

MEMORANDUM

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

CC: Gary Bahlkow, Applicant

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

RE: Oxbow Pond Minor Subdivision

Date: August 30, 2022

Overview

The applicant is looking to subdivide their property located at 50 West Pownal Road into four (4) lots with two conservation areas. Conservation A, will remain restricted and Conservation B will remain permanently protected. The property is in the Farm and Forest District with part in the Royal River Overlay District and is located at Tax Map 13 Lots 56 and 57a. The newly proposed lots are clustered and the development will be subject to both minor subdivision and cluster subdivision standards.

The application was last brought to the Planning Board for a pre-application discussion on June 16, 2022. At that meeting, the Board requested that the applicant provide an updated plan showing current property lines and attach a current deed for the property demonstrating the applicant's title.

Applicant: Gary Bahlkow

Owner: same as applicant

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 is requesting the following waivers from Subdivision Performance Standards:

Section 10.7: Erosion and Sedimentation Control

Waiver Recommendation: The applicant should submit an erosion and sedimentation control plan for the construction of the private road.

Section 10.10: Financial and Technical Capacity

Waiver Recommendation: The applicant owns the property and will be paying for all associated project costs, but should still provide a cost estimate for the private construction and any additional utilities.

Section 8.12 B. 4: Piers, docks, wharves, bridges and boat ramps under Floodplain Management

Waiver Recommendation: This waiver request is not applicable to this project, although future development might include docks and a future trail system subject to subdivision amendment.

Section 5.5 4 u.: A hydrogeologic assessment

Waiver Recommendation: A hydrogeologic assessment only pertains to subdivisions in the Groundwater Protection Overlay District not served by public sewer. The subdivision will utilize septic for sewage disposal, but is not in the Groundwater Protection Overlay District. The project will not include any system greater than 2,000 gallons per day and is not anticipated to adversely impact groundwater quality.

Section 10.24 D 2.: A minimum storage capacity for fire protection

Waiver Recommendation: A minimum storage capacity of ten thousand (10,000) gallons must be provided for subdivisions not served by a public water supply. The subdivision will be served by wells for water supply and will not connect to a public water supply. The applicant should provide storage tanks for fire protection and show provisions for fire protection and the location of the nearest fire hydrant or dry hydrant.

Section 10.29: Corner Lots

Waiver Recommendation: Per the Ordinance, this requirement may be waived where the applicant demonstrates that existing site conditions preclude the location of the driveway to the street where there is lesser potential for traffic congestion. Lot 4 has an existing driveway off West Pownal Road.

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: NSP reviewed the project for completeness. The applicant still needs to submit the following.

1. Estimate peak hour traffic

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 subdividing their property into four (4) lots from a larger 16-acre lot and is leaving two (2) lots for conservation land (see recording plat dated August 15, 2022).

- Lots 1, 2, and 3 have frontage on Abundance Point Road and Lot 4 is a corner lot and has frontage on both Abundance Point Road and West Pownal Road.
- The applicant is requesting a waiver from Section 10.29 D. 7. Corner lots for Lot 4. The applicant should clarify the location of homes and the driveway on the plan.
- The minimum lot size in the Farm and Forest District is 3 acres with 200 feet of road frontage. The lots shown on the plan are between 0.6 acres and 2.1 acres and all have less than 200 feet of road frontage. Because this subdivision is also subject to cluster standards, the Board may, under Section C.5 of the Cluster and Open Space Ordinance, modify those standards.
- The applicant will need to show the location of monuments on the plan.
- The applicant should clarify if all the conservation area is on a single property. If Conservation Area A is a back lot it must be served by a 50 foot right-of-way.

2. Erosion and Sedimentation Control

- The applicant is requesting a waiver from Section 10.7 Erosion and Sedimentation Control Plan. The applicant should attach an erosion control plan for the construction of Abundance Point Road.
- The site is relatively flat and will involve minimal grading.
- During construction, the applicant should ensure that DEP erosion control best management practices will be followed.

3. Financial and Technical Capacity

- The applicant is requesting a waiver from Section 10.10 Financial and Technical Capacity.
- The applicant owns the property and individually will be paying for all professional services and improvements.
- The applicant should provide a cost estimate for Abundance Point Road and any utility extensions.

4. Floodplain Management

- A significant portion of the subject property is located within the 100-year floodplain associated with Chandler Brook (see recording plat dated August 15, 2022).
- No building activities or soil disturbance is proposed within the mapped floodplain.
- The applicant should confirm whether or not there are any changes between the mapped area in the 2006 plan with current floodplain maps.
- The applicant is requesting a waiver from Section 8.12 B. 4. Piers, docks, wharves, bridges and boat ramps under Floodplain Management. Though not applicable to this application, future development might include docks and a future trail system subject to subdivision amendment.

