



PLANNING REPORT – AMENDMENT TO APPROVED PLAN

Lafayette Street Amended Subdivision (Re: 474 Lafayette Street)

Pamela Higgins and Stephen Connolly, Applicants

Map 4, Lot 12A-1 and Map 4, Lot 12A

Prepared by: Alex Jaegerman, Director of Planning & Development

Original Plan Approved by Planning Board: February 27, 2019

Plan Amendment Staff Review: April 10, 2020

Revisions are shown in blue typeface.

I. INTRODUCTION AND PROJECT DESCRIPTION

Elena and Mark Grassia are requesting approval of a lot division of their parcel at 474 Lafayette Street, which was split from a larger parcel owned by Todd and Elisa Hotaling, and previously owned by Tim Sanders. The Hotalings purchased the Sanders 19-acre lot in October, 2016. The Grassias purchased their 11-acre lot from Hotaling in October, 2018. The Grassia proposed lot division utilizes the Back Lot provisions of Chapter 701, Article IV.F.1.

On March 6, 2020, Pamela Higgins and Stephen Connolly applied for an amendment to the approved subdivision to reconfigure the back lot (Map 4 Lot 12-A1) to acquire the land fronting Lafayette Street over which they have an access and utility easement, and convey an equal amount of land to the front lot (Map 4 Lot 12-A). The purpose of this land exchange is to provide the Higgins/Connolly lot with street frontage on Lafayette, which will enable them to provide public water to their home via a service line (1 ½” – 2”) instead of larger water main (8”). Also included in the revised plan is a redesign of proposed driveway to the back lot to soften the grades and reduce the amount of fill required to construct the driveway.

II. REQUIRED REVIEWS

<i>Applicant's Proposal</i>	<i>Applicable Standards</i>
Division of single lot to 3 lots	Minor Subdivision (Concept & Final)
MaineDOT Driveway/Entrance Permit	Permit Pending

16 notices were sent to area residents. A notice also appeared in the February 19, 2019 edition of the *The Notes*. At this writing, there has been no public comment.

16 Notices of the proposed subdivision amendment were sent to area residents.

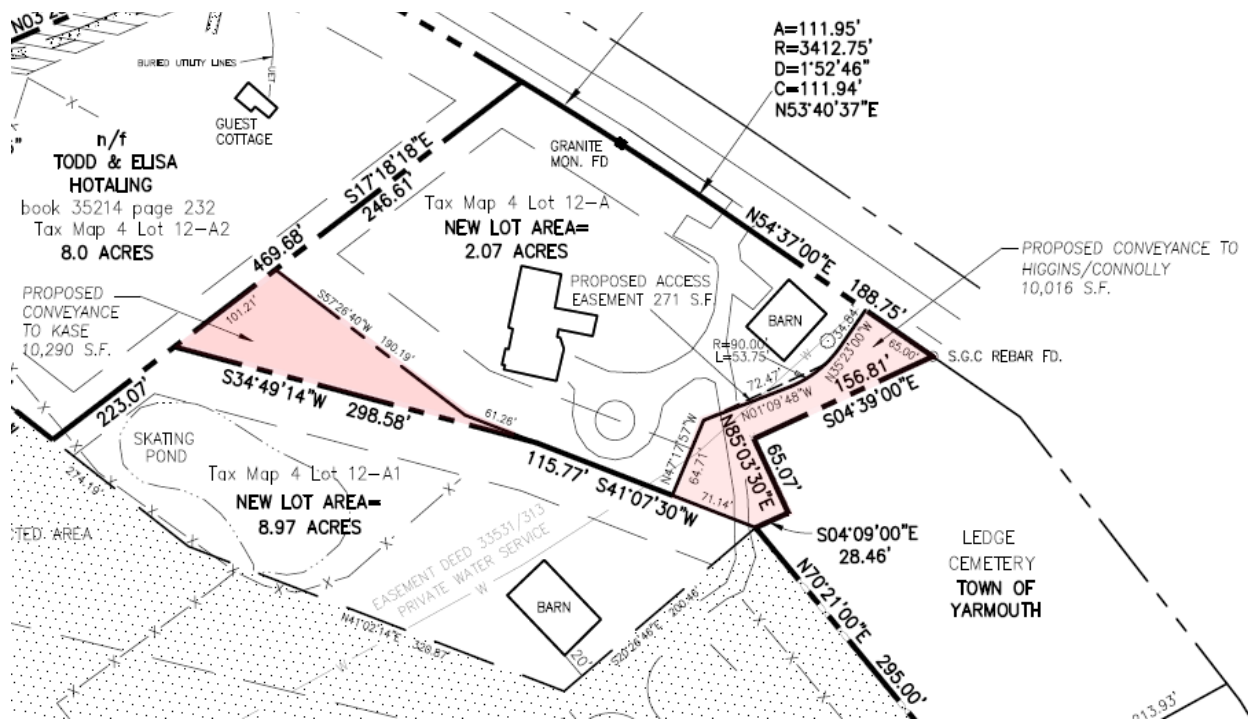
I:\Town Hall Files\Planning\Property Files\Lafayette St\Lafayette St - Higgins\Subdivision Amendment 2020\Reports & Approvals\Revised PBReport Final Minor Subdivision 474 Lafayette 4-10-20.docx

