

MEMORANDUM

TO: North Yarmouth Planning Board

CC: Stephen Roberge P.E. SJR Engineering Inc.

From: Ben Smith, Principal Planner, North Star Planning *BSW*

RE: Deacon Hayes Commons Site & Subdivision Plan – Preliminary  
Subdivision Plan Review (formerly named Kenney Commons)

Date: May 3, 2022

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**Overview**

The applicant is proposing to construct four (4) 3-unit residential buildings at the corner of Parsonage Road and Walnut Hill Road. The existing parcel is currently developed with a single-family residential building and barn that will be moved or demolished.

The project will include a 29-space parking lot interior to the site, along with a paved sidewalk along Parsonage Road and Walnut Hill Road. The application was last brought to the Planning Board on April 12, 2022 as a preapplication/sketch plan. The development was called Kenney Commons at the sketch plan meeting.

The site is in the Village Center Zone and the Groundwater Overlay Zone and is located at Map 7 Lot 62.

**Applicant:** Laurie Bachelder

**Owner:** same as the applicant

**Location:** 521 Walnut Hill Road

**Zoning:** Village Center and Groundwater Overlay

**Tax Map Number:** Map 7 Lot 62

**Existing Land Use:** residential building and barn

**Proposed Land Use:** residential units

**Acreage:** 2.24 acres

**Waivers:** The applicant presented six potential waiver requests at the preapplication meeting. Written waiver requests are included in Section 16 of the Preliminary Plan submission, which starts on page 132 of the electronic copy of the submission:

1. Estimated peak hour and daily traffic (Section 4.4f. 13). The applicant notes that the 12-unit project will generate approximately 96 trips per day in the cover memo.  
*Waiver Recommendation:* It is possible to provide peak hour traffic estimate without the need for a traffic engineer. That said, this number is almost certainly going to be less than the 100 trip/peak hour threshold for Maine DOT permitting, and the Board could reasonably consider this waiver request from this submission requirement.
2. Stormwater calculations (Section 4.4f. 14). The applicant has supplied stormwater calculations.
3. A groundwater impact analysis (Section 4.4g. 5). This is a submission requirement that “the Planning Board may require” for “sewage disposal facilities with a capacity of 2,000 gallons or more per day.” However, this is also a requirement as the project is located in the Groundwater Protection Overlay Zone (see waiver request #6, below).  
*Waiver Recommendation:* The applicant’s rationale for the waiver is based on the advanced treatment and systems’ separation from each other. However, the total design size of the four systems is 3,240 gallons per day within the overlay zone. The Board should consider requiring the hydrogeologic assessment to demonstrate that nitrate levels at the property lines will meet safe drinking water standards.
4. Groundwater protection and pollution prevention measures (Section 4.5B. 2. c.).  
*Waiver Recommendation:* Due to the residential nature of the project, leaks of toxic chemicals or petroleum products would be minimal, and the Board could reasonably consider this waiver request from this submission requirement.

5. Spill prevention plans (Section 4.5B. 2. d.)  
*Waiver Recommendation:* Due to the residential nature of the project, leaks of toxic chemicals or petroleum products would be minimal, and the Board could reasonably consider this waiver request from this submission requirement.
6. A hydrogeologic assessment (Section 4.5C. 1. c.). See comments on waiver request #4, above.

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

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

**Application Completeness:** Pending decisions on the waiver requests, the application materials are complete for this review stage.

*Suggested Motion:* To find the Preliminary Subdivision Plan and Site Plan application for Deacon Hayes Commons complete in regard to the submission requirements.

### **Findings of Fact and Conclusions for the North Yarmouth Planning Board,**

*Suggested Motion:* To ~~[approve/approve with conditions/deny]~~ the Preliminary Plan for the Deacon Hayes Commons Subdivision located at Tax Map 7, Lot 62, with the following findings of Fact and Conclusions in the planner memo dated May 3, 2022.

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#### **Site Plan Review - Findings of Fact:**

1. Utilization of the Site
  - The existing site is flat and the development is surrounded by residential homes, an auto shop, a preschool, North Yarmouth Town Hall, and Memorial Park.
  - The proposed impervious area will be approximately 26,812 square feet.
  - No wetlands, vernal pools, or significant wildlife habitat were identified within the project area.
  - Toddy Brook stream is located east of the development and stream buffers are shown on the plan. See Sheet 1 Site & Demolition Plan dated February, 2022.
  - Tree clearing on the site will be minimal and limited to those trees that line Parsonage Road.

## 2. Utilities

- The residential units will utilize underground electricity, cable communications, telephone and water supply.
- Each unit will connect to a septic sewer system. See Sheet 2 Grading & Erosion Control Plan dated February, 2022.
- The applicant is requesting a waiver from Section 4.4g. 5. "A groundwater impact analysis". Each of the four septic systems have a sewage disposal capacity of less than 810 gallons per day, which combined is over 3,000 gallons.

## 3. Building Standards

- The applicant should confirm that the proposed buildings will comply with the building standards outlined in Section 10.4 of the Zoning Ordinance.
- The applicant should submit architectural plans showing approximate building dimensions.

## 4. Impact on Community Facilities

- No adverse impact on community facilities will result from the development.

## 5. Hazardous Materials and Emissions

- No hazardous materials and emissions will result from the development.

## 6. Exterior Lighting

- All residential units will include porch lights and entrance lights.
- The applicant should provide details of the types of lighting fixtures used and brightness levels.
- The applicant should confirm if additional security lighting or light poles will be needed in the parking area.

## 7. Financial and Technical Capacity

- The applicant will need to provide a letter either from a bank or other source of funding certifying financial capacity to complete the project.

