

**YARMOUTH PLANNING BOARD MINUTES**

October 25, 2023

**I. CALL TO ORDER**

Chair Holden called the meeting to order at 7:00 PM.

**II. ROLL CALL OF MEMBERS**

**PRESENT                  ABSENT**

Wendi Holden, Chair	X	
Janet Hansen, Vice Chair	X	
Hildy Ginsberg	X	
Mary Lynn Engel	X	
Jerry King	X	
Ian Cromarty	X	
Matt Schumacher	X	

**OTHERS**

Erin Zwirko, Planning Director  
Julie Dubovsky, Assistant Planner

**III. APPROVAL OF MINUTES**

Upon a motion duly made by Mary Lynn Engel, seconded by Ian Cromarty and carried by a roll call vote of 6-0, the minutes of the October 11, 2023, meeting were approved. (Schumacher abstained)

**IV. COMMUNICATION**

E. Zwirko gave an update.

- Online participation for the current engagement phase of Comprehensive Plan and the Climate Action Plan will be available through the end of October. Recordings of all events are also posted on the Town website. The Yarmouth Climate Action Taskforce is due to be presented to the Town Council at the end of the year. November 13<sup>th</sup> is the Future Land Use Workshop.

**V. JOINT MEETING WITH THE PARKS AND LANDS COMMITTEE**

The Parks and Lands Committee presented their 2024 report, current mission statement, and priorities for 2024. They encouraged the Planning Board to continue to reach out for comments on projects, to prioritize conserving open space, and to consider how development and density will affect the town's natural resources.

The committee and board discussed land acquisition tools and how the 2019 Open Space Plan map aligned with the current comprehensive planning effort. There was agreement that education was needed for property owners about access easements, estate gifts, and the CIP, and that potential strategies should be explored such as impact fees or a Land Trust, and permanently protecting town owned open spaces.

Erin will coordinate with YCS and the Planning Board regarding the Frank Knight Management Plan, as the plan is going before the Town Council next month. The

Town Manager will also attend the November 8<sup>th</sup> meeting to discuss the CIP, and it is relevant to the discussion on land acquisition. She noted that it would be helpful for the Board to take a look at the 2019 Open Space Plan to consider what could be updated and how best to connect to the current comprehensive plan process and Climate Action Plan.

**VI. PUBLIC HEARING ITEMS**

**A. OLD BUSINESS:**

**1. Action Item: Final Ch. 702 Site Plan Review and Ch. 703 Building & Lot Plan, Nuance Dental: CD4-C Route One Corridor; 233 Route One; Map 31 Lot 25; Cone Cladicals, LLC, Applicant.**

The applicant is requesting final review for a Major Site Plan pursuant to Chapter 702, Site Plan Review, and Building and Lot Plan pursuant to Chapter 703, Character Based Development Code, to remove the existing single-story building at 233 Route One and to construct a new building for prosthodontics practice. The existing foundation will be partially utilized in the new construction. The applicant's proposal also reduces the existing impermeable surfaces on the lot with a reduction in the parking lot size, from 31 spaces to 6 spaces, and revegetation of the property. A sidewalk and street trees are also proposed along the street frontage.

The applicant's representative, Patrick Boothe, provided a final overview of the proposal, the waivers requested, and final renderings. P.Boothe also reviewed the early site plans and the architecture firm's analysis of the different building mass configurations, as requested at the preliminary review by Chair Holden.

M.Engel asked about the building's signage, which was discussed at the preliminary meeting. P.Boothe reiterated there will be a small blade sign as the dental practice operates mostly through direct referrals, not drive-by business.

The Planning Board expressed general approval for the final design and clarified the current conditions of approval for Phase 1 and all site features in the site plan. The Board directed E.Zwirko to strike proposed condition 2 and reword condition 1 to be consistent with the discussion.

Chair Holden opened public comment.

Ed Ashley, 20 Spartina Point.

Noted support for the project due to its improvement of a transitional zone to the highway.

The Chair closed public comment.

The Chair reiterated that her view on the orientation to the street was not part of the discussion tonight, but encouraged consideration of that for future properties, such as the gas station, and meeting the intention of the CBDC when opportunities arise.

The following motions were made:

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and

recommendations contained in Planning Board Report dated October 19, 2023 for Building & Lot Plan and Major Site Plan, Cone Cladicals, LLC, Applicant; 233 Route One, Map 31 Lot 25, regarding the compliance with the applicable regulations and standards of Chapter 702, Site Plan Review, the Planning Board hereby finds and concludes that the waiver of a high intensity soils report is consistent with Chapter 702, Site Plan Review, and is therefore approved.