III. PROJECT DATA

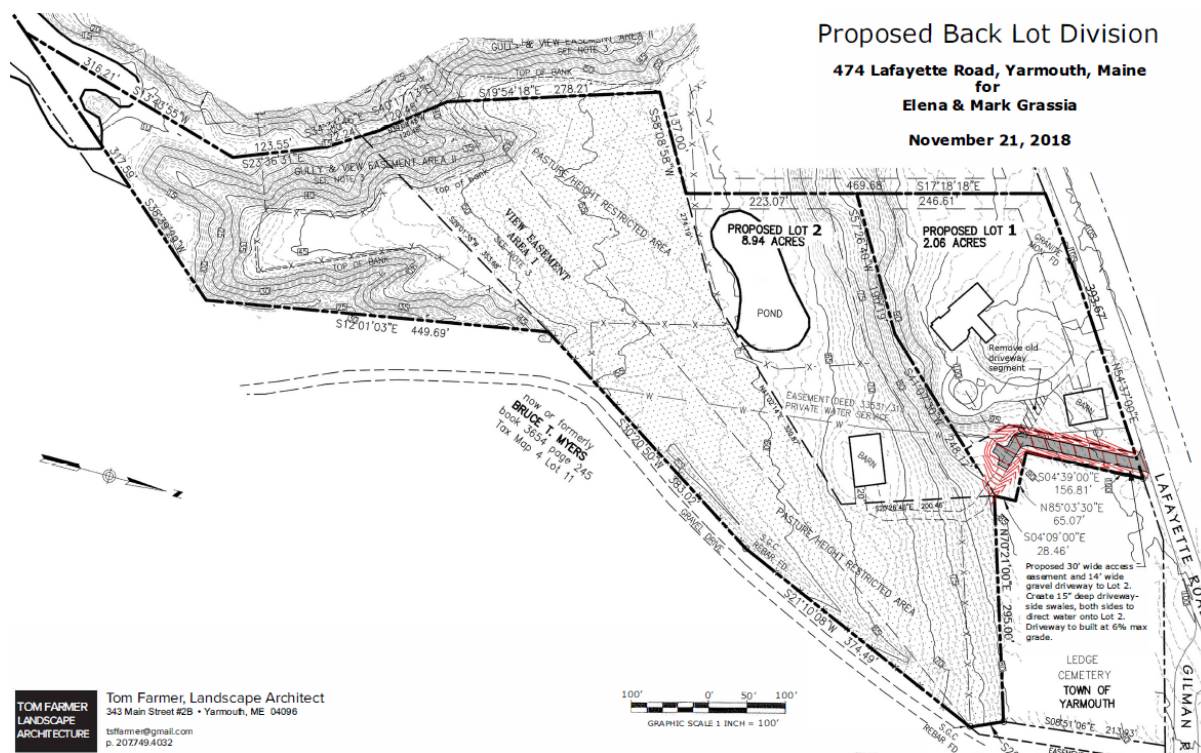
<i>SUBJECT</i>	<i>DATA</i>
Existing Zoning	LDR
Existing Use	Single Family home, 2 Barns and “Guest Cottage”
Proposed Use	Two additional house lots
Parcel Size	19 acres
Existing number of lots	2
Proposed number of lots	3
Residential Data:	
--Original Residential Lot	19 acres
--Proposed Lot Sizes:	
--Hotaling Lot:	8 acres
--474 Lafayette Lot:	2.06 acres 2.07 acres
--Back Lot:	8.98 acres 8.97 acres
Estimated cost of the project	\$53,000

Uses in Vicinity: The surrounding neighborhood consists primarily of single-family homes on Lafayette, Gilman, and Starboard Reach, and the condominiums at Salt Marsh Landing. On Lafayette Street are two historic cemeteries, Settlers Cemetery and Pioneer Cemetery (on Gilman). The Broad Cove Farms proposed subdivision surrounds the subject parcel. Across the street is the minor subdivision at 463 Lafayette Street.





Revised Plan (Excerpt) Showing Land Exchange Areas



SUBDIVISION (Chapter 601)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Yarmouth's Subdivision Ordinance and applicable regulations. Staff comments are listed below. Where comments indicate more information, plan revisions, or other requirements apply, a proposed condition of

approval has been identified for the Planning Board's consideration. These proposed conditions of approval are found in the Motion section of this report.

A. Review Standards

- 1 Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relationship to the flood plains, the nature of soils and sub-soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable State and local health and water resources regulations;**

The parcel is not located in the 100-year flood plain. A soils report has been submitted. The application states that Site Evaluator Mark Cenci has conducted a soils investigation with test pit logs that demonstrate that the site can accommodate an on-site septic sanitary waste system. Mr. Cenci concludes as follows: *"A suitable site for subsurface wastewater disposal to serve a single-family home was located. Further investigations will be required to design a specific wastewater disposal system on any site."*

- 2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;**

The Yarmouth Water District has determined on a preliminary basis that it does have the capacity to serve these lots. Bob MacKinnon, YWD Superintendent in his review memo states that *"the proposed lot, as configured, lacks frontage on an existing water main, and therefore in order to provide service the applicant will need to install a properly sized public water main extension to this lot in order to obtain water service."* Mr. MacKinnon further suggests that the applicant coordinate efforts with the Broad Cove Subdivision to install a main extension along the existing drive to the Myers and Leiter homes, abutting this project. The applicant states that further discussions have taken place between the parties and the Myers/Sanders parties are not interested in a collaboration on the water supply. There is a 30' Yarmouth Water District utility easement is shown on the plan that extends to the Myers property, available for their use.

The revised lot configuration will allow the water service to be provided by a service line rather than a larger water main as previously noted for the original back lot plan. Eric Gagnon has provided a letter of comment for the revised configuration as follows:

The Yarmouth Water District has the capacity to provide water service to the above-referenced project. The District has reviewed the application and has the following comments.

The following requirements are necessary for the lot to be eligible to obtain water service:

1. The new singular lot must have a minimum of 30' of deeded frontage on the water main on Lafayette Street, an easement does not constitute as deeded ownership.
2. The District would need a copy of the recorded deed and parcel plot plan clearly showing that the lot has ownership of frontage and all Town approvals before the District installs a water service.
3. To receive District approval to install a service line from the water main to the new lot, the owner of the new lot must enter into and record a Deed Restriction that would require a main extension to be constructed at that owner's expense if any portion of the new lot is transferred, gifted or subdivided, etc. This is to protect against a temporary land transfer that would take away legal frontage for the lot and against subdivision of the lot into new lots that would require a main extension to be constructed.

After those criteria are met the District will complete an estimate to install a water service from the 16" main on the opposite side of the street. The District will be doing all the work for a new water service inside the ROW of Lafayette Street at the customer's expense. We will determine the location of the service and meter pit based on

other utility locations, where the customer's deeded frontage is located, and the location of the driveway. As mentioned, a meter pit is required due to the length of the service to the home. We recommend the size of the private portion of the customer's service line to be 1.5"-2" tubing to minimize friction loss and velocity through the tubing.

The new lot configuration shows 65' of frontage on Lafayette Street, as required for a service line.

