

MEMORANDUM

TO: North Yarmouth Planning Board

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

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

RE: Village Green Estates Apartments Amended Subdivision Plan –
Planning Board meeting October 11, 2022

Date: October 4, 2022

Overview

The applicant is proposing to develop Lot 23 of the previously approved Phase 2 Village Center Estates Subdivision. The amended subdivision will consist of four (4) commercial residential units for “over 55 senior housing”. Three (3) of the units have frontage along Walnut Hill Road and the other has frontage on Village View Lane. Each of the units will have decks, garages, covered porches, and separate driveways and will utilize underground electricity, cable communications, and telephone. Lot lines have been added for each unit to meet setback standards.

The application was last brought to the Planning Board September 13 for a preapplication meeting. At that meeting the Board discussed the missing application materials and scheduled a Public Hearing. Since that meeting the applicant has submitted an updated plan with revised driveway dimensions and a hammerhead turnout, a hydrogeologic assessment, a subsurface wastewater disposal application, letters from the Fire Chief and Yarmouth Water District, a location map, a DOT Driveway and Entrance Permit, stormwater calculations, a housekeeping and maintenance plan, and building details.

Applicant: Ben Grover, Construction Aggregate Inc.

Owner: same as the applicant

Location: 464 Walnut Hill Road

Zoning: Village Center and Groundwater Overlay

Tax Map Number: Tax Map 7 Lot 34-15

Existing Land Use: subdivision

Proposed Land Use: amended subdivision

Acreage: 2.33 acres

Waivers: The applicant is not requesting any waivers.

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

Public Hearing: A public hearing for this project has been scheduled for October 11, 2022.

Completeness Review: NSP reviewed the project for completeness. The applicant should provide a written estimate for peak hour traffic to be generated by the site.

Findings of Fact and Conclusions:

To **[approve/approve with condition(s)/deny]** the Village Green Estates Amended Subdivision Plan based on the Findings and Conclusions from the Planner memo dated October 4, 2022

Subdivision Review - Findings of Fact

1. General Layout: Lots, Blocks, Utilities, Monuments, and Back Lots
 - The amended subdivision consists of four (4) lots.
 - Lot lines have been added for each unit to meet the setback standards.
 - Stone post monuments are located at the edge of the northern property boundary (see site plan).
 - All of the units will utilize underground electricity, cable, and telephone.
 - All four (4) lots are less than 10,000 square feet. The minimum lot size in the Village Center District is 1 acre. Per Table 7.2 footnote 4b., the minimum lot size may be further reduced below 20,000 square feet that lot treats its wastewater on a separate lot that complies with Maine Subsurface Wastewater Disposal criteria.
2. Erosion and Sedimentation Control
 - Minimal grading will occur for the new stormwater filter basin shown on the Topographic Site Plan dated September 25, 2022.
 - The project will meet erosion control best management practices for grading and construction purposes.
 - The applicant has provided an erosion control narrative in Section 8 of the application and has provided erosion control details on sheet 3. Erosion control measures will consist of silt fences, erosion control berms, hay mulch, and silt sacks.
3. Financial and Technical Capacity
 - The applicant will attach financial letters of credit and construction cost estimates upon final project approval.
4. Floodplain Management
 - The development is not located within the 100-year flood plain.
5. Historic and Archaeological Sites

- No historic or archaeological sites are located within the project area.

6. Sewage and Solid Waste Disposal

- All of the units will rely on public water supply and septic for wastewater disposal.
- Wastewater from the units will flow to a Fugi-Clean septic system which will discharge to a 25 by 15-foot septic disposal area located north of unit 4 (see topographic site plan).
- The operations and maintenance manual of the Fugi-Clean septic system are provided in Attachment 7 of the application.
- The applicant has submitted a hydrogeologic assessment from Marcotte Environmental dated September 25, 2022. The subsurface wastewater disposal system will not result in an increase in nitrate-nitrogen levels above 5 mg/L in groundwater at the property boundary. Nitrate plumes are shown on Attachment 2 pg. 2.
- Both of the septic disposal areas shown on Lots 1 and 3 need to be located completely off of the properties of the dwelling units.

7. Soil Suitability

- The applicant has submitted a Subsurface Wastewater Disposal System application from Mark Hampton Associates Inc. dated September 17, 2022.
- The soils are adequate to support subsurface wastewater disposal.

8. Recreation and Open Space Land Development

- The applicant should confirm if any of the land in the subdivision will be used for public open space and recreation.
- The applicant should clarify the ownership and usage of the common area shown on the site plan.

