

MEMORANDUM

TO: North Yarmouth Planning Board

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

From: Sam Peikes, Associate Planner, North Star Planning

RE: Deacon Hayes Commons Site & Subdivision Plan – Preliminary Plan Review

Date: June 7, 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 site is in the Village Center Zone and the Groundwater Overlay Zone and is located at Map 7 Lot 62.

The application was last brought to the Planning Board on May 10, 2022 for preliminary plan review. Since that meeting, the applicant has submitted a hydrogeologic assessment, building plans, a letter certifying financial capacity, and updated parts of the site plan. The updated site plan shows the stormwater pond on the same lot as the building, landscape vegetation details, new stockade fencing along the northern property line, and basement entrances.

**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 Granted:** The Board granted the following waivers on May 10, 2022:

- Estimated peak hour and daily traffic (Section 4.4f.13)
- Groundwater protection and pollution prevention measures (Section 4.5B.2.c.)
- Spill prevention plans (Section 4.5B.2.d.).

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

**Public Hearing:** a public hearing for this project has been scheduled for June 16, 2022.

**Application Completeness:** NSP staff has found the application complete in regard to the Preliminary Subdivision and Final Site Plan submission requirements in the ordinance.

*Suggested Motion:* To find the Deacon Hayes Commons Preliminary Subdivision Plan and Site Plan application **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 June 7, 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 has provided a groundwater impact analysis from Mark Cenci Geologic Inc. on May 24, 2022. Combined, each of the septic systems will exceed 2000 gallons per day. The calculations provided show that the wastewater plumes on site will not exceed 5 mg/liter.

## 3. Building Standards

- The applicant has submitted exterior building plans that comply with the building standards outlined in Section 10.4 of the Zoning Ordinance.

## 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 is proposing building mounted dark sky lighting. Details of these lights should be provided in the application.

## 7. Financial and Technical Capacity

- The applicant has provided a letter of financial capacity from GenX Lending dated May 25, 2022.

#### 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. The applicant has provided a list of trees and shrubs to be used on the amended site plan dated May 26, 2022.
- 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

- No new signs will be included for the project.

#### 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.

- 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

- No 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 requested a waiver from estimated peak hour traffic (Section 4.4f.13). Vehicular traffic to the site will be minimal.

### 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 has submitted a hydrogeologic assessment (see #2 Utilities above).
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** have the financial capacity to complete the project.
7. The landscape **will** 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. (N/A)~~
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** 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** 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** 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)~~

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)**

<b>Sketch Plan Submission Requirements</b>	<b>Included/Not Included</b>	<b>Notes</b>
A fully executed and signed copy of the application	see pg. 1 application materials	
Evidence of payment of the application	likely have submitted	
11 copies of written materials plus 11 sets of maps or drawings	yes	
<b>General Information</b>	<b>Included/Not Included</b>	<b>Notes</b>
Record owner's name, address, and phone number and applicant's name, address and phone number	Lauri Bachelder 865 Oak Hill Road North Yarmouth, ME 04097	
The location of all required building setbacks and buffers	see sheet 1	
Names and addresses of all property owners within 500 feet of any and all property boundaries	see pg. 6 of application	
Sketch map	see sheet 1	
Boundaries of all contiguous property under the control of the owner or applicant	not applicable	
Tax map and lot number	Map 7 Lot 62	
A copy of the deed	see pg. 4 of application	
The name, registration number and seal of the person who prepared the plan	see sheet 1	
Evidence of the applicant's technical and financial capacity	see pg. 11 of application	applicant has provided a letter from GenX lending regarding financial capacity
<b>Existing Conditions</b>	<b>Included/Not Included</b>	<b>Notes</b>
Zoning classification	Village Zone and Groundwater Overlay	
The bearings and length of all property lines of the property to be developed	see survey Atlantic Resource Consultants	
Location and size of any existing sewer and water mains, culverts and drains	see sheet 2 and sheet 3	
Location, names and present widths of existing public and/or private roads	see site plan	Road names and locations shown on site plan, need to provide road widths
The location, dimensions and ground floor elevation of all existing buildings	see pg. 17 of application	Architectural drawings provided with most recent submission
The location and dimensions of existing driveways, streets, roads, parking, and loading areas	see sheet 1	
Location of intersecting streets, roads or driveways within two hundred (200) feet of the site	see sheet 1	
The location of open drainage courses, rivers, ponds, wetlands, vernal pools, streams	see sheet 1	
The direction of existing surface water drainage across the site	see sheet 2	
The location, front view, dimensions and lighting of existing signs	not applicable	
Location and dimensions of any existing easements and copies of existing covenants or deed restrictions	see pg. 4 of application	
The location of the nearest fire hydrant or other water supply for fire protection	see sheet 1	
<b>Proposed Development Activity</b>	<b>Included/Not Included</b>	<b>Notes</b>
Estimated demand for water supply and sewage disposal	see surface wastewater disposal application	
The direction of proposed surface drainage	see sheet 2	Should show direction of surface drainage with arrows
Provisions for handling solid waste	see surface wastewater disposal application	
The location, dimensions and materials to be used in the construction of proposed driveways, parking and loading areas	see sheet 3	
A proposed landscaping and buffering plan	see site plan	new trees and shrubs are labeled on the plan
The location and description of any stream, pond, vernal pool and/or wetland buffers	see sheet 1	The site plan shows a stream buffer
The location, dimensions and ground floor elevation of all existing buildings	see pg. 17 of application	Architectural drawings provided with most recent submission
Building elevations	see pg. 17-18 of application	applicant has provided architectural drawings and building elevation plans
Location, front view, materials and dimensions of proposed signs	not applicable	
Location of all utilities	see sheet 2	
A general description of the proposed use	see written submission	
Driveway and entrance permit	not applicable	
Estimated peak hour traffic	request to waive	traffic into the site will be minimal, 8 trips/unit per day maximum total of 96 trips of Parsonage Road
Storm water calculations	see pg. 82 and 101 of application	have provided existing and proposed stormwater calculations
A utility plan	see sheet 2	Utilities are included with the grading and drainage plan
<b>Additional Information</b>	<b>Included/Not Included</b>	<b>Notes</b>
Graphic representations of how the development will look upon completion	not applicable	
A grading plan showing the existing and proposed topography	see sheet 2	
A planting schedule keyed to the site plan	unsure if needed	plant types shown on plan, don't have planting schedule
A storm water drainage and erosion control plan	see erosion control notes	