5. Historic and Archaeological Sites

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

6. Sewage and Solid Waste Disposal

- The new homes will rely on septic for sewage disposal.
- Test pit locations are shown on Lots 1 and 2 on the recording plat dated August 15, 2022. The applicant should show test pit locations for Lots 3 and 4 as well.
- A soils investigation report was conducted by Sweet Associates May 18, 2005. All tested sites were determined to be suitable for subsurface sewage disposal.
- The applicant should show septic locations on the plan.
- The applicant should clarify if the new homes will be participating in the municipal paper and curb side recycling service.

7. Soil Suitability

- The applicant has provided a Cumberland County Soil Report and attached a soils investigation report from Sweet Associates dated May 18, 2005.

- The applicant should provide a supplemental soils investigation for Lots 3 and 4.

8. Recreation and Open Space Land Development

- Conservation areas A and B (11 acres) will be protected from residential development.
- 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 and Forest Zoning District.
- A small portion of the Town-owned Chandler Brook conservation land is located across Chandler Brook from the subject property.
- Per Section 11.3 C. 6c the total area of permanently preserved open space within clustered housing developments and open space developments shall be a minimum of fifty percent (50%) of the total area of the parcel. Combined the two conservation areas shown on the plan total approximately 11 acres, which is more than 50% of the total subdivision area.

9. Water Supply

- The new homes in 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.
- The applicant is requesting a waiver from Section 10.24 D. minimum storage capacity for fire protection. This standard is required for subdivisions not served by a public water supply. The applicant should show the nearest fire hydrant or dry hydrant location on the plan. The closest dry hydrant appears to be closest to Route 9.

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.

11. Subdivision Street Connectivity

- The recording plat dated August 15, 2022 shows a dead-end road (“Abundance Point Road”) serving the site from West Pownal Road, and another dead-end road branching off from that road. The applicant should provide road design details for the dead-end road.
- The applicant should confirm with the Fire Chief that all lots with buildings will have adequate access for emergency vehicles.
- The applicant should provide an estimate of peak hour traffic for how many cars are anticipated into and out of the subdivision. This can take the form of a written statement and does not need to be conducted by a traffic engineer.

Conclusions of Law:

1. The proposed subdivision **will not** result in undue water or air pollution.
2. The proposed subdivision **will/will** 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** 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 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 not** adversely affect the quality of such body of water.
13. The 100-year flood boundary **is** shown on the plan.
14. All freshwater wetlands **have** 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. (N/A)~~
16. Any rivers, streams, or brooks within or abutting the proposed subdivision **have** been identified on maps submitted as part of the application.

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.
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)**

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	see recording plat	
Description of existing conditions of the site and the proposed development	see attached description	
A copy of a portion of the U.S.G.S. topographic map and an aerial map of the area	see attached topo map	
A copy of that portion of the Cumberland County Soil Survey	see pg. 35 of application	
A copy of any available deeds, easements and encumbrances	see attached	
Minor Subdivision Submission Requirements	Included/Not Included	Notes
Application form/fee	see pg. 4-20	
Location Map	see recording plat	
Proposed name of the Subdivision	Oxbow Pond Subdivision	
Right, title and interest	see attached release deed dated April 12, 2018	applicant owns both parcels
Boundary survey	see recording plat	
Deed	see attached release deed dated April 12, 2018	
Deed restrictions	none	
Type of sewage disposal	see pg. 38 of application	subsurface sewage disposal
Type of water supply	see pg. 46 of application	using wells for water supply
Date, north point, graphic scale	see recording plat	
The names and addresses of owner, applicant	see pg. 3 of application	Gary Bahlkow 50 West Pownal Road North Yarmouth, ME 04097
A high intensity soil survey	see pg. 38 of application	preliminary soils investigation prepared by Sweet Associates
Number of acres, lot lines, existing building, vegetative cover	see recording plat	
Location of all rivers, streams, brooks, wetlands, vernal pools	see recording plat	Chandler Brook runs around the property, wetlands located west
Contour lines	see recording plat	showing 20' contours is that adequate?
Zoning district	see pg. 3 of application	Farm and Forest District
Location and size of existing and proposed sewer, water mains, culverts and drainage ways	see recording plat	existing culvert shown on plan
Location, names and present widths of existing streets	see recording plat	
AutoCAD plans	for Final	
The location of any open space to be preserved	see recording plat	
All parcels of land dedicated to public use	not applicable	
100-year floodplain	see recording plat	
Hydrogeologic assessment	not applicable	
Estimate peak hour traffic	need	written estimate of how many cars are anticipated into and out of the site
DOT Driveway and Entrance Permit	not applicable	
Traffic impact analysis	not applicable	
Stormwater management plan	waiver requested	
Erosion and sedimentation control plan	waiver requested	
Areas within or adjacent to the proposed subdivision which have been identified as conservation land, scenic views, or high or moderate wildlife habitat	see recording plat	
The location and method of disposal for land clearing	not applicable	
Timber harvesting	not applicable	