilities and services.

4. Hazardous Materials and Emissions

- No hazardous materials and emission will be generated from the project.

5. Exterior Lighting

- The applicant should confirm if any exterior lighting will be added for the development.

6. Financial and Technical Capacity

- The applicant should provide a letter of financial capacity providing proof of the capability to carry out the project.

7. Landscaping, Buffers and Screening

- The applicant should confirm if any landscaping, buffers and screening will be included for the project.

8. Noise

- The project is not anticipated to violate any noise standards in the Town.

9. Signs

- The applicant should confirm if any new signs will be added for the project.

10. Storage of Materials

- The applicant should confirm the locations of any exposed outdoor storage areas for the project.

11. Stormwater Control

- The applicant will be adding some impervious area for the proposed driveway and parking area.
- The applicant should confirm the amount of new impervious area that will be added.
- The applicant should discuss how stormwater will be treated at the preapplication meeting.

12. Protection of Significant Wildlife Habitat

- The applicant should confirm if any significant wildlife habitat are located within the project area.

13. Access Management and Vehicular Circulation

- Vehicular access to the site will come from the existing driveway off Cumberland Road.
- The applicant should discuss the amount of vehicular traffic is anticipated for the development.
- The applicant should discuss the access and circulation into and out of the site at the preapplication meeting.
- The applicant should submit a letter from the Fire Chief regarding adequacy of emergency vehicle access.

14. Pedestrian Ways and Bicycle Access

- The applicant should clarify if any pedestrian or bicycle access will be included for the plan.

15. Off-Street Parking and Loading

- The site plan shows a new parking area north of the existing residential property.
- The applicant should clarify the number of parking spaces and the size of the parking lot.

- The parking area should include a landscaping plan to adequately screen from abutting properties and the road.

Conclusions of Law:

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

Pre-application Submissions	Included/Not Included	Notes
Sketch plan	see pg. 2 of application	
The nature of the proposed use	brewery	
A site inventory, analysis and narrative	need	This is a change of use from a residential property to a commercial property
Deed or easements	need	Copy of the deed of the original residential property
Any issues or questions about municipal regulations	unsure if applicable	
Waivers	unsure if applicable	
Change of Use Submissions	Included/Not Included	Notes
Completed building/land use application form	for final plan	
A copy of the deed	for final plan	
Receipt of application fee	for final plan	
A schedule of construction	for final plan	
A map drawn to scale	for final plan	
A written erosion and sedimentation control plan	for final plan	
Any other information to show the proposal complies with the applicable Ordinance provisions	for final plan	
A list of all other state and federal permits	unsure if applicable	
Evidence that a subsurface wastewater disposal permit has been secured	unsure if applicable	
Groundwater Protection Overlay Submission Requirements	Included/Not Included	Notes
The boundaries of the Groundwater Protection Overlay district	for next submission	The development is also in the Groundwater Protection Overlay district. More information is needed to determine what standards are applicable
The location, size and description of all storage tanks and types of materials to be stored	unsure if applicable	
Location and size, capacity and design of subsurface wastewater disposal system	unsure if applicable	
Location of nearby wells or surface water bodies	unsure if applicable	
Location of existing or proposed monitoring wells	unsure if applicable	
Locations and dimensions of buildings, parking, streets and roads	unsure if applicable	
Complete list of all chemicals, pesticides, fuels, nutrients	unsure if applicable	

List of equipment to be used, parked or stored	unsure if applicable	
Groundwater protection and pollution prevention provisions	unsure if applicable	
Spill prevention plans	unsure if applicable	
Performance guarantee	unsure if applicable	
Any restrictions, covenants and easements	unsure if applicable	
A hydrogeologic assessment	unsure if applicable	
Background water quality data	unsure if applicable	
Any other information necessary to prove that the activity will not adversely impact groundwater quality	unsure if applicable	