3 Will not cause unreasonable burden on an existing water supply, if one is to be utilized;

The Yarmouth Water District has indicated that there is sufficient capacity for this development, as described above. An ability to serve letter from YWD is required. The applicant/ future homeowner might choose to locate a well on the property in lieu of extending the 6" water main required by the YWD.

The Yarmouth Water District has provided an ability-to-serve letter, as shown under the YWD letter quoted under Standard 2 above.

4 Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

The project will be required to utilize best management practices (BMP) for erosion and sediment control (ESC) during construction.

Town Engineer's Comment:

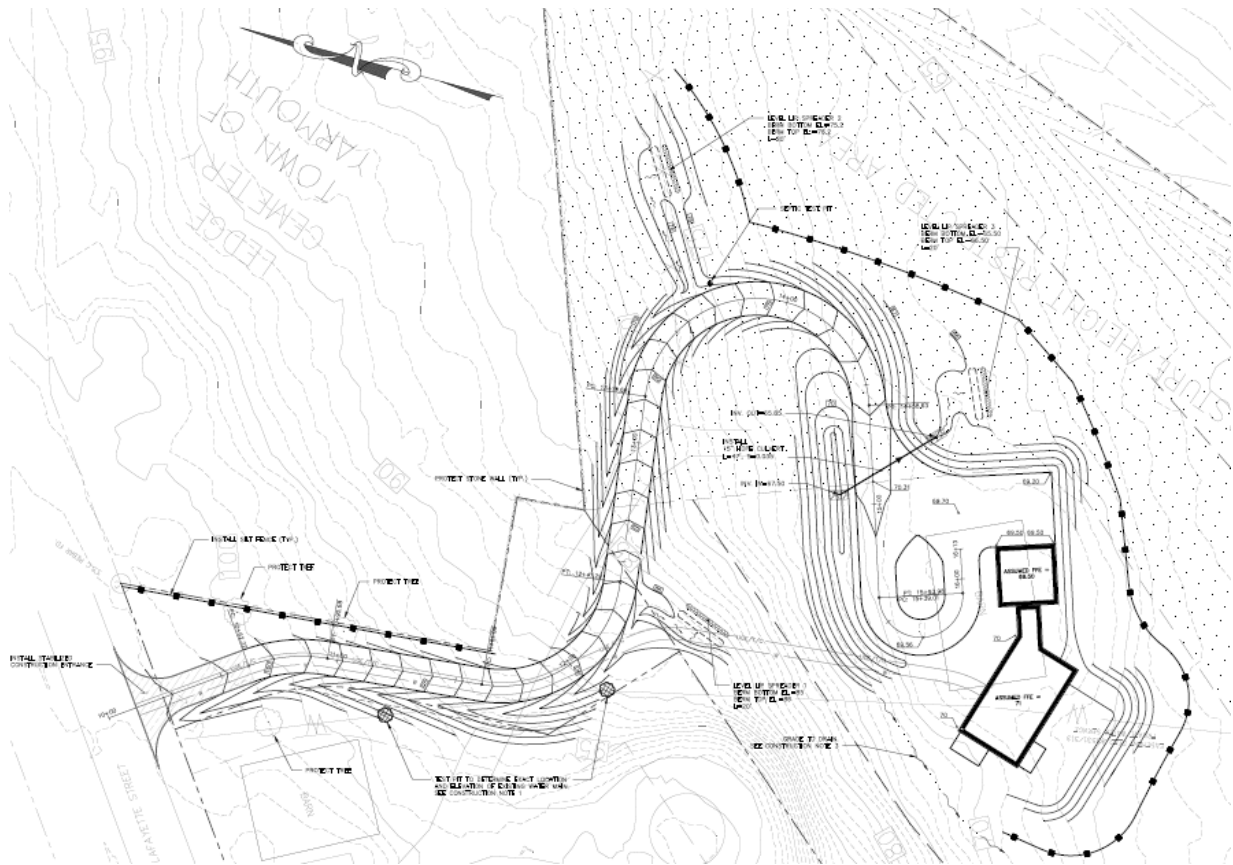
1. *Erosion and Sedimentation Control (ESC) Best Management Practices (BMP's) have been incorporated into the project as required. All BMP's shall be installed prior to the disturbance of any vegetation and shall be maintained until the site has stabilized and been revegetated.*

5 Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

The applicant states that a Maine Department of Transportation Driveway/Entrance Permit is on file. A copy needs to be provided to the planning office for the project file.

Town engineer Comment: *The applicant has previously submitted an MDOT drive entrance permit application for the driveway. No traffic or parking study will be required for a single lot. The applicant has submitted evidence that the available sight distance at the new drive entrance will exceed MDOT and Town standards.*

The technical standards require that the road intersection angle be 90 degrees for the first 50 feet of the roadway per Chart A.1 Roadway Geometric Standards (shown with the maximum grade information). The alignment and grading shall be updated to meet the standards, or the standard must be waived by the Planning Board. Given the posted speed of Lafayette Street I recommend that the Planning Board NOT grant a waiver to this standard.



6 Will provide for adequate sewage waste and disposal and will not cause an unreasonable burden on municipal services if they are utilized;

The project will be served by on-site septic systems for sanitary sewage disposal. A soils report has been submitted. The application states that Site Evaluator Mark Cenci has conducted a soils investigation with test pit logs that demonstrate that the site can accommodate an on-site septic sanitary waste system. Mr. Cenci concludes as follows: “*A suitable site for subsurface wastewater disposal to serve a single-family home was located. Further investigations will be required to design a specific wastewater disposal system on any site.*”

Town Engineer Comment: *The new lots will be served by subsurface wastewater disposal systems. The applicant has submitted evidence the soils will support a system per the plumbing code and subsurface wastewater disposal rules.*

7 Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage if municipal services are to be utilized;

The new lots will be residential and may be served by the Town transfer station. Town sewer will not be utilized for the proposed subdivision lots.

8 Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics,

historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

The applicant has submitted a letter from the Maine Historic Preservation Commission with respect to historic sites, and from the IF&W Department regarding natural areas.

9 It is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making this determination, the Planning Board may interpret these ordinances and plans;

The property is located in the LDR zone, and complies with the applicable zoning requirements, and is consistent with the policies of the 2010 Comprehensive Plan.