**Such motion moved by Ian Cromarty, seconded by Matt Schumacher, and voted 7 in favor, 0 opposed.**

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated October 19, 2023 for Building & Lot Plan and Major Site Plan, Cone Cladicals, LLC, Applicant; 233 Route One, Map 31 Lot 25, regarding the compliance with the applicable regulations and standards of Chapter 703, Character Based Development Code, the Planning Board hereby finds and concludes that the waiver of the roof style, slope, and use of gable ends is consistent with Chapter 703, Character Based Development Code, and is therefore approved.

**Such motion moved by Matt Schumacher, seconded by Mary Lynn Engel, and voted 7 in favor, 0 opposed.**

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated October 19, 2023 for Building & Lot Plan and Major Site Plan, Cone Cladicals, LLC, Applicant; 233 Route One, Map 31 Lot 25, regarding the compliance with the applicable regulations and standards of Chapter 703, Character Based Development Code,, the Planning Board hereby finds and concludes that the waiver of the frontage buildout is consistent with Chapter 703, Character Based Development Code, and is therefore approved.

**Such motion moved by Matt Schumacher, seconded by Mary Lynn Engel, and voted 7 in favor, 0 opposed.**

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated October 19, 2023 for Building & Lot Plan and Major Site Plan, Cone Cladicals, LLC, Applicant; 233 Route One, Map 31 Lot 25, regarding the compliance with the applicable regulations and standards of Chapter 703, Character Based Development Code,, the Planning Board hereby finds and concludes that the waiver of the use of bay windows without a foundation is consistent with Chapter 703, Character Based Development Code, and is therefore approved.

**Such motion moved by Matt Schumacher, seconded by Mary Lynn Engel, and voted 7 in favor, 0 opposed.**

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and

recommendations contained in Planning Board Report October 19, 2023 for Building & Lot Plan and Major Site Plan, Cone Cladicals, LLC, Applicant; 233 Route One, Map 31 Lot 25, regarding the compliance with the applicable regulations and standards of Chapter 702, Site Plan Review, and the regulations and standards of Chapter 703, Character Based Development Code, the Planning Board hereby finds and concludes that the Major Site Plan and the Building and Lot Plan meets the required standards and is therefore approved subject to the following conditions of approval:

1. This decision applies to Phase 1 of the proposed project, although the site plans clearly depict a portion of the building as being Phase 2. If the applicant pursues Phase 2 at a later date, the applicant shall return to the Planning Board for amendment of this approval, but the review shall be limited to the applicable standards of the Town of Yarmouth Ordinances Chapter 703, Character Based Development Code, unless the site plan also changes requiring additional review under Chapter 702, Site Plan Review.
2. Prior to the issuance of a building permit, the applicant shall update the site plans to include the Cumberland County Soil and Water Conservation District Removal of Impervious Surfaces standard and to update the Bituminous Sidewalk Detail as outlined in the Town Engineer's memorandum dated October 11, 2023.
3. Prior to the issuance of a building permit, the applicant shall televise the existing sewer service line to be reused and submit the video file to the Town Engineer for review and approval. Any improvements required to the existing sewer service shall be completed by the applicant as directed by the Town Engineer.
4. A sewer connection permit application and fee for each building shall be required prior to the issuance of any building permit. During construction of all sewer infrastructure, all work must be inspected by Town staff prior to backfilling and all sewer work shall be constructed per Yarmouth Town Standards. All sewer infrastructure to be abandoned all be as directed by the Town Engineer.
5. Erosion and Sedimentation Control (ESC) best management practices (BMPs) shall be installed prior to the disturbance of site soils and vegetation. During construction, the applicant and their construction manager/contractor shall perform the required inspections and enforcement of the ESC plan per Maine Department of Environmental Protection requirements, including weekly inspections and documentation of all inspection work. In addition, the Town will be performing site inspections and will be reviewing the inspection records per the Town's NPDES MS4 General Permit.
6. All storm drain infrastructure shall conform to Yarmouth Town Standards. All connections to Town infrastructure shall be per Town requirements.
7. Prior to the installation of the street trees, the applicant shall receive approval from the Tree Warden, Director of Public Works, and Director of Planning & Development on the location of the four street trees.
8. An irrevocable letter of credit or cash escrow and a non-refundable two percent (2%) inspection fee will be required for the estimated cost of the infrastructure located in the public right of way as well as the site drainage, stormwater BMPs, erosion and sedimentation control (ESC), and landscaping. Also, prior to issuance of building permits or the commencement of work, the applicant and their selected construction contractor shall attend a pre-construction conference with Town staff at a mutually agreeable date and time. Also, prior to issuance of building permits, the applicant shall satisfy all Town concerns and provide

Approved: 11/8/23

updated drawings as required. All other permit applications and fees will be required prior to the release of a building permit.

**Such motion moved by Hildy Ginsburg, seconded by Mary Lynn Engel, and voted 7 in favor, 0 opposed.**

**ADJOURNMENT**

With no objection, the meeting adjourned at 8:05 PM.

Respectfully submitted:

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Julie Dubovsky, Assistant Planner