

TOWN OF YARMOUTH

Department of Planning and Development
200 Main Street Yarmouth, Maine 04096

(207)846-2401

WWW.YARMOUTH.ME.US

Fax: (207)846-2438

SITE PLAN APPLICATION FORM

☒ Minor ☐ Major

Date: 5/14/2020 Zoning District MOR Map 46 Lot 105 Ext

Site Location

Property Owner

Mailing Address

E-mail Address

Phone

Magnolia Lane
Town of Yarmouth
200 Main St.
edonohue@yarmouth.me.us
207-846-2406 Fax

Name of Project

Existing Use

Proposed Use

Village Run Trail Project
recreational open space
recreational open space

Amendment to a previously approved site plan?

Yes ☐ No ☒

Special exception use?

Yes ☐ No ☒

Fee: \$100.00/1000 sq. ft.; up to \$3000.00

The Department of Planning and Development shall send notices to all property owners at a minimum of 500 feet including a description of the proposal. Letters will be at a cost of \$5/letter to the applicant.

The Town will correspond with only one contact person/agent for this project. Please provide the requested information regarding the contact person/agent.

Contact person/agent

Mailing Address

E-mail Address

Phone

Erik Donohue
200 Main St. Yarmouth, ME
edonohue@yarmouth.me.us
207-846-2406 Fax

I certify that, to the best of my knowledge, all information provided in this application form and accompanying materials is true and accurate.

Signature of Owner

(If signed by Owner's agent, provide written documentation of authority to act on behalf of applicant.)

"I authorize appropriate staff within the Yarmouth Planning Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to collect facts pertaining to my application."

Erik Donohue, Parks Specialist
Print or type name and title of signer

1. PROJECT DESCRIPTION

A. In a separate document please describe the overall project objectives and proposed uses of property, including quantity and type of residential units (if any).

B. Project details

1. Name and approval date of subdivision this site is in (if applicable)

Village Run Cottage Subdivision

Subdivision lot numbers (if applicable) NA

2. Assessor's Map number(s) 46 Lot number(s) 105

3. Existing zone(s) of the site

Medium Density Residential

Shoreland Overlay District ☐ Yes ☒ No

Affordable Housing District ☐ Yes ☒ No

Mobile Home Park Overlay ☐ Yes ☒ No

4. a. Total land area of site (all contiguous land in same ownership)

9.3 acres

b. Total floor area of each proposed building in square feet

NA

c. Footprint of each proposed building in square feet

NA

d. Height of proposed building(s) NA feet NA stories

e. Total number of proposed parking spaces NA

f. Number of proposed handicap parking spaces NA

C. Existing conditions

1. Existing land use open space

2. Total floor area of each existing building in square feet

NA

3. Footprint of each existing building in square feet

NA

D. Attach as Exhibit #1 a map such as the Maine Atlas and Gazetteer map (clean photocopies are acceptable). Indicate the location of your project on map.

E. Construction sequence

1. Estimated time of start of project June 2020

Estimated time of completion of project August 2020

2. Is this to be a phased project? Yes ☐ No ☒

3. Attach as Exhibit #2 a construction schedule outlining the anticipated sequence of construction (beginning and completion) for the major aspects of the proposed project, including roads, erosion control and drainage measures, structures, sewer and water lines, other utilities, paving, landscaping.

2. RIGHT, TITLE, OR INTEREST

A. Name and mailing address of record owner of the site

Town of Yarmouth

200 Main St.

Yarmouth, ME 04096

Phone 207-846-9036

Fax _____

B. Attach as Exhibit #3 evidence of corporate or partnership status, if applicant is not an individual.

- C. Attach as Exhibit #4 evidence of applicant's right, title, or interest in the site. A complete copy of the document must be provided; financial information may be deleted.
- D. Attach as Exhibit #5 a copy of the current owner's existing deed for the site.
- E. Attach as Exhibit #6 summary lists of all existing and all proposed easements or other burdens for this property. More detailed information may be required, depending on the particular circumstances of the site.
- F. If a condominium, homeowners, or property owners association will be established, attach as Exhibit #7 the articles of incorporation, the Declaration of Covenants and Responsibilities, and the proposed by-laws of the organization.

3. FINANCIAL CAPACITY

- A. Estimated cost of the project (including land purchase and development costs)

\$ 3,000

- B. Attach as Exhibit #8 evidence of your financial capacity to complete the proposed development. Submit one or more of the following (please check as appropriate):

- ☐ 1. A written statement from the applicant's bank or a certified public accountant who recently has audited the applicant's finances stating that the applicant has cash reserves in the amount of the estimated cost of the project and can devote those reserves to the project.
- ☐ 2. When the applicant will personally finance the development, provide copies of bank statements or other evidence, which will indicate availability of funds, and evidence that the applicant can devote these funds to the project.
- ☐ 3. The most recent corporate annual report showing availability of sufficient funds to finance the development, together with a statement from the applicant that the funds are available and will be used for the proposed project.
- ☐ 4. A letter from a financial institution, governmental agency, or other funding agency, which indicates a timely commitment to provide a specified amount of funds and the uses for which the funds may be utilized.
- ☐ 5. In cases where outside funding is required, but there can be no commitment of money until regulatory approvals are received, a formal letter of "intent to fund upon approval" from a funding institution indicating the amount of funds it is prepared to provide, their specified uses and the conditions on which funds will be made available.