10 The subdivider has adequate financial and technical capacity to meet these standards of this ordinance;

The applicant states that: “Due to the extra length of the Private Driveway and the agreement with the YWD for the installation of a 6” main, the cost of construction is estimated at \$350/foot or \$140,000 and the subsurface disposal field is approximately \$15,000 for a total estimated site work cost of \$155,000. The applicant intends that the future buyer of the lot construct the new driveway, water line and new septic field and absorb all associated costs. We are in the process of seeking more accurate construction costs estimates and hope to have accurate estimates prior to the meeting.

Consultants include Tom Farmer, Landscape Architect, and Mark Cenci, Mark Cenci Geologic, Inc, Licensed Site Evaluator.

[The applicants for the amended plan have retained William C. Haskell, P.E. for engineering services and Owen Haskell, Inc for surveying services.](#)

11 Whenever situated, in whole or in part, within the watershed of any pond or lake or within two hundred fifty (250) feet of any wetland, great pond or river as defined in Title 38 M.R.S. §436-A, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water;

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

(1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

(2) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, 38 M.R.S. §435 et seq., or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;

The project is not located in the watershed of any such protected resource.

12 Groundwater. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;

No adverse groundwater impacts are anticipated, subject to the provision of adequate documentation regarding septic system HHE200 for the homes to be built.

13 Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

The project is not located in the 100-year Flood Plain.

14 Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

There are no wetlands depicted on the subdivision survey. The applicant has confirmed that a wetlands delineation/determination has been performed.

15 Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district;

The parcel does not appear to be farmland.

16 River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S. §480-B (9)

No such river, stream or brook has been identified on the parcel.

17 Storm water. The proposed subdivision will provide for adequate storm water management, as per Chapter 601(IV) (L), and Chapters 320 and 330 of the Town Code.

Town Engineer Steve Johnson Comment:

- a. *A pre- and post-development storm flow analysis will not be required. The applicant is proposing to convey access road runoff via a ditch system along the roadway to the proposed new lot. The channelized flow will be converted back to sheet flow via a level lip spreader. However, the applicant is only proposing a lip spreader on the easterly ditch line. The westerly ditch line shall also include a lip spreader.*

Town Engineer Comment, Revised Plans: A pre- and post-development storm flow analysis will not be required. The applicant is proposing to convey access road runoff via a ditch system along the driveway to the proposed new lot. The channelized flow will be converted back to sheet flow via a level lip spreader.

18 Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river,

stream, brook, great pond or coastal wetland as these features are defined in 38 M.R.S. §480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

There is no shore frontage, and no spaghetti lots.

- 19 Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;**

The project is not located in the watershed of a great pond.

- 20 Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and**

The subdivision does not cross municipal boundaries.

- 21 Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to 12 M.R.S. §8869(14). If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to 32 M.R.S. §5501 et seq. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester..**

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in 12 M.R.S. §8868(6) and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to 12 M.R.S. §8869(14).

The subdivision is not subject to liquidation harvesting.

B. General Standards

1. Blocks:

- a. The length, width and shape of blocks shall be determined with due regard to:*
- i. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.*
 - ii. Zoning requirements as to lot sizes and dimensions.*
 - iii. Needs for convenient access, circulation, control and safety of street traffic.*

- iv. *Limitations and opportunities of topography.*
- b. *Blocks shall not be less than 400 feet, nor more than 1200 feet in length except as the Planning Board considers necessary to secure the efficient use of land or desired features of street pattern. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20 foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a 5 foot wide paved footpath be included. The Planning Board shall require the subdivider to provide for the proper maintenance of any such easement.*

As a three-lot subdivision, no blocks are created.

2. Lots:

- a. *The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.*
- b. *Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.*
- c. *Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across where there shall be no right of access, shall be provided along the lines of lots abutting such a traffic artery or other disadvantageous use.*
- d. *Side lot lines shall be substantially at right angles or radial to street lines.*

The lot configuration conforms to zoning requirements, and lot shapes are reasonable.

- 3. Easements for Natural Drainage Ways:** *Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both. Such easement or right-of-way shall be not less than 30 feet in width.*

No natural drainage ways requiring an easement have been identified on the site.

4. Utilities

- a. *The size, type and location of public utilities, such as street lights, electricity, telephones, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with Appendix A and B.*
- b. *Utilities shall be installed underground except as otherwise approved by the Board.*

No utilities are shown on the plans. Utilities shall be shown on the final plans, and utilities shall be underground unless a waiver is requested, with justification provided.

5. Trees, Open Space, Trail Connectivity

- a. *Street trees: Street trees shall be required unless waived by the Planning Board as per Article V.B. Street trees are required on new and existing public street frontages including two trees per lot or tree spacing of 35' on center, whichever is greater. Preservation of existing healthy trees may be credited toward the tree requirement if determined by the Planning Board to meet the intent of this section. If conditions or constraints warrant a waiver of the required number of street trees as recommended by the Town Tree Warden, a fee of \$200 per tree may be required by the Planning Board in lieu of providing such trees, which funds shall be dedicated to the Yarmouth Tree Trust. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses. Appropriate protection will be provided for the most healthy and favorable Street Trees and, if lost due to construction, shall be replanted according to the requirements of the Tree Committee or Town Tree Warden.*

- b. *The subdivision shall include suitable easements, rights and improvements to connect or continue off-premises public infrastructure including but not limited to existing or planned trails or open spaces as may be required by the Planning Board.*

Street trees are not required on private roads or driveways. No trail connections are required.

- 6. Connect with Public Infrastructure:** *All developments shall be designed so as to be consistent with applicable master plans and facilities plans and, if and as applicable, to connect with off premises infrastructure associated with such plans, including but not limited to public water, sewer and stormwater, street networks, trails, pedestrian and bicycle network, environmental management or other public facilities.*

The driveway is adjacent to the historic Ledge Cemetery. The applicant has provided an easement to the Town of Yarmouth for maintenance of the Town-owned cemetery. The maintenance easement shall be recorded along with the revised recording plat as a condition of approval.