A groundwater impact analysis	see pg. 1 of application	groundwater impact analysis included with hydrogeologic assessment
A traffic impact analysis	not applicable	This is only for parking for 50 or more vehicles
A written statement from any utility providing service to the project	see pg. 127 of application	letter request to Yarmouth Water District sent 3/20/2022
Cost of the proposed development	see pg. 11 of application	cost of proposed development included with financial capacity letter
Performance guarantees	TBD	need estimate for amount of guarantee, but this
<b>Groundwater Protection Overlay</b>	<b>Included/Not Included</b>	<b>Notes</b>
The boundaries of the Groundwater Protection Overlay District	yes	Entire project is within Groundwater Protection Overlay District
The location, size and description of all storage tanks and areas and types of materials to be stored	not applicable	
Location and size, capacity and design of subsurface waste disposal systems and grease traps	not applicable	
Location of nearby wells or surface water bodies	see site plan	
Location of existing or proposed monitoring wells	see site plan	
Locations and dimensions of buildings, parking, streets and roads and any other impervious structures or surfaces	see site plan	
Complete list of all chemical, pesticides, fuels, nutrients and potentially toxic or hazardous materials to be used or stored on the premises	not applicable	
List of equipment to be used, parked, or stored	not applicable	
Groundwater protection and pollution prevention provisions	request to waive	The development will not store any chemicals.
Spill prevention plans	to be submitted prior to construction	The contractor will provide spill prevention plans prior to construction
Proposed method of performance guarantee	not applicable	
Any restrictions, conditions, covenants and easements	not applicable	
Background water quality data from on site monitoring wells	not applicable	The project contains an existing well, but will be using public water
Any other information to prove activity will not adversely impact groundwater quality	see pg. 4 of application	nitrate analysis provided with hydrogeologic assessment
Other, compliance with Best Management Practices	pending	TBD by CEO or Planning Board
<b>Subdivision Submission Requirements</b>	<b>Included/Not Included</b>	<b>Notes</b>
Type of sewage disposal	see subsurface wastewater disposal application	Using septic
Type of water supply	see subsurface wastewater disposal application	Using public water
The date the plan was prepared, north point, and graphic map scale	see sheet 1	Plan prepared February 2022
A high intensity soil survey	see subsurface wastewater disposal application	Soil profile description and classification
The proposed lot lines with approximate dimensions and lot areas	see sheet 1	
All parcels of land dedicated to public use	not applicable	
The location of any open space to be preserved	not applicable	
The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, impermeable surfaces, structures, or other cover	not applicable	
Location in 100-year floodplain	not applicable	
Hydrogeologic assessment	see pg. 1 of application	applicant has provided a hydrogeologic assessment by Mark Censi Geologic
Areas within or adjacent to the proposed subdivision which have been identified as conservation land, scenic views, and high or moderate value wildlife habitat	not applicable	
Timber harvesting	not applicable	
The location of any zoning boundaries affecting the subdivision	see sheet 1 note 6	In both the Village and Groundwater Protection Overlay. Groundwater Protection Overlay should be labeled on the site plan
Road/street plans	not applicable	
A list of construction and maintenance items that will be completed by the applicant prior to the sale of lots	not applicable	no lots will be sold
A list of construction and maintenance items, with both capital and operating cost estimates	TBD	post approval, TBD by the Board
Estimate of the net increase in taxable assessed valuation at the completion of construction	TBD	post approval, TBD by the Board
The location and method of disposal for land clearing	not applicable	
Outside agency approvals as applicable	see pg. 130 of application	applicant sent a letter to the Fire Chief on 4/18/2022

























**Additional Relevant Requirements**

Soil evaluator's report and septic system design

Location of test pits keyed to site evaluator's or soil scientists's report  
For sites producing more than 1,000 gallons of sewage per day, a hydrogeologic assessment of nitrate concentrations

Evaluation of public/private sewer system capacity

Provisions for sanitary facility

Provisions for fuel storage and refueling

Design and capacity of subsurface collection facilities

Location and design of culverts, drains and other storm water control structures

Surface drainage plan

Design of dry wells, storage, retention or other surface water impoundments

Storm water system outlets

Delineation of post development drainage areas

Plans for ice control, use of road salt, and snow removal areas