



November 1, 2023

Michael Tadema-Wielandt
Terradyn Consultants, LLC
41 Campus Drive, Suite 301
New Gloucester, ME 04260

Dear Mr. Tadema-Wielandt:

On October 25, 2023, the Yarmouth Planning Board voted to approve the Major Site Plan and Building and Lot Plan for the construction of a new prosthodontics practice and other site improvements at 233 Route One with the following motions and votes:

Waiver – Site Plan Review Application Requirements

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.

Waiver – Roof Style, Slope, and Gable Ends

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.

Waiver – Frontage Buildout

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.

Waiver – Windows

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.

Major Site Plan and Building & Lot Plan

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:

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

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

Standard Conditions of Approval

1. Develop Site According to Plan: The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority.
2. Separate Building Permits Are Required: This approval does not constitute approval of building plans, which must be reviewed and approved by Yarmouth Code Enforcement Officer.
3. Site Plan Expiration: The site plan approval will be deemed to have expired unless work has commenced within one year of the approval or within a time period up to two years from the approval date if approved by the Planning Board or Planning Director as applicable. Requests to extend approvals must be received before the one year expiration date.
4. Preconstruction Meeting: Prior to the release of a building permit or site construction, a preconstruction meeting shall be held at the project site, Town Hall or other mutually agreeable location. This meeting will be held with the contractor, Town Engineer, Code Enforcement Officer and Director of Public Works representative and owner to review the construction schedule and critical aspects of the site work. The site/building contractor shall provide three copies of a detailed construction schedule to the attending Town's representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
5. Town Record Copies: One mylar copy and three paper copies of the plat showing book and page and date of recording must be submitted to the Town Engineer as well as a plat submitted digitally to the Town Engineer, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. Landscaping: All required landscaping shall be guaranteed for a 2-year period.
7. Appeals: The Director of Planning and Development's decisions regarding minor site plans are appealable by an aggrieved party to the Planning Board within 30 days of the date of the issuance of the decision. Site plan decisions of the Planning Board are appealed to the Cumberland County Superior Court.

Please do not hesitate to contact the Department of Planning & Development if you have any additional questions about this approval.

Sincerely,



Erin Zwirko, AICP, LEED AP
Director of Planning & Development

CC:

Cornelia Cone, Owner
Patrick Boothe, Woodhull
Chair and Members of the Yarmouth Planning Board
Nathaniel J. Tupper, Town Manager
Steven S. Johnson, Town Engineer
Erik S. Street, Director of Public Works
Karyn MacNeill, Community Services Director
Daniel Gallant, Police Chief
Michael Robitaille, Fire Chief
Scott LaFlamme, Economic Development Director

Nicholas Ciarimboli, Code Enforcement Officer
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