7. Street Access to Adjoining Property:

1) In the case of residential subdivisions:

- a. The proposed street layout of public streets and private streets shall be coordinated with the street system of the surrounding areas. Wherever possible, streets shall provide for the continuation or appropriate connection to streets in surrounding areas and provide means of ingress and egress for surrounding acreage tracts.
- b. When connecting streets within residential neighborhoods, new streets shall contribute to a neighborhood street system characterized by a network of interconnected streets, which minimizes through-traffic in residential neighborhoods. The layout of subdivision lots, streets, and pedestrian ways shall promote multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.
- c. The interconnection of new and existing streets is further subject to the following provisions to minimize and mitigate through-traffic in residential neighborhoods:

Although the Sanders subdivision is currently proposed surrounding this parcel, there does not appear to be any advantage gained or prospect for connecting this private road into that subdivision.

8. Technical and Design Standards

All subdivisions shall be designed and constructed in conformance with Article V, Technical and Design Standards, and Technical Appendices.

Construction details for the private road conform to the subdivision technical standard of Chapter 601, Appendix B6a. The required turn-around shall conform to the specifications of Chapter 601, Appendix B7.

Fire Chief Michael Robitaille Comments:

- a. The property will need to have a fire department access road that is within 50' of at least one exterior door that can be opened from the outside to provide access to the interior of the building. (Applicant Agreed)
- b. A 4" house number shall be located at the roadway and an additional house number shall be located on the actual building (residence). (Applicant Agreed)

- c. Fire Department access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical distance of no less than 13 feet and 6 inches.
- d. The designed driveway is fourteen (14) feet wide. All vegetation must be cleared not less than three (3) feet on both sides of the proposed driveway. (Applicant Agreed)
- e. The home shall be equipped with smoke and carbon monoxide detectors as required by Life Safety 101 and NFPA 1. (Applicant Agreed)

Additional Comments – February 6, 2019

The plans submitted to the Town of Yarmouth in January 2019 meet the fire department recommendations. However, it was noted that the water distribution in that part of town may not be adequate for fire suppression requirements according to the National Fire Protection Association (NFPA). The fire flow requirement for One- and Two-Family Dwellings is required to be a minimum of One Thousand (1,000) gallons of water per minute for a period of one hour. (NFPA 1, Section 18.4.5.1)

Fire flow requirements are based on the size and type of construction. I can only assume that the structures being built will be less than 5,000 square feet. If the buildings are greater than 5,000 square feet, the required fire flow will be greater.

A reduction in required fire flow of seventy-five (75) percent shall be permitted where the one- and two-family dwelling is provided with an approved automatic sprinkler. (NFPA 1, Sec. 18.4.5.1.2)

A meeting should be held to determine the water capacity at the closes fire hydrant. If the hydrant is within One thousand (1,000) feet of a structure then we would not require, although we would recommend, a residential sprinkler.

If more than two residential structures are located on this access road; they will need to meet the requirements of the E-911 Ordinance. This would require that the access road be named as required in the street ordinance.

The applicant is requesting a waiver from the maximum grade of 3% within 75 feet of the intersection with Lafayette Street. The Public Works Director and Town Engineer support this waiver.

Applicant Statement: We are requesting one waiver at the intersection of the new road. The Ordinance calls for a 3% grade within 75' of the intersection. In order to fit the new road more harmoniously into the existing topography, we are requesting a slight reduction on the standards. The proposed design is 4% within 40' of the intersection. This still allows a large delivery truck to approach the intersection and come to a safe landing prior to entering onto Lafayette Street. As outlined in Appendix A.1, Roadway Geometric Standards, footnote #8, we are proposing the road be designated as "private" in order to ask for leniency from the higher standards.

Town Engineer Comment:

- a. *Driveway Construction Plan Drawing 3*
 - i. *Another level lip spreader shall be shown and constructed on the westerly side of the road entrance beyond the barn to convert the channelized flow back to sheet flow;*
 - ii. *The technical standards require that the road intersection angle be 90 degrees for the first 50 feet of the roadway per Chart A.1 Roadway Geometric Standards (shown with the maximum grade information). The alignment and grading shall be updated to meet the standards, or the standard must be waived by the Planning Board. Given the posted speed of Lafayette Street I recommend that the Planning Board NOT grant a waiver to this standard.*
- b. *Driveway Construction Details Sheet D-1*

- iii. *The level lip spreader detail notes the detail is only illustrative and has not been sized. The detail shall include the sizing criteria to allow the contractor or owner to size and properly locate the lip spreader.*
- c. *Driveway Construction Details Sheet D-2*
 - iv. *The Typical Driveway Section shows the road surface to be Type A aggregate base material, however Section 7 of the application submission has indicated that the road has been designed with a paved surface. While not required, pavement would definitely be helpful for future maintenance and winter ascent of the drive. In any event, this discontinuity should be corrected;*
 - v. *The underground electric detail shows a single conduit. The applicant should verify this with Central Maine Power prior to finalizing the drawings since I anticipate two (2) conduits will be required to serve a home that distance from the primary lines in Lafayette Street. Additionally, the trench does not show conduits for phone and cable infrastructure. No overhead utilities will be allowed so the new lot would be limited to cell phone and satellite service unless additional conduits were installed.*

The amended plans show adequate and multiple utility conduits, and the driveway as paved. The Town Engineer has approved the revised driveway stormwater management plan.

C. Back Lot Standards (From Application Material)

(1) One lot has at least 50 feet of frontage on a public street, and if nonconforming as to lot frontage or lot width, the frontage of that lot is not reduced, except that an easement may be provided for access to a back lot, and the remaining lot area of the original lot is no less than the applicable minimum lot size of the zone in which it is located.

The LDR district requires 200' of road frontage and 2 acre lot minimum. The proposed Lot 1 has 393.67' of frontage and 2.06 acres.

(2) The back lot meets the applicable minimum lot size of the zone in which it is located.

The proposed Lot 2 is 8.94 acres.

(3) Access to the back lot is provided by a private driveway to be constructed within a 30 foot right of way which the back lot owner either owns or has an easement to cross and which intersects with an accepted Street. The improved portion of the Driveway shall be a minimum of 14 feet in width.

The proposed Lot will be granted a 30' wide driveway easement over Lot 1 and intersects with Lafayette Street. This same easement has been granted to the Yarmouth Water District. The driveway will be 14' wide and otherwise constructed per the RR Access Road Construction Standards, as required in this section.

(3) The private Driveway does not provide access to more than two back lots and its intersection with a public Road is a minimum of 50 feet from another private Driveway accessing a back lot.

