

MEMORANDUM

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

CC: Gary Bahlkow, Applicant

From: Ben Smith, AICP, Principal, North Star Planning *BSM*

RE: Oxbow Pond Minor Subdivision

Date: June 9, 2022

---

**Overview**

The applicant has submitted a number of materials from subdivision design and review work in 2009 in support of a pre-application discussion with the Board for a Minor Subdivision off West Pownal Road.

In an email to the Code Enforcement office, Mr. Bahlkow notes that “what is new/different from the 2007/2008 application is that I have decided to use the road frontage from Lot 57A and a portion of Lot 56 to create an exempt (2 in 5) lot of about 16 acres. I will then submit a 3 or perhaps 4 lot subdivision application on this 16 acres. The survey, soils, engineering, wetland delineation, peer review and so on are dated but still accurate so I'd like to chat with the Planning Board about possible exemptions for some of that.”

This submission is adequate for a pre-application discussion regarding the location and submission requirements for a Final Minor Subdivision submission, but an updated plan showing the current property lines, the specifics of the new lots, and a current deed for the property demonstrating the applicant's title to the property must be submitted as part of that application.

**Applicant:** Gary Bahlkow

**Owner:** property deed must be submitted

**Location:** West Pownal Road

**Zoning:** Farm & Forest, Royal River Corridor Overlay

**Tax Map Number:**

**Existing Land Use:** wooded/forested, with a single dwelling unit

**Proposed Land Use:** residential subdivision

**Acreage:** approximately 72 acres, based on the lot configuration in the 2006 survey

**Waivers:** The applicant has not requested any waivers at this time.

**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:** N/A for Pre-application review

~~Suggested Motion:~~ To find the Subdivision Plan for Oxbow Pond Minor Subdivision 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 Subdivision Plan for the Oxbow Pond Minor Subdivision located at Tax Map [X]; Lot [X], with the following findings of Fact and Conclusions in the planner memo dated [DATE].

---

### **Subdivision Review - Findings of Fact:**

1. General Layout: Lots, Blocks, Utilities, Monuments, and Back Lots
  - The applicant is considering a proposal for three or four new lots on a 16 acre lot that has yet to be created. The number and configuration of lots under subdivision review will need to be shown on an updated plan for the Final Plan submission.
  - The applicant should confirm with the Fire Chief that all lots with buildings will have adequate access for emergency vehicles.
  - According to a letter from Scott Lindsay, Maine Department of Inland Fisheries and Wildlife, dated June 7, 2005, a portion of the property was mapped as part of a larger deer wintering area habitat, and included recommendations to maintain the riparian zone around Chandler Brook.

2. Erosion and Sedimentation Control

- The Board should decide whether or not the 1-meter contours shown on the 2007 submission materials are adequate for a Final Plan submission for the current project.
- The applicant describes soil and erosion control measures in the form of best management practice details on pages 6 and 7 of the January 27, 2009 submission materials, rather than on-the-ground designations on the plan.

3. Financial and Technical Capacity

- The applicant should provide a letter of financial capacity demonstrating the ability to carry out the project for the next submission, particularly as it relates to the construction of new subdivision roads and utility extensions.

4. Floodplain Management

- A significant portion of the subject property is located within the 100-year floodplain associated with Chandler Brook.
- No building activities or soil disturbance was proposed within the mapped floodplain on the 2006 plan.
- The applicant should confirm whether or not there are any changes between the mapped area in the 2006 plan with current floodplain maps.

5. Historic and Archaeological Sites

- The applicant should provide information demonstrating whether or not there are historic or archaeological sites located within the subdivision.

6. Sewage and Solid Waste Disposal

- Test pit locations are shown on the subdivision plan from TJD&A dated January 27, 2009.
- The applicant will need to ensure that information regarding passing test pit locations is submitted with the Final Plan relative to the configuration of lot lines to be proposed at that time.
- The applicant should clarify if the new homes will be participating in the municipal paper and curb side recycling service.

7. Soil Suitability

- Soils mapping should be provided for the subject property as part of the Final Plan submission.

8. Recreation and Open Space Land Development

- No common open space is proposed as part of this project.
- The standards of Section 10.23, Recreation and Open Space Land in Developments do not apply to this project as it is in the Farm & Forest Zoning District.
- A small portion of the Town-owned Chandler Brook conservation land is located across Chandler Brook from the subject property.

9. Water Supply

- The subdivision will utilize wells for water supply.
- The applicant should confirm that individual wells will be able to meet separation requirements from subsurface wastewater disposal systems, as the building envelopes on the 2009 subdivision plan seem somewhat constrained.

10. Water Quality

- Development of a minor residential subdivision will not result in the discharge of any fuel, chemical, or industrial contaminants beyond normal residential uses.
- The proposed subdivision is not within the Groundwater Protection Overlay District.

11. Subdivision Street Connectivity

- The applicant will need to show the configuration of subdivision streets associated with an updated lot layout as part of the Final Plan submission.
- The subdivision plan from 2009 showed a dead-end road serving the site from West Pownal Road, and another dead-end road branching off from the first.

### 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 sketch plan showing the proposed layout of streets, lots, buildings and other features in relation to existing conditions	Need updated plan for current submission	
Description of existing conditions of the site and the proposed development	Need a cover letter	
A copy of a portion of the U.S.G.S. topographic map and an aerial map of the area	Need	
A copy of that portion of the Cumberland County Soil Survey	Need	
A copy of any available deeds, easements and encumbrances	Need	
Minor Subdivision Submission Requirements	Included/Not Included	Notes
Application Form/Fee		
Location Map	on subdivision plan	
Final Plan	NA with Preapplication	
Proposed Subdivision Name	Oxbow Pond Minor Subdivision	
Right, Title, Interest	Need	
Boundary survey	Need	applicant must verify accuracy of 2006 survey
Most Recent Deed	need	
Deed Restrictions	need	
Wastewater (sewer capacity or septic analysis)	for Final	
Water Supply	for Final	
Plan Date	2006	pending update
Owner Name and Address	need	
High intensity soil survey	for Final	
Number of acres, lot lines, existing bldg, vegetative cover	for Final	
surface water within 150 feet	for Final	
Contours	for Final	1 meter shown on 2006 plans
Zoning district	for Final	
Sewer/water infrastructure location	for Final	
Existing streets, easements, open space	for Final	
CAD or GIS Format	for Final	
Open space and ownership of	for Final	Royal River Conservation is south of the proposed subdivision
Parcels for public use	for Final	
100 year floodplain	for Final	
Hydrogeologic assessment	for Final	for discussion
Estimate of vehicular traffic and peak hrs	for Final	
MDOT permit	for Final	N/A?
Traffic impact analysis (if necessary)	for Final	N/A
Stormwater management plan	for Final	
Erosion and sediment control plan	for Final	
Conservation land w/in 150 ft	for Final	Chandler Brook Preserve?
Construction debris location	for Final	
Timber Harvesting	for Final	