4. TECHNICAL ABILITY

- A. List all projects undertaken by the applicant within the last five years, beginning with the most recent project:

West Side Trail Phase II

- B. Have done no prior projects ☐

- C. Attach as Exhibit #9 a list of all consultants retained for this proposed project, such as engineers, architects, landscape architects, environmental consultants; and those firms or personnel who will be responsible for constructing, operating and maintaining the project.

5. SOLID WASTE

Attach as Exhibit #10 an explanation of the proposed method of collection, removal, and disposal for anticipated solid waste from this project.

6. WATER

Attach as Exhibit #11 written confirmation from the Yarmouth Water District that it can supply the proposed development and that the proposed plan has been approved by the District. If the

applicant proposes a private supply, provide evidence that a sufficient and healthful water supply is available for the proposed development.

7. TRAFFIC

Attach as Exhibit #12 a written evaluation and demonstration of the adequacy and availability of adjacent streets to serve the proposed project. If you must submit a full traffic study to DEP, provide two (2) copies with this application. (see Ch. 702 H.2.)

8. SANITARY SEWERS AND STORM DRAINS

A. Estimated sewage gallons per day for the completed project

NR

Please note that the Town Manager must approve new sanitary sewer connections that are considered sewer extensions.

B. Will this project generate industrial or non-sanitary waste that will enter the public sewer or drains? No ☒ Yes ☐

If yes, please describe proposed types and amounts:

C. If a subsurface wastewater disposal system is proposed, provide evidence that it conforms to the requirements of the State Plumbing Code.

9. SURFACE DRAINAGE AND-RUNOFF, STORMWATER MANAGEMENT

A. Attach as Exhibit #13 a description of any problems of drainage or topography, or a representation that, in the opinion of the applicant, there are none.

B. Attach as Exhibit #14 a complete stormwater management plan, including drainage calculations for pre- and post-development for 2 yr. and 25 yr. storm events, a drainage plan, and an assessment of any pollutants in the stormwater runoff, that meets the requirements of Chapter 702, Review Criteria re Stormwater Management.

10. EROSION AND SEDIMENTATION CONTROL

A. Attach as Exhibit #15 a written description of erosion and sedimentation control measures to be used during and after construction of the proposed project.

B. Show on a plan the proposed location, type, and detail of erosion control devices, unless this information is included on a site plan drawing.

11. SOILS

A. Attach as Exhibit #16 a medium intensity soils classification report, including description of soils and interpretation of engineering properties. Include geotechnical report, if applicable.

B. Show on a plan the existing soil conditions on the site, unless this information is included on a site plan drawing. Include wetlands delineation and report, if applicable.

12. SITE PLAN ORDINANCE REQUIREMENTS

A. Attach as Exhibit #17 list of approvals needed from other agencies, such as the General Board of Appeals, Army Corps of Engineers, and Maine Department of Environmental Protection.

B. Attach as Exhibit #18 a written statement that explains how the project complies with the site plan review criteria and with specific performance standards required in the zoning district, if applicable. If applicable, please note how the proposal specifically complies with the separate components of the Route One Corridor Design Guidelines.

C. Attach as Exhibit #19 a summary list and a written offer of cession to the Town of all proposed streets, utilities and open space proposed for dedication.

D. Attach as Exhibit #20 all requests for waivers including an explanation of the undue hardship or special design requirements, which are the basis for the requests.

E. Attach as Exhibit #21 a written explanation of all potential nuisances associated with this project and how they will be mitigated, or a representation that, in the opinion of the

applicant, there are none.

13. SITE PLAN DRAWINGS, MAPS

- A. Site plan drawings
 - a. paper no larger than 24" x 36", with all drawings in a set the same size
 - b. bound and folded no larger than 9" x 12", with project name shown on front face of folded plan
 - c. number and date drawings, with space for revision dates
 - d. scale of the drawings shall be between 1"=20' and 1"=50'
 - e. show the entire parcel in single ownership, plus off-site easements
- B. Title block shall include:
 - a. identification of plan as "Site Plan"; "Amended" if applicable
 - b. name and address of project
 - c. name(s) and address(es) of site owner and of applicant
 - d. name and address of plan designer(s)
- C. Location map shall include:
 - a. abutting property within one thousand feet of project boundaries
 - b. outline of proposed project
 - c. zoning district(s) of abutting properties
 - d. at least one street intersection
- D. North arrow and scale.
- E. General plan notes shall include:
 - a. zoning district and list of applicable dimensional regulations comparing the required and proposed
 - b. proposed number of units
 - c. required and proposed number of parking spaces
 - d. total square footage of existing and proposed buildings
 - e. square footage of proposed building footprint
 - f. all requested waivers
 - g. indication if proposed structure is to be sprinklered
 - h. total square footage for each use, if applicable
- F. Name, location, width of existing and proposed streets.
- G. A Boundary Survey, Category 1, Condition 2, showing site boundaries.
- H. Setbacks as required by zoning ordinance; zone line if site is transected by a zone line or if zone line is within 30 feet of the boundaries of the site.
- I. Existing and proposed contours at 2' intervals. Show 1' contours and/or spot elevations if sufficient detail cannot be shown with 2' contours.
- J. Buildings, structures, and signs
 - a. location, dimensions, shape, facade elevations, entrances, materials, colors of exterior of proposed buildings, structures, and signs. (see Ch. 701, II, C, E, F)
 - b. description of all finish surface materials
 - c. location, dimensions, shape of existing buildings
 - d. building's setbacks from property line, if different from required yard setbacks
- K. Names of abutting property owners and locations of buildings and curb cuts on abutting properties.
- L. Locations and dimensions of parking areas, loading and unloading facilities, driveways, fire lanes, access points. Give typical parking space dimensions. (see Ch. 701, II H; Ch. 702, J.1, 2, 3)
- M. Location of all existing and proposed easements and rights-of-way, including identification of who has or will receive the easement.