Only one back lot is being proposed and is not adjacent to any other driveways serving other back lots.

(5) The home to be constructed on the back lot shall be at least distance equal to the applicable lot width of the zone in which it is located from the public Road providing access to the lot. In addition the setback requirements of the zone in which the home is located shall apply.

The minimum lot width in the LDR district is 200'. The closest point of the building window on the proposed back lot is 230' from Lafayette Street. The building setbacks lines have been shown on the plan. The LDR district requires 40' front yard (closest to Lafayette Street), 20' side and 40' rear. This particular lot has further buildable area restrictions due to Height Restriction Area and an existing water line easement.

(6) Building permit applications are reviewed and approved in writing by Town officials, including the Town Engineer and Building Inspector, in accordance with the following standards:

(a.) The Fire Chief and Town Engineer shall ensure that emergency vehicles are provided with adequate turn around space and adequate access to the house. The turn-around shall be at least 75' away from the Building and constructed per the attached detail, unless waived by the Town Engineer.

The back lot driveway and hammer-head turn around has been shown and designed per the requirements of the Ordinance. The House will be at least 75' from the proposed turn-around.

(b.) The Town Engineer shall approve detailed construction drawings to ensure that the driveway design and construction meet the following standard engineering and construction specifications:

i.) All erosion and sedimentation control devices shall use the Best Management Practices as defined by the Cumberland County Soil and Water Conservation Service, and shall be in place prior to the start of any construction.

Erosion and sedimentation control device will be specified and requested of the Contractor.

ii.) The access Road shall be constructed in accordance with the attached cross section. The requirements will be 14' minimum travel width and 15" depth of type-C MDOT gravel.

The back lot driveway and hammer-head turn around has been shown and designed per the requirements of the attached cross section. The requirements will be 14' minimum travel width and 15" depth of Type-C MDOT gravel.

iii.) All drainage improvements shall be completed in accordance with the Best Management practices as defined by the Cumberland County Soil and Water Conservation Service.

The only drainage improvements proposed are the new driveway side swales, which are designed at 15" deep and direct all runoff onto Lot 2. The swales will be loamed and seeded and rip-rap erosion control check dams will be provide every 40' within the swales.

A level lip spreader has been added to the end of the easterly road ditch. The Town Engineer requires that a level lip spreader be provided on the westerly ditch as well.

iv.) All culverts shall be sized to accept a 25 year storm event. Documentation and drainage calculations shall be provided to the Town Engineer when requested. The homeowner shall pay for the drainage analysis.

Culverts are not necessary. All runoff will be directed into the driveway side swales and onto Lot 2, which has over 240' of pasture buffer on the lot.

v.) No access Road shall exceed a 6% grade for gravel or 8% grade for pavement unless waived by the Town Engineer.

Currently, the driveway is proposed as compacted aggregate surface and designed at 6% gradient.

vi.) Construction material shall be in conformance with the Town's Sewer, Subdivision, and other applicable ordinances, and the Town's contractor's handbook, and shall be approved by the Town Engineer.

Sewer will be handled via a private septic field on site. All other construction materials will be in accordance with the Town's standards.

vii.) The homeowner shall pay for all test pit work. The testing may include gradation, compaction, or other applicable tests to verify that the materials meet Town specifications.

(c.) All applicable Federal, State, and local permits have been obtained.

Because it is a State Highway, a Maine DOT entrance Permit will be required. The application has been prepared and pending approval. We do not anticipate any concerns from the Maine DOT. The approval will be forwarded to the Town Planner as soon as received.

(7) The Town Engineer shall inspect and certify in writing that all improvements have been made in accordance with the Town Ordinances. The certification shall be given to the Code Enforcement Officer for his/her records.

(8) No certificate of occupancy shall be issued until completion of all Roadway improvements have been certified by the Town Engineer.

(9) No certificate of occupancy shall be issued until the applicant shows evidence satisfactory to the Planning Director or their designee that there is an adequate supply of potable water for the residence.

V. PROPOSED MOTIONS

A. Waiver Requests

Below please find the provisions from the Subdivision Ordinance, Chapter 601, regarding the Planning Board's authority to grant waivers under Chapter 601, Article VI.B, and a motion for the Board to consider for each waiver request.

CHAPTER 601, ARTICLE VI.B, WAIVER PROVISION

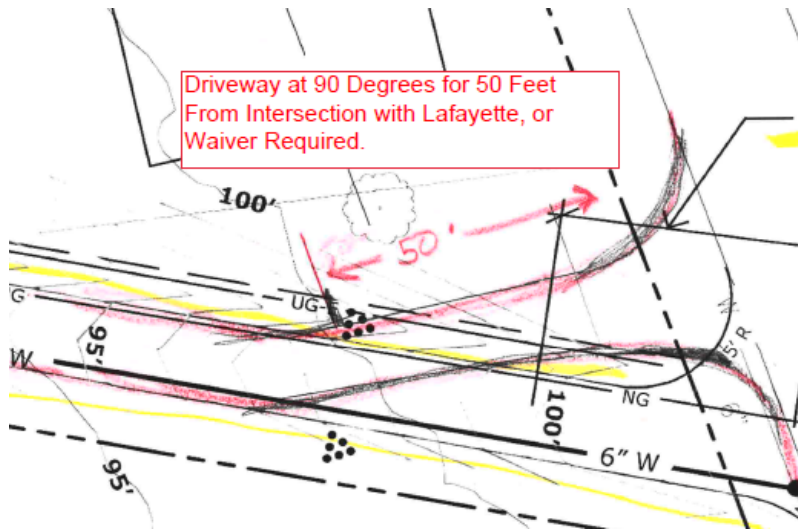
1. Where the Planning Board finds that, due to special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.
2. In granting modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

Two waivers are requested/required:

1. Maximum Grade of 3% for 75 feet at intersection;
2. Perpendicular (90 Degrees) angle of roadway to Lafayette Street

The Town Engineer supports the first waiver but does not support the 90 degree requirement waiver. His comment is as follows:

- i. *The technical standards require that the road intersection angle be 90 degrees for the first 50 feet of the roadway per Chart A.1 Roadway Geometric Standards (shown with the maximum grade information). The alignment and grading shall be updated to meet the standards, or the standard must be waived by the Planning Board. Given the posted speed of Lafayette Street I recommend that the Planning Board NOT grant a waiver to this standard.*



Chapter 601, Article VI.B, Waivers

Preamble: On the basis of the application, plans, reports and other information submitted by the applicant, and the findings and recommendations contained in Planning Board Report dated 2/21/2019 for 474 Lafayette Street Final Minor Subdivision, Elena and Mark Grassia, Applicants, Map 4, Lot 12A, the Planning Board finds that:

1. **Maximum Grade at Intersection:** Due to special circumstances of the particular plan, the provision of certain required improvements **[is not/is]** requisite in the interest of public health, safety, and general welfare, the request for waiver of the 3% grade within 75' of the intersection to allow a 4% grade within 40' of the intersection. **[is/is not]** granted.

