

MEMORANDUM

TO: North Yarmouth Planning Board
Through Ryan Keith, Code Enforcement Officer

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

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

RE: Kenney Commons Site & Subdivision Plan – Preapplication Meeting

Date: March 28, 2022

Overview

The applicant is proposing to construct four residential units off Parsonage Road and Walnut Hill Road. The existing parcel is developed with a residential building and barn that will be demolished. A 30-space parking lot will replace the existing paved driveway and a paved sidewalk will be added 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.

Because this is a preapplication meeting, the Board is not expected to vote on the project. Any waiver requests or clarifying comments or questions should be made as this time. The findings of fact are included below to let the applicant know the standards that are relevant to the project and those standards that are not applicable. The attached checklist includes a list of submission requirements and highlights those that are still needed.

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: approximately 1.2 acres developed

Waivers: The applicant will be requesting the following waivers from submission requirements at the preapplication meeting on April 12. The applicant will also need to provide written justification for the waiver requests.

- Estimated peak hour traffic (Section 4.4f. 13)
- Stormwater calculations (Section 4.4f. 14)
- A groundwater impact analysis (Section 4.4g. 5)
- Groundwater protection and pollution prevention measures (Section 4.5B. 2. c.)
- Spill prevention plans (Section 4.5B. 2. d.)
- A hydrogeologic assessment (Section 4.5C. 1. c.)

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 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 project will contribute approximately 25,272 square feet (0.58 acres) of impervious area.
 - The applicant should confirm if any wetlands, vernal pools, or significant wildlife habitat are located 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 prepared by a groundwater hydrologist for projects involving on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day” under submission requirements. The 4 septic systems each have a sewage disposal capacity of less than 810 gallons per day and are separated by over 100 feet.

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.

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.

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 details.
- 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 applicant should clarify locations of dumpsters or trash receptacles and any other solid waste provisions.

12. Stormwater Control

- Drainage flows southwest towards the manmade stormwater pond. See Sheet 2 Grading & Erosion Control Plan dated February, 2022.
- A 4-foot-wide drip edge has been provided around the homes to infiltrate stormwater runoff. See Site & Demolition Plan updated March, 2022.
- All remaining water from the impervious areas will be directed towards the manmade pond. At the preapplication meeting the applicant should provide further details on stormwater peak flows.
- The applicant is requesting a waiver from Section 4.4f. 14 Stormwater Calculations. Because the project will not be requiring a DEP Chapter 500 Stormwater Permit, this waiver request is likely not applicable.
- 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 applicant should discuss the DEP Chapter 500 Stormwater management requirements applicable to the project.

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". The project

is anticipated to produce very little vehicular traffic and this waiver request is likely not applicable.

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.
- A 5-foot-wide path is shown connecting from the parking area to the manmade pond. It is unclear what this path will be accessed for.

16. Off-Street Parking and Loading

- The development includes a 30-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 of the proposed use or activity's impact on groundwater" under Groundwater Protection Overlay District submission requirements. See #2 under Site Plan Review for the reason for the waiver request.

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 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/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 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/will not** control noise levels such that it **will/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.
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/will not** 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/will not** result in undue water or air pollution.
2. The proposed subdivision **will/will not** have sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision **will/will not** cause an unreasonable burden on an existing water supply.
4. The proposed subdivision **will/will not** cause unreasonable soil erosion or reduction in the capacity of the land to hold water.
5. The proposed subdivision **will/will not** cause unreasonable highway or public road congestion or unsafe conditions.
6. The proposed subdivision **will/will not** provide for adequate solid and sewage waste disposal.
7. The proposed subdivision **will/will not** cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage.
8. The proposed subdivision **will/will not** place unreasonable burden on the ability of the local governments to provide municipal or governmental services.
9. The proposed subdivision **will/will not** have an undue adverse effect on the scenic or natural beauty of the area.
10. The proposed subdivision **will/will not** 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.
13. The 100-year flood boundary **is/is not** shown on the plan.
14. All freshwater wetlands **have/have not** been identified on maps submitted as part of the application.
15. All farmland within the proposed subdivision **has/has not** been identified on maps submitted as part of the application.

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.
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.
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.
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.
21. Timber on the parcel **has/has not** been harvested in violation of liquidation harvesting statutes and rules.

Sketch Plan Submission Requirements	Included/Not Included	Notes
A fully executed and signed copy of the application	see pg. 1 application materials	
Evidence of payment of the application	need	
11 copies of written materials plus 11 sets of maps or drawings	yes	
General Information	Included/Not Included	Notes
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	need	This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project amount of financing proposed.
Existing Conditions	Included/Not Included	Notes
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	need	Road names and locations shown on site plan, need to provide road widths
The location, dimensions and ground floor elevation of all existing buildings	yes	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	need	Details for handicap sign shown on sheet 4. Need details for new sign added south of Parsonage cutoff fixtures added to new buildings
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	
Proposed Development Activity	Included/Not Included	Notes
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	pending	Showing new trees added to the site plan. Applicant will submit landscape planting/buffering schedules and details for final site 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	yes	Architectural drawings provided with most recent submission
Building elevations	yes	Architectural drawings provided with most

Location, front view, materials and dimensions of proposed signs	need	
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	This request is likely not applicable to the project
Storm water calculations	request to waive	Only for projects that require a storm water permit from DEP or if PB deems it necessary.
A utility plan	see sheet 2	Utilities are included with the grading and drainage plan
Additional Information	Included/Not Included	Notes
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	pending	see note 33 above
A storm water drainage and erosion control plan	see erosion control notes	
A groundwater impact analysis	request to waive	The 4 septic systems will produce less than 810 GPD and are separated by over 100 ft. Project is also on public water.
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	need for final plan	Provide letter from Yarmouth Water District
Cost of the proposed development	need for final plan	
Performance guarantees	need for final plan	
Groundwater Protection Overlay	Included/Not Included	Notes
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	request to waive	This request is likely not applicable. 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	need for final plan	
Other, compliance with Best Management Practices	pending	TBD by CEO or Planning Board
Subdivision Submission Requirements	Included/Not Included	Notes
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	request to waive	Using public water and in Groundwater Protection Overlay District. See note 49 above
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	need for final plan	
A list of construction and maintenance items, with both capital and operating cost estimates	need for final plan	
Estimate of the net increase in taxable assessed valuation at the completion of construction	need for final plan	
The location and method of disposal for land clearing	not applicable	
Outside agency approvals as applicable	need for final plan	A letter from the Fire Chief regarding emergency vehicle access. Applicant has sent a letter to Yarmouth Water District