- N. Location, dimensions, materials of existing and proposed pedestrian access ways.
- O. Location and size of existing and proposed utilities, both on-site and in adjoining public ways. Location of nearest existing hydrant. Include installation details for proposed utilities.
- P. Construction drawings showing plans, profiles, cross-sections, and details of appurtenances for sanitary sewer and storm drainage systems.
- Q. Location, height, wattage, bulb type of exterior and building-mounted lighting. Photometric plan consistent with requirements of site plan and zoning ordinances. (See Ch. 701, II X; Ch. 702, J. 4)
- R. Location and description of existing natural features, such as wetlands, watercourses, marshes, rock outcroppings, stands of trees. Natural features to be preserved must be identified on plan.
- S. Existing and proposed landscaping, fencing, screening. Include fence dimensions, location, material, and a table showing number of plants of each species, common and botanical names. Include planting and preservation details, if applicable. Indicate proposed snow storage area, if applicable. (see Ch. 701, II Y, and Ch. 702 J. 5)
- T. Grades, street profiles, typical cross-section, and specifications of proposed streets and sidewalks. These must meet the standards of Ch. 601, Article IV.
- U. A description of any right-of-way, street, sidewalk, open space, or other area the applicant proposes to designate as public.
- V. Name, registration number, seal, and signature of all registered professionals (engineer, land surveyor, architect, landscape architect, etc.) who prepared the plan.
- W. First floor finished floor elevation(s) for all proposed buildings.
- X. If project is within the RP district, extent of floodway and floodway fringe.
- Y. If project is within Shoreland Overlay District, show required setbacks.

Please be advised to keep in touch with the Director of Planning and Development throughout the process, 846-2401; fax 846-2403. Your responsiveness will help the process to run smoothly.

CONDITIONS OF APPROVAL

The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

Surface Water and Groundwater: No owner of a lot, his agents, or successors in interest shall alter the natural course of surface water on any lot in a way which would alter the natural flow of such water across any other parcel, unless such alteration is approved by the owners of all parcels affected. No owner of a lot, his agents, or successors in interest shall use blasting chemicals that generate perhlorates.

Village Run Trail Project- Minor Site Plan Application

Project Description: The Town acquired the Village Run Open Space in 2016 as part of the Village Run Subdivision development. As part of the subdivision approval a trail was planned along the East property boundary to connect the new neighborhood to West Main St. This trail is temporary on hold as the Town pursues plans to protect the abutting Town owned property (map-lot 46-97) for recreational purposes through the Land and Water Conservation Fund Program. After protections are in place it will likely make more sense to locate some of the originally proposed trail on lot 46-97 to avoid the unstable banks of the Village Run Open Space property. As a result of that process, but also based on feedback from the Village Run neighborhood and desire lines that have become evident through observations of public use over the last several years, a separate trail is planned for construction during the summer of 2020. The trail is planned as a 4-foot wide gravel trail and will offer a connection to the schools and village for several neighborhoods and a valuable recreational resource for the Town. The trail will also reduce erosion and other maintenance issues that will manifest from continued use of the unimproved trail system.

Exhibit #1: See drawing 1 of 2

Exhibit #2: Construction Schedule

Construction of the trail is planned to begin in June and be completed in July. Materials will be brought into the site from West Main Street through Town owned lot 46-97 and from Magnolia Lane. Construction will be completed by Yarmouth Community Services Staff and volunteers from the Village Run HOA.

Exhibit #4 and 5: Deeds for Dugas and Barker Parcels

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QUITCLAIM DEED
(With Covenant)

KNOW ALL PERSONS BY THESE PRESENTS, that SLIGO ROAD ASSOCIATES LLC, a Maine limited liability company, having a mailing address of 100 Commercial Street, Suite 414, Portland, Maine 04101, ("Grantor") in consideration of One Dollar and other valuable consideration paid by the Town of Yarmouth, a municipality existing under the laws of the State of Maine, whose mailing address is 200 Main Street, Yarmouth, ME 04096 ("Grantee"), the receipt whereof is hereby acknowledged, do hereby REMISE, RELEASE, BARGAIN, SELL AND CONVEY and forever QUITCLAIM unto the said Town of Yarmouth, its successors and assigns forever, the following described real estate:

A certain lot or parcel of land situated on the southerly side of Magnolia Lane in the Town of Yarmouth, County of Cumberland and State of Maine bounded and described as follows: Beginning at a point on the southerly sideline of Magnolia Lane at the most westerly corner of Parcel "D" as shown on a plan titled "Proposed Land Transfer to Town of Yarmouth from Sligo Road Associates LLC Village Run Residential Development Project Sligo Road, Yarmouth, Maine" dated 1-4-2016 by Belanger Engineering to be recorded, which point is located N 34°32'10" W a distance of 20.51 feet from the westerly corner of land now or formerly of Armand Dubois, Tr.; thence, S 34°32'10" E along said Parcel "D" a distance of 20.51 feet to land now or formerly of Armand Dubois, Tr.; thence, S 37°26'41" E along land of said Dubois 205.01 feet to land now or formerly of Jessica Dubois; thence, S 52°33'24" W along land of said Jessica Dubois 108.00 feet; thence, S 20°56'52" E along land of said Jessica Dubois 174.00 feet to land now or formerly of the Town of Yarmouth; thence, S 18°44'50" E along land of said Town of Yarmouth 280.74 feet to land to be conveyed to Christopher and Maureen Dealaman as shown on said plan; thence, S 71°12'41" W along land to be conveyed to said Dealaman 136.59 feet to land to be conveyed to Thomas and Sally Curtin as shown on said plan; thence, S 71°12'41" W along land to be conveyed to said Curtin 251.06 feet to land now or formerly of Michael J. McNaboe, Tr.; thence, S 69°18'11" W along land of said McNaboe a distance of 168.90 feet to land now or formerly of Michael J. Peacock; thence, N 20°59'59" W along land of said Peacock 315.36 feet to Parcel "A" as shown on said plan; thence, N 56°32'41" E along said Parcel "A" a distance of 132.72 feet; thence, N 17°01'34" W along said Parcel "A" a distance of 197.14 feet to the southerly sideline of said Magnolia Lane; thence, N 46°45'53" E along the southerly sideline of said Magnolia Lane distance of 43.38 feet; thence, northeasterly along the southerly sideline of said Magnolia Lane, along a curve to the right having a radius of 125.00 feet an arc length of 91.05 feet; thence, N 88°29'49" E along the southerly sideline of said Magnolia Lane 86.66 feet; thence, easterly along the southerly sideline of said Magnolia Lane, along a curve to the left having a radius of 175.00 feet an arc length of 244.44 feet; thence, N 08°27'59" E along the southerly sideline of said Magnolia Lane a distance of 88.03 feet to the point of beginning containing 6.9 +/- Acres.

The premises conveyed herein are subject to the terms, conditions and easements set forth in the Village Run Subdivision, Yarmouth, Maine DEP Stormwater Declaration of Restrictions Meadow Buffer) (Stormwater Meadow Buffer #2) of even date herewith executed by Grantor and recorded herewith (the "DEP Stormwater Declaration") relating to the DEP Stormwater Meadow Buffer described therein and Grantor, its successors and assigns reserve the right to construct and maintain a riprap level spreader and associated stone level spreader and drainage infrastructure adjoining such buffer.

Grantor, its successors and assigns, except and reserve from the foregoing, the perpetual right and easement to use such premises for stormwater water drainage purposes, and to flow water onto such premises (from the stormwater ponds located or to be located on the property of Grantor, its successors

and assigns identified as Parcel A and Parcel C on the subdivision plan of Grantor's property to be recorded) over the premises herein conveyed including, without limitation, drainage via a riprap spillway and outlet from the stormwater pond on the property of Grantor, its successors and assigns) and into the pond located thereon and to maintain, repair and replace such stormwater drainage facilities thereon.

Grantor, its successors and assigns, except and reserve from the foregoing, the perpetual rights and easements: (a) to construct and use parking spaces on the premises herein conveyed within a 20 foot wide strip of land adjoining Magnolia Lane, (b) to use a 30 foot wide strip of land adjoining Magnolia Lane to construct and grade road slopes and drainage facilities, including the construction and maintenance of box culverts; and (c) to grade and use a 15 foot wide strip of land along the westerly border of the premises herein conveyed running from the southerly side of Magnolia Lane southerly a distance of 197 feet, in connection with the construction, maintenance and use of the stormwater pond by Grantor, its successors and assigns, abutting the land herein conveyed.

Grantor covenants to work with the Grantee to relocate trails within and at the edges of the gravel pit that are impacted by construction of Grantor's property adjoining subdivision

Grantee, its successors and assigns, covenant and agree that the premises described above shall be used solely as recreational open space limited to passive outdoor recreation such as walking trails and sledding, subject to such reasonable rules and regulations as the Town may establish and no development, buildings or other improvements shall be located thereon.

TO HAVE AND TO HOLD, the same, together with all the privileges and appurtenances thereunto belonging, to the said Town of Yarmouth, its successors and assigns forever, to use and behoof forever.

AND the undersigned **COVENANTS** with the said Grantee, its successors and assigns forever, that it will **WARRANT AND FOREVER DEFEND** the premises to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under Grantor.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed and delivered this 10th day of February, 2016.

WITNESS:



STATE OF MAINE
CUMBERLAND, SS.

SLIGO ROAD ASSOCIATES LLC

By: 
Matthew D. Teare, its Manager

2 10, 2016

PERSONALLY APPEARED the above named Matthew D. Teare, Manager of Sligo Road Associates, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Sligo Road Associates LLC, before me,



Notary Public/Attorney at Law

Print name: Anne E. Knowles

My commission expires March 17, 2018.