Such motion moved by _____, seconded by _____, and voted _____ in favor, _____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

Waiver approved, 2/27/2019.

2. **Road intersection 90 Degree Requirement:** Due to special circumstances of a particular plan, the provision of certain required improvements **[is not/is]** requisite in the interest of public health, safety, and general welfare, the request for waiver of the requirement that the road intersection angle be 90 degrees for the first 50 feet of the roadway per Chart A.1 Roadway Geometric Standards **[is/is not]** granted.

Such motion moved by _____, seconded by _____, and voted _____ in favor, _____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

[Plans revised to show 90 degree intersection. This waiver was withdrawn.]

- B. Chapter 601, Subdivision, Review Standards of Article I.D:** On the basis of the application, plans, reports and other information submitted by the applicant, and the findings and recommendations contained in Planning Board Report dated 2/21/2019 for 474 Lafayette Street Final Minor Subdivision, Elena and Mark Grassia, Applicants, Map 4, Lot 12A, the Planning Board finds that the plan **(is/is not)** in conformance with Chapter 601, Subdivision Ordinance, subject to the following conditions of approval:

This was approved by the Planning Board on February 27, 2019, subject to these conditions. The current plan

satisfies some of these conditions which are shown as ~~cross-outs~~, and additional conditions are shown in blue text.

1. The applicant or future home developer shall submit HHE-200 forms at the time of building permit applications.
 - ~~2. An ability to serve letter from YWD is shall be submitted.~~
 3. The following requirements are necessary for the lot to be eligible to obtain water service:
 1. The new singular lot must have a minimum of 30' of deeded frontage on the water main on Lafayette Street, an easement does not constitute as deeded ownership.
 2. The District would need a copy of the recorded deed and parcel plot plan clearly showing that the lot has ownership of frontage and all Town approvals before the District installs a water service.
 3. To receive District approval to install a service line from the water main to the new lot, the owner of the new lot must enter into and record a Deed Restriction that would require a main extension to be constructed at that owner's expense if any portion of the new lot is transferred, gifted or subdivided, etc. This is to protect against a temporary land transfer that would take away legal frontage for the lot and against subdivision of the lot into new lots that would require a main extension to be constructed.
- After those criteria are met the District will complete an estimate to install a water service from the 16" main on the opposite side of the street. The District will be doing all the work for a new water service inside the ROW of Lafayette Street at the customer's expense. We will determine the location of the service and meter pit based on other utility locations, where the customer's deeded frontage is located, and the location of the driveway. As mentioned, a meter pit is required due to the length of the service to the home. We recommend the size of the private portion of the customer's service line to be 1.5"-2" tubing to minimize friction loss and velocity through the tubing.
4. All ~~erosion and sedimentation control~~ BMP's shall be installed prior to the disturbance of any vegetation and shall be maintained until the site has stabilized and been revegetated.
 5. ~~The applicant has provided an easement to the Town of Yarmouth for maintenance of the Town-owned Ledge Cemetery. The maintenance easement shall be recorded along with the revised recording plat~~
 - ~~6. Another level lip spreader shall be shown and constructed on the westerly side of the road entrance beyond the barn to convert the channelized flow back to sheet flow.~~
 - ~~7. The level lip spreader detail notes the detail is only illustrative and has not been sized. The detail shall include the sizing criteria to allow the contractor or owner to size and properly locate the lip spreader.~~
 - ~~8. The Typical Driveway Section shows the road surface to be Type A aggregate base material, however Section 7 of the application submission has indicated that the road has been designed with a paved surface. While not required, pavement would definitely be helpful for future maintenance and winter ascent of the drive. In any event, this discontinuity should be corrected; The revised plan shows a paved driveway detail.~~
 - ~~9. The underground electric detail shows a single conduit. The applicant should verify this with Central Maine Power prior to finalizing the drawings since I anticipate two (2) conduits will be required to serve a home that distance from the primary lines in Lafayette Street. Additionally, the trench does not show conduits for phone and cable infrastructure. No overhead utilities will be allowed so the new lot would be limited to cell phone and satellite service unless additional conduits were installed. The revised plan shows separate conduits.~~
 10. ~~Driveway intersection with Lafayette St must be at 90 degrees. Given the grade of the driveway, maintaining the 3% cross slope will be key. I would recommend that the driveway be paved, or a processed reclaim surface be installed. If reclaim, annual maintenance grading will be required to~~

~~maintain the proper cross slope and to prevent erosion from the driveway surface.~~ Revised plan shows driveway at 90 degrees and paved.

- ~~11. The technical standards require that the road intersection angle be 90 degrees for the first 50 feet of the roadway per Chart A.1 Roadway Geometric Standards (shown with the maximum grade information). The alignment and grading shall be updated to meet the standards, unless the standard is waived by the Planning Board.~~ Revised plan shows driveway at 90 degrees.

12. The Plans shall meet the requirements of Fire Chief Michael Robitaille:

The plans submitted to the Town of Yarmouth in January 2019 meet the fire department recommendations. However, it was noted that the water distribution in that part of town may not be adequate for fire suppression requirements according to the National Fire Protection Association (NFPA). The fire flow requirement for One- and Two-Family Dwellings is required to be a minimum of One Thousand (1,000) gallons of water per minute for a period of one hour. (NFPA 1, Section 18.4.5.1)

Fire flow requirements are based on the size and type of construction. I can only assume that the structures being built will be less than 5,000 square feet. If the buildings are greater than 5,000 square feet, the required fire flow will be greater.