## 8. Landscaping, Buffers and Screening

- Privacy fences will be installed between units. The applicant should provide details of the type of fencing used to screen.
- New trees and shrubs are shown on the site plan between the units and surrounding the parking area. See Site & Demolition Plan updated March, 2022. The applicant will provide a list of the types of trees and shrubs along with a planting schedule for the final site plan.
- A 5 (five) foot wide grassed esplanade will be added between the sidewalk and Walnut Hill Road.

## 9. Noise

- The proposed development will not result in noise levels that will be objectionable to surrounding uses.

## 10. Signs

- A new sign is shown on the site plan at the corner of Parsonage Road and Walnut Hill Road. The applicant should provide sign design details in the note section.
- The parking lot will include a handicap parking sign. See Sheet 1 Site & Demolition Plan dated February, 2022.

## 11. Storage of Materials

- The project will not include any exposed hazardous outdoor storage material.
- The project will not include any garbage disposal units (see Subsurface Wastewater Disposal System application dated March 9, 2022).

## 12. Stormwater Control

- Drainage flows southwest towards the manmade stormwater pond. See Sheet WS-1 Watershed Plan dated April 18, 2022.
- A 4-foot-wide drip edge has been provided around the homes to infiltrate stormwater runoff. See WS-1 Watershed Plan dated April 18, 2022.
- The applicant has provided both pre and post development stormwater calculations and the project is anticipated to mitigate peak flows to the stormwater pond.

- The applicant should confirm if any stormwater easement will be provided for access to the manmade pond as it is sited on a different lot.
- A new catch basin will be located over the existing 24” diameter culvert to capture the stormwater runoff from Walnut Hill Road. Details for the catch basin are shown on Sheet 3 Construction Drawings.
- The project will comply with DEP and Soil and Water Conservation District Best Management Practices for stormwater and erosion control.
- The project will add less than an acre of impervious area and therefore will not require a DEP permit under Chapter 500.

#### 13. Protection of Significant Wildlife Habitat

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

#### 14. Access Management, Parking and Vehicular Circulation

- Access to the units will come from the paved driveway off Parsonage Road.
- The applicant is requesting a waiver from 4.5 f. 13. “An estimate of the peak hour and daily traffic to be generated by the project”.

#### 15. Pedestrian Ways and Bicycle Access

- A new 5-foot-wide paved sidewalk will be added along Parsonage Road, Walnut Hill Road, and on the southern side of the parking lot.
- The proposed crossing at the intersection at Parsonage and Walnut Hill Road should be reconfigured to be at a right angle. The applicant should consider reconfiguring the sidewalk to have shorter crossing distance.
- A 5-foot-wide path is shown connecting from the parking area to the manmade pond.
- The applicant should describe and delineate pedestrian access into and out of the site.

## 16. Off-Street Parking and Loading

- The development includes a 29-space parking lot with ADA accessible parking spaces. See Sheet 1, Site & Demolition Plan and Sheet 4 Construction Details updated March, 2022.
- Parking is adequate to accommodate users during the week.
- The applicant should show the location of snow removal areas on the site plan.

### **Subdivision Review – Findings of Fact**

1. General Layout: Lots, Blocks, Utilities, Monuments, and Back Lots
  - Iron pipe monuments are shown at the corners of development boundaries on the Boundary Survey dated May 18, 2021.
  - See #2 Site Plan Review for information about utilities.
2. Erosion and Sedimentation Control
  - See #12 Site Plan Review for information about erosion and stormwater management.
3. Floodplain Management
  - The development is not located in a 100-year floodplain.
4. Historic and Archaeological Sites
  - The development does not contain historic or archaeological resources.
5. Sewage and Solid Waste Disposal
  - The applicant has submitted a Subsurface Wastewater Disposal System application in compliance with the State of Maine Subsurface Wastewater Disposal Rules.
  - The applicant is requesting a waiver from Section 4.5C. 1. c. “A hydrogeologic assessment”.

6. Soil Suitability

- The soils are adequate to support the development. See Subsurface Wastewater Disposal System application, "Soil Profile Description and Classification" dated March 9, 2022.

7. Recreation and Open Space Land Development

- The development will not include land for recreation or open space development.

8. Water Supply

- The development will utilize public water.
- The applicant sent a letter to Yarmouth Water District on March 20, 2022 requesting comments for the development and capacity to serve the project.

9. Water Quality

- The development will not diminish or adversely impact water quality.

10. Subdivision Street Connectivity

- See #14 Site Plan Review access management and vehicular circulation standards.



### Site Plan - Conclusions of Law:

1. The development **will** reflect the natural capabilities of the site to support development.
2. Utilities serving developments in the Village Center District and Village Residential District **will** be installed underground.
3. The proposed development **will not** result in a negative impact to the environment or to the community facilities or services.
4. The development **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 applicant **will/will not** have the financial capacity to complete the project.
7. 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.
8. The development **will** control noise levels such that it **will not** create a nuisance for neighboring properties.
9. 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.
- ~~10. Exposed non-residential storage areas, exposed machinery, and areas used for storage **will/will not** have sufficient setbacks and screening.~~  
**(N/A)**
11. 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.
12. Developments **will** be designed to protect and conserve important wildlife habitat to the greatest extent feasible.
13. The layout of the site **will/will not** provide for the safe movement of passenger, service, and emergency vehicles throughout the site.
14. The site plan **will/will not** provide for a system of pedestrian ways within the development appropriate to the type and scale of development.
15. 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.

### 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/will not** 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/will not** 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)~~

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)**