Received
Recorded Register of Deeds
Feb 12, 2016 02:33:52P
Cumberland County
Nancy A. Lane

Exhibit #6: Easements

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**VILLAGE RUN SUBDIVISION
YARMOUTH, MAINE
DEP STORMWATER DECLARATION OF RESTRICTIONS
FOREST BUFFER, LIMITED DISTURBANCE**

THIS DECLARATION OF RESTRICTIONS is made this 9th day of August, 2016, by Sligo Road Associates, LLC, a Maine limited liability company, with an address of 100 Commercial Street, Suite 414, Portland, Maine 04101 ("Declarant"), pursuant to a permit received from the Maine Department of Environmental Protection under the Stormwater Management Law, to preserve buffer areas on a parcel of land near Sligo Road and Newall Road, in Yarmouth Maine, known as the Village Run Subdivision.

WHEREAS, the Declarant holds title to certain real property situated in Yarmouth, Maine described in a deed from Timothy Webster, Trustee of the Webster Realty Trust to Sligo Road Associates, LLC, dated November 26, 2014 and recorded in Book 32032 Page 143 at the Cumberland County Registry of Deeds (CCRD), herein referred to as the "property"; and

WHEREAS, Declarant desires to place certain restrictions, under the terms and conditions herein, over a portion of said real property (hereinafter referred to as the "Restricted Buffer") described as follows and shown on the Subdivision Plan entitled "Final Subdivision Plan Village Run", prepared by Belanger Engineering and recorded in the Cumberland County Registry of Deeds, Plan Book 216, Pages 48-49 on March 3, 2016.

- A. Stormwater Forest Buffer #1 – located on Open Space Parcel C.
- B. Stormwater Forest Buffers #3 and #5 – located on Open Space Parcel B.
- C. Stormwater Forest Buffer #6 – located partially on Lots 8 and 9 and Open Space Parcel B.
- D. Stormwater Forest Buffer # 7 – Located partially on Lots 10 and 11 and Open Space Parcel B.
- E. Stormwater Forest Buffer #8 - Located partially on Lot 12 and Open Space Parcel B.

WHEREAS, pursuant to the Stormwater Management Law, 38 M.R.S.A. Section 420-D and Chapter 500 of rules promulgated by the Maine Board of Environmental Protection ("Stormwater Management Rules"), Declarant has agreed to impose certain restrictions on the Restricted Buffer Area as more particularly set forth herein and has agreed that these restrictions may be enforced by the Maine Department of Environmental Protection or any successor (hereinafter the "MDEP"),

NOW, THEREFORE, the Declarant hereby declares that the Restricted Buffer Area is and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the conditions and restrictions set forth herein. The Restrictions shall run with the Restricted Buffer Area and shall be binding on all parties having any right, title or interest in and to the Restricted Buffer Area, or any portion thereof, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of the Restricted Buffer Area or any portion thereof, by the acceptance of a deed of conveyance of all or part of the Covenant Area or an instrument conveying any interest therein, whether or not the deed or instrument shall so express, shall be deemed to have accepted the Restricted Buffer Area subject to the Restrictions and shall agree to be bound by, to comply with and to be subject to each and every one of the Restrictions hereinafter set forth.

1. Restrictions on Restricted Buffer Area. Unless the owner of the Restricted Buffer Area, or any successors or assigns, obtains the prior written approval of the MDEP, the Restricted Buffer Area must remain undeveloped in perpetuity. To maintain the ability of the Restricted Buffer Area to filter and absorb stormwater, and to maintain compliance with the Stormwater Management Law and the

permit issued thereunder to the Declarant, the use of the Restricted Buffer Area is hereinafter limited as follows.

- a. No soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material may be placed, stored or dumped on the Restricted Buffer Area, nor may the topography of the area be altered or manipulated in any way;
- b. Any removal of trees or other vegetation within the Restricted Buffer Area must be limited to the following:
 - (i) No purposefully cleared openings may be created and an evenly distributed stand of trees and other vegetation must be maintained. An "evenly distributed stand of trees " is defined as maintaining a minimum rating score of 24 points in any 25 foot by 50 foot square (2500 square feet) area, as determined by the following rating scheme:

Diameter of tree at 4½ feet above ground level	Points
2 - 4 inches	1
4 - 8 inches	2
8 - 12 inches	4
>12 inches	8

Where existing trees and other vegetation result in a rating score less than 24 points, no trees may be cut or sprayed with biocides except for the normal maintenance of dead, windblown or damaged trees and for pruning of tree branches below a height of 12 feet provided two thirds of the tree's canopy is maintained;


- (ii) No undergrowth, ground cover vegetation, leaf litter, organic duff layer or mineral soil may be disturbed except that one winding path, that is no wider than six feet and that does not provide a downhill channel for runoff, is allowed through the area;
- c. No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer Area, except for a sign, utility pole or fence;
- d. No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment may be permitted on the Restricted Buffer Area;
- e. Any level lip spreader directing flow to the Restricted Buffer Area must be regularly inspected and adequately maintained to preserve the function of the level spreader.
- f. Restricted Buffer Areas shall be permanently monumented with iron road and caps or similar method of marking except that the portions of Buffers #5, 6, 7 and 8 which are located within the Open Space Parcel B as shown on the Plan do not require monumentation as they are already in a protected area.