A reduction in required fire flow of seventy-five (75) percent shall be permitted where the one- and two-family dwelling is provided with an approved automatic sprinkler. (NFPA 1, Sec. 18.4.5.1.2)

A meeting should be held to determine the water capacity at the closes fire hydrant. If the hydrant is within One thousand (1,000) feet of a structure then we would not require, although we would recommend, a residential sprinkler.

If more than two residential structures are located on this access road; they will need to meet the requirements of the E-911 Ordinance. This would require that the access road be named as required in the street ordinance.

Such motion moved by _____, seconded by _____, and voted
_____ in favor, _____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

Attachments:

1. Town Engineer Steve Johnson Review Memo, 4/26/2020
2. Eric Gagnon, Ass't Superintendent, Yarmouth Water District, Letter, 3/25/2020

Memo

To: Alex Jaegerman, FAICP, Director of Planning and Development
From: Steven S. Johnson, P.E., Town Engineer
CC: Erik Street, Nicholas Ciarimboli, Tom Connolly, Wendy Simmons, Karen Stover
Date: March 26, 2020
Re: Minor Subdivision Amendment Application 474 Lafayette Street

Alex:

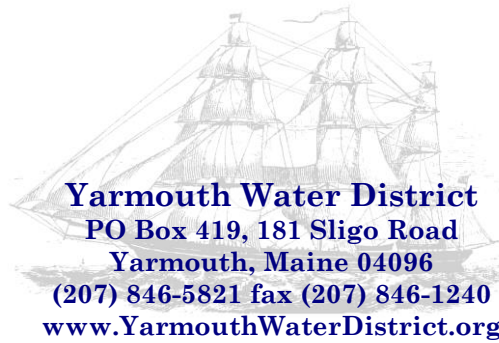
I have reviewed the application from Will Haskell, P.E., on behalf of Pamela Higgins and Stephen Connolly for the amendment of a minor subdivision creating a new back lot dated March 9, 2020. I have the following technical comments on the application:

1. General: The applicant is proposing to amend the subdivision creating a buildable lot (8.94 acres) under the Town's back lot standard. The parcel is located in the Low Density Residential (LDR) and will be served by a private driveway and frontage gained on Lafayette Street.
2. Rights, Title: The applicant has submitted adequate right, title and interest in the property however there appears to be a deed restriction regarding sight lines as well as other utility easements.
3. Solid Waste: The new lot will be residential and may be served by the Town transfer station.
4. Water: The parcel will be served by the Yarmouth Water District (District) and has capacity to serve the new dwelling.
5. Traffic\Parking: A prior applicant submitted an MDOT drive entrance permit application for the driveway. No traffic or parking study will be required for a single lot. The applicant has submitted evidence that the available sight distance at the new drive entrance will exceed MDOT and Town standards.
6. Sewers: The new lot will be served by subsurface wastewater disposal systems. The applicant has submitted evidence the soils will support a system per the plumbing code and subsurface wastewater disposal rules.
7. Storm Drains: All storm drain infrastructure must conform to Yarmouth Town Standards.
8. Drainage, Stormwater Management:

- a. A pre- and post-development storm flow analysis will not be required. The applicant is proposing to convey access road runoff via a ditch system along the driveway to the proposed new lot. The channelized flow will be converted back to sheet flow via a level lip spreader.
9. Erosion and Sediment Control: Erosion and Sedimentation Control (ESC) Best Management Practices (BMP's) have been incorporated into the project as required. All BMP's shall be installed prior to the disturbance of any vegetation and shall be maintained until the site has stabilized and been revegetated.
10. Soils: The Applicant has submitted evidence the soils existing on the site are adequate for the installation of a disposal field per the plumbing code.
11. Site Plan/Ordinance Requirements: The applicant has provided evidence that no historic properties or any endangered or threatened species will be impacted by the project.
12. Lighting: A lighting and photometric plan will not be required
13. Waivers: The applicant is not requesting any waivers.
14. Off-site Improvements: None proposed.
15. Site Plan Drawing Comments: I have no concerns with the drawings as proposed.
16. A security bond, letter of credit or cash deposit and (2%) inspection fee will **NOT** be required. Once approved, I will release the previously held escrow back to the applicants.

I would be pleased to review any other aspect of the application that you or the Planning Board may decide.

Robert N. MacKinnon, Jr.
Superintendent



Irving C. Felker, Jr.
Chairman, Board of Trustees

March 25, 2020

Alex Jaegerman, FAICP
Director of Planning & Development
Town of Yarmouth
Via Email: AJaegerman@yarmouth.me.us

RE: 474 Lafayette Street, MAP 4 LOT 12A1

Dear Mr. Jaegerman,

The Yarmouth Water District has the capacity to provide water service to the above-referenced project. The District has reviewed the application and has the following comments.

The following requirements are necessary for the lot to be eligible to obtain water service:

1. The new singular lot must have a minimum of 30' of deeded frontage on the water main on Lafayette Street, an easement does not constitute as deeded ownership.
2. The District would need a copy of the recorded deed and parcel plot plan clearly showing that the lot has ownership of frontage and all Town approvals before the District installs a water service.
3. To receive District approval to install a service line from the water main to the new lot, the owner of the new lot must enter into and record a Deed Restriction that would require a main extension to be constructed at that owner's expense if any portion of the new lot is transferred, gifted or subdivided, etc. This is to protect against a temporary land transfer that would take away legal frontage for the lot and against subdivision of the lot into new lots that would require a main extension to be constructed.

After those criteria are met the District will complete an estimate to install a water service from the 16" main on the opposite side of the street. The District will be doing all the work for a new water service inside the ROW of Lafayette Street at the customer's expense. We will determine the location of the service and meter pit based on other utility locations, where the customer's deeded frontage is located, and the location of the driveway. As mentioned, a meter pit is required due to the length of the service to the home. We recommend the size of the private portion of the customer's service line to be 1.5"-2" tubing to minimize friction loss and velocity through the tubing.

Please keep us informed as this project progresses. If you have any questions, please call

Sincerely,

A handwritten signature in dark ink, appearing to read "Eric Gagnon", is written over a horizontal line.

Eric Gagnon
Assistant Superintendent