9. Water Supply

- The development will connect to a public water supply.

- An existing fire hydrant is located along Walnut Hill Road and is less than 500 feet from all of the units.
- The applicant has attached a letter from the Yarmouth Water District dated September 26, 2022 regarding capacity to serve the project.
- Private utility easements should be completed between all parties utilizing the water service as it crosses multiple property lines.
- The Yarmouth Water District wrote the following comments in the letter pertaining to groundwater protection:
 - the developer avoids using salts for winter maintenance
 - drips or leaks of any kind of hydraulic fluid and petroleum products be fixed immediately and properly disposed of to not impact the aquifer
 - a maintenance agreement and semi-annual maintenance record of the Fugui system be provided to the Town
 - annual effluent nitrate testing be completed on the advanced wastewater systems

10. Water Quality

- The applicant should ensure that all comments from the Yarmouth Water District letter are addressed so as to not have an adverse impact on groundwater quality.

11. Subdivision Street Connectivity

- Vehicular access to units 1-3 will come from the private driveway off Walnut Hill Road. Vehicular access to unit 4 will come from the 13-foot driveway off Village View Lane.
- A 6-foot-wide sidewalk and 4-foot-wide walkways will encourage pedestrian access to and from the units.
- The applicant has attached a letter from the Fire Chief dated September 26, 2022. The Fire Chief determined that the turnaround shown behind Lots 2 and 3 is adequate for emergency vehicle access.
- The applicant should provide a written estimate of how many cars are anticipated into and out of the site. For reference, Section 8.4 of the Ordinance states that the average weekday trip generation per a single-family dwelling unit is 10.

- **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/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 not** adversely affect the quality of such body of water.
13. ~~The 100-year flood boundary is/is not shown on the plan. (N/A)~~
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. **(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)**

Preapplication Submission Requirements	Included/Not Included	Notes
Sketch plan	see site plan	
Project narrative	see pg. 1 of application	
A copy of the U.S.G.S. topographic map	see pg. 33 of application	
A copy of the Cumberland County Soil Survey	see pg. 22 of application	
Copies of any available deeds	attached	
Final Plan	Included/Not Included	Notes
Application form	attached	
Location map	see attachment 1	
Proposed name of subdivision	Village Center Estates	
Right, title, interest	see attached deed	
Boundary survey	not applicable	applicant has attached original plan approval showing the relation of Lot 23 to the other lots
Deed	see attached deed	
Deed restrictions	see application #4	
Type of sewage disposal	see application #2	fugi clean septic system for sewage disposal
Type of water supply	see application #1 project description	using public water for water supply
Written statement from a utility for public water supply	see application #6	letter from Yarmouth Water District dated 9/26/2022
Date, north arrow, scale	see site plans	dated 9/25/2022
Names and address of owner	see application #1	Ben Grover Construction Aggregates Inc PO Box 307 Cumberland, ME 04021
High intensity soil survey	see application #1 pg. 19	soil evaluation conducted by Mark Hampton Associates Inc dated 3/7/2022
The number of acres within the proposed subdivision	see application #1 project description	2.33 acres
Location of rivers, streams, brooks, wetlands, vernal pools	see application #4 pg. 18	
Contour lines	see topographic site plan	
Zoning district	see application #1	Village Center District and Groundwater Protection Overlay District
Location and size of existing and proposed sewer, water mains, culverts and drains	see topographic site plan	
Location, names and present widths of existing roads	see site plans	
Electronic plans	submitted	
Location of any open space to be preserved	not applicable	
All parcels of land proposed to be dedicate to public use	see site plans	applicant should clarify common area access/ownership
Floodplain	not applicable	
Hydrogeologic assessment	attached	SJR engineering conducted a nitrate-nitrogen assessment of the subsurface disposal system
Estimate peak hour traffic	need	estimated # cars anticipated into/out of site
DOT Driveway Entrance permit	see application #6 pg. 12	DOT Driveway and Entrance Permit dated 9/26/2022
Traffic impact analysis	not applicable	
Stormwater management plan	see application #4 pg. 20	stormwater will be directed to soil filter ponds, stormwater calculations attached in application #5
Erosion and sedimentation control plan	see application #3	
Areas within or adjacent to the proposed subdivision which have been identified as conservation land, scenic views, or high moderate wildlife habitat	not applicable	
Location and method of disposal for land	not applicable	
Timber harvesting	not applicable	
Building standards	see A-2 A-3	