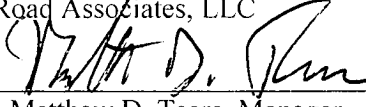
Any activity on or use of the Restricted Buffer Area inconsistent with the purpose of these Restrictions is prohibited. Any future alterations or changes in use of the Restricted Buffer Area must receive prior approval in writing from the MDEP. The MDEP may approve such alterations and changes in use if such alterations and uses do not impede the stormwater control and treatment

capability of the Restricted Buffer Area or if adequate and appropriate alternative means of stormwater control and treatment are provided.

2. Enforcement. The MDEP may enforce any of the Restrictions set forth in Section 1 above.
3. Binding Effect. The restrictions set forth herein shall be binding on any present or future owner of the Restricted Buffer Area. If the Restricted Buffer Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer Area is included within such owner's property.
4. Amendment. Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer Area and by the MDEP.
5. Effective Provisions of Declaration. Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a land use restriction running with the land as a burden and upon the title to the Restricted Buffer Area.
6. Severability. Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.
7. Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

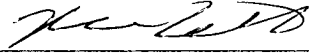
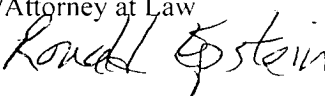
IN WITNESS WHEREOF, Declarant Sligo Road Associates, LLC has caused this Declaration to be executed under seal by its Manager, being duly authorized this 9th day of August, 2016.


(Witness)

Sligo Road Associates, LLC
By: 
Matthew D. Teare, Manager

STATE OF MAINE
Cumberland, ss.

Personally appeared the above-named Matthew D. Teare, Manager of Sligo Road Associates, LLC and acknowledged the foregoing instrument to be his free act and deed in the said capacity and the free act and deed of said limited liability company, before me,


Notary Public/Attorney at Law
Printed Name: 

Received
Recorded Register of Deeds
Aug 19, 2016 02:22:14P
Cumberland County
Nancy A. Lane

Exhibit #7: Not applicable

Exhibit #8: Financial Capacity

A \$7,000 fund was set aside by the developer of the Village Run Subdivision and transferred to the Town upon the subdivisions completion and acceptance by the Town.

Exhibit #9: Not applicable

Exhibit # 10:

The Village Run Open Space will be managed as a “carry in carry out” “leave no trace” facility. Construction waste generated during the project will be hauled to the municipal transfer station. There will be no hazardous waste produced during construction.

Exhibit # 11: Not applicable

Exhibit # 12: Traffic Study

This project was envisioned during the planning of the Village Run Subdivision, as a covenant of that subdivision’s acceptance a parking lot was constructed for the Riverfront Woods Preserve with seven parking spaces two of which will be handicap. This was determined at the time to be adequate for the needs of the Riverfront Woods Preserve and it is not anticipated that current trail plans will increase parking demand beyond the existing lots capacity.

Exhibit #13:

Drainage off of the 4 foot wide gravel trail is not anticipated to be an issue. The trail will have a side slope of between 1.5 and 2 percent allowing for sheet flow drainage off of the trail. The trail will be surrounded by the well-drained sand and water will filter into the ground naturally.

Exhibit #14: Storm water management plan

Not applicable

Exhibit #15: Erosion and sedimentation control plan

There will be very minor new soil disturbance; the proposed trail is located on an existing footpath established by years of visitor use. The existing on site material that will be moved from the trail will be largely sand and is not likely to create any turbidity during a rain event. The trail will be stabilized with gravel shortly after excavation. Any exposed soil that isn’t sand will be seeded and hayed within 7 days or prior to rain events.

Exhibit #16: Soils Report (Data from USDA Web Soil Survey)



Cumberland County and Part of Oxford County, Maine (ME005)			
Cumberland County and Part of Oxford County, Maine (ME005)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Gp	Gravel pits	5.3	46.5%
HIB	Hinckley loamy sand, 3 to 8 percent slopes	2.1	18.7%
Sn	Scantic silt loam, 0 to 3 percent slopes	0.5	4.1%
WmB	Windsor loamy sand, 0 to 8 percent slopes	3.5	30.7%
Totals for Area of Interest		11.4	100.0%

Summary by Map Unit — Cumberland County and Part of Oxford County, Maine (ME005)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
Gp	Gravel pits	Not rated	Gravel pits (92%)		5.3	46.5%
HIB	Hinckley loamy sand, 3 to 8 percent slopes	Somewhat limited	Hinckley (85%)	Too sandy (0.60)	2.1	18.7%
			Windsor (8%)	Too sandy (0.88)		
			Agawam (2%)	Dusty (0.00)		
Sn	Scantic silt loam, 0 to 3 percent slopes	Very limited	Scantic (85%)	Depth to saturated zone (1.00)	0.5	4.1%
				Dusty (0.00)		
			Lamoine (8%)	Depth to saturated zone (1.00)		
				Dusty (0.00)		
			Biddeford (3%)	Depth to saturated zone (1.00)		
				Organic matter content (1.00)		
				Ponding (1.00)		
				Dusty (0.00)		
			Roundabout (2%)	Depth to saturated zone (1.00)		
				Dusty (0.00)		
WmB	Windsor loamy sand, 0 to 8 percent slopes	Somewhat limited	Windsor (85%)	Too sandy (0.88)	3.5	30.7%
			Deerfield (5%)	Depth to saturated zone (0.86)		
				Too sandy (0.50)		
			Agawam (5%)	Dusty (0.00)		
Totals for Area of Interest					11.4	100.0%

Exhibit #17: List of Approvals needed

No approvals needed

Exhibit #18: Compliance with zoning district and site plan review criteria

Zoning on site: Medium Density Residential

H. REVIEW CRITERIA

The Planning Board shall approve a site plan application whenever it finds that:

1. Conformance with Comprehensive Plan: The proposed development is located and designed in such a way as to be in conformance with the Town's Comprehensive Plan. **The comprehensive plan called for open space recreational improvements including "improved signage, parking, creation of trails, formation of advocacy groups, and public use dedications such as the creation of the community garden. There continues to be an emphasis on the need for public access to the water." The proposed trail and associate structures would provide increased opportunity for public access to outdoor recreation. It will also provide improved pedestrian connectivity between several neighborhoods and the village and schools.**

2. Traffic: The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways, public road or pedestrian walkways existing or proposed. The Planning Board may require mitigation when the proposed development is anticipated to result in a decline in service, below level of service "c", of nearby roadways or intersections. Levels of service are defined by the 1985 Highway Capacity manual published by the Highway Research Board.

The Village Run Subdivision and parking lot which serve as access to the property were designed to anticipate public access use of the Village Run Open Space. It's not anticipated that the currently proposed project will increase traffic beyond previously predicted traffic volumes.

3. Parking and Vehicle Circulation: The proposed plan provides for adequate parking and vehicle circulation. The amount of dedicated parking provided onsite or within a reasonable walking distance from the site meets the requirements of ARTICLE II.H of the Zoning Ordinance (Off Street Parking and Loading), the size of the parking spaces, vehicle aisle dimensions and access points are in conformance with the Technical Standards of Section J of this document.

This project was envisioned during the planning of the Village Run Subdivision, as a covenant of that subdivision's acceptance, a parking lot was constructed for the Village Run Open Space. This was determined at the time to be adequate for the needs of the Open Space and it is not anticipated that current trail plans will increase parking demand beyond the existing lots capacity.

4. Sanitary Sewerage: The proposed development will not cause an unreasonable adverse effect to the Municipal sewerage treatment facilities and will not aggravate an existing unhealthy situation such as the bypassing of untreated sewerage into Casco Bay, the Royal River, or its tributaries. If a subsurface wastewater disposal system is to be used, the system conforms to the requirements of the State Plumbing Code. **Not applicable**

5. Water: The proposed development will not cause the depletion of local water resources or be inconsistent with the service plan of the Yarmouth Water District. **Not applicable**

6. Fire Safety: The proposed development is located and designed in such a way as to provide adequate access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate fire safety features such as but not limited to fire lanes, smoke and fire alarms and

sprinkler systems, as part of the proposed development. **The Fire Departments off-road vehicle will be able to reach the trail from West Main St. through Town owned lot 46-97 and the trail will not constrict any current emergency access to the Open Space from Magnolia Lane.**

7. Buffering: The proposal provides for adequate on-site buffering in the vicinity of property boundaries, when required by this subsection. On-site buffering is required wherever commercial, industrial or mixed use developments are proposed adjacent to or across a street from residential districts or agricultural uses, where multi-family buildings are to be located adjacent to single family CHAPTER 702 10 uses or districts, and when required by ARTICLE IV.S.3 of the Yarmouth Zoning Ordinance (Mobile Home Park Performance Standards). Buffer areas shall consist of an area ranging from a minimum of five feet to a maximum of twenty five feet in width, adjacent to the property boundary, in which no paving, parking or structures may be located. The Planning Board may allow a buffer area of less width when site conditions, such a natural features, vegetation, topography, or site improvements, such as additional landscaping, berming, fencing or low walls, make a lesser area adequate to achieve the purposes of this Section. Landscaping and screening, such as plantings, fences or hedges, are to be located in buffer areas to minimize the adverse impacts on neighboring properties from parking and vehicle circulation areas, outdoor storage areas, exterior lighting and buildings. **The trail is located sufficiently down the slope of the hill to provide a visual buffer to the abutting houses on West Main St.. The Open Space was envisioned as part of the Village Run Subdivision and the Village Run HOA is in support of the project.**

8. Natural Areas: The proposal does not cause significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife and marine habitats and natural fisheries. The proposal is consistent with the recommendations of the Maine Department of Inland Fisheries and Wildlife as found in the document titled “The Identification and Management of Significant Fish and Wildlife Resources in Southern Coastal Maine,” February 1988. **The trail will be located on a historic excavated sand pit and will cause no significant impact to the site.**

9. Lighting: The proposal shall provide exterior lighting sufficient for the safety and welfare of the general public while not creating an unsafe situation or nuisance to neighboring properties or motorists traveling nearby roadways. **There is no lighting proposed.**

10. Storm Water Management: The plan provides for adequate storm water management facilities so that the post development runoff rate will be no greater than the predevelopment rate or that there is no adverse downstream impact. Proposed storm water detention facilities shall provide for the control of two year and twenty-five year storm frequency rates. The design, construction and maintenance of private facilities are maintenance of private storm water management facilities. **Natural buffers are being left undisturbed along the impervious gravel trail. In addition, the existing non-vegetated areas of the sand pit are well drained sand and will rapidly infiltrate the additional stormwater from the proposed 4-foot wide trail. The cross slope of the trail will be 2% to ensure that the stormwater runoff remains in sheet flow and is sufficiently diffuse to allow treatment through existing buffers.**

11. Erosion and Sedimentation Control: The proposed development includes adequate measures to control erosion and sedimentation and will not contribute to the degradation of nearby streams, watercourses or coastal lowlands by virtue of soil erosion or sedimentation. The erosion control measures are to be in conformance with the most current edition of the “Environmental Quality handbook, Erosion and

Sedimentation Control”, prepared by the Maine Soil and Water Conservation Commission. **See exhibit #15**

12. Buildings: The bulk, location and height of proposed buildings or structures will not cause health or safety problems to existing uses in the neighborhood, including without limitation those resulting from any substantial reduction to light and air or any significant wind impact. To preserve the scale, character, and economy of the Town in accordance with the Comprehensive Plan no Individual CHAPTER 702 11 Retail use with a Footprint greater than 55,000 square feet shall be permitted. Structures defined as Shopping Centers shall be limited to a Footprint of 75,000 square feet. When necessary to accommodate larger projects, several Individual Retail Structures with Footprints of not more than 55,000 square feet each may be placed on the same lot, provided that all other standards are met. No less than 40 feet shall be allowed as separation distance between buildings. Efforts to save and plant native trees between and among structures shall be encouraged. **No buildings proposed.**

13. Existing Landscaping: The site plan minimizes to the extent feasible any disturbance or destruction of significant existing vegetation, including mature trees over four (4) inches in diameter and significant vegetation buffers. **The trail is being built largely on an existing clear footpath. The trail will be moved into a young growth stand of trees at one point to avoid the edge of an unstable slope, but minimal clearing will be required for the 4-foot wide trail and cutting of trees over 4 inches in diameter will be avoided as much as practicable.**

14. Infrastructure: The proposed development is designed so as to be consistent with off premises infrastructure, such as but not limited to sanitary and storm sewers, waste water treatment facilities, roadways, sidewalks, trail systems and street lights, existing or planned by the Town. **The trail will be a valuable addition to the town’s trail network.**

15. Advertising Features: The size, location, design, color, texture, material and lighting of all permanent signs and outdoor lighting fixtures are provided with a common design theme and will not detract from the design of proposed buildings or neighboring properties. **Any signs will be created according to the open space signage standards currently being developed by the parks and lands committee.**

16. Design Relationship to Site and Surrounding Properties: The proposed development provides a reasonably unified response to the design constraints of the site and is sensitive to nearby developments by virtue of the location, size, design, and landscaping of buildings, driveways, parking areas, storm water management facilities, utilities storage areas and advertising features. **The trail will have minimal visual impacts.**

17. Scenic Vistas and Areas: The proposed development will not result in the loss of scenic vistas or visual connection to scenic areas as identified in the Town’s Comprehensive Plan. **The trail won’t interfere with any scenic vistas.**

18. Utilities: Utilities such as electric, telephone and cable TV services to proposed buildings are located underground except when extraordinary circumstances warrant overhead service. Propane or natural gas tanks are located in safe and accessible areas, which are properly screened. **Not applicable.**

19. Technical Standards: The proposed development meets the requirements of ARTICLE I.J (Technical Standards) of this Ordinance, except as waived by the Planning Board. **All earthwork moving operations “shall be accomplished in conformance with the erosion prevention provisions of the “Best Management Practices” (BMP’s), March 1991 (as developed by the Cumberland County Soil and Water Conservation District and the Department of Environmental Protection.)”**

20. Route One Corridor Design Guidelines: Notwithstanding the technical standards of this ordinance and the requirements of Article II, General provisions of the Zoning Ordinance, development and redevelopment within the “C”, Commercial CHAPTER 702 12 and “C-III”, Commercial II districts shall be consistent with the Route One Corridor Design Guidelines, as approved August 19, 1999. **Not applicable.**

21. The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use. **SEE exhibit #'s 4-5**

22. The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the Board pursuant to ARTICLE I.I **Yarmouth Community Services has completed many trail development projects of this scale.**

23. Special exception standards

a. The proposed use will not create unsanitary or unhealthful conditions by reason of emissions to the air, or other aspects of its design or operation. **No emissions will be created by the proposed use.**

b. The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree of municipal police protection than existing uses in the neighborhood. **Public safety problems haven’t been an issue in other Town open spaces.**

c. The proposed use will be compatible with existing uses in the neighborhood, with respect to visual impact, intensity of use, proximity to other structures and density of development. **The proposed use will be low-impact by nature.**

d. If located in a Resource Protection District or Shoreland Overlay Zone, the proposed use

(1) will conserve visual points or access to water as viewed from public facilities; **The proposed use will offer new opportunities for visual access to the water from public facilities.**

(2) will conserve natural beauty; and **The proposed use is designed to allow the public access to the natural beauty of the property.**

(3) will comply with performance standards of Article II of Chapter 701, Zoning Ordinance.

Exhibit #19: Not applicable

Exhibit #20: No waivers requested.

Exhibit #21: The purpose of the project is to be proactive in the creation of a trail in order to guide visitation of the property and prevent erosion and abutter issues that could arise from undirected public use. No new nuisances are anticipated as a result of the creation of the proposed trail.