



TOWN OF YARMOUTH
200 Main Street, Yarmouth, Maine 04096
www.yarmouth.me.us

Planning Board Report
49-51 Bridge Street
Concept Major Site Plan, Major Subdivision, and Shoreland Permit
Mill Point at Yarmouth, LLC, Applicant
Map 33 Lot 8-00A; Village III District
Prepared by Erin Zwirko, Director of Planning and Development
Report Date: August 4, 2022; Planning Board Date: August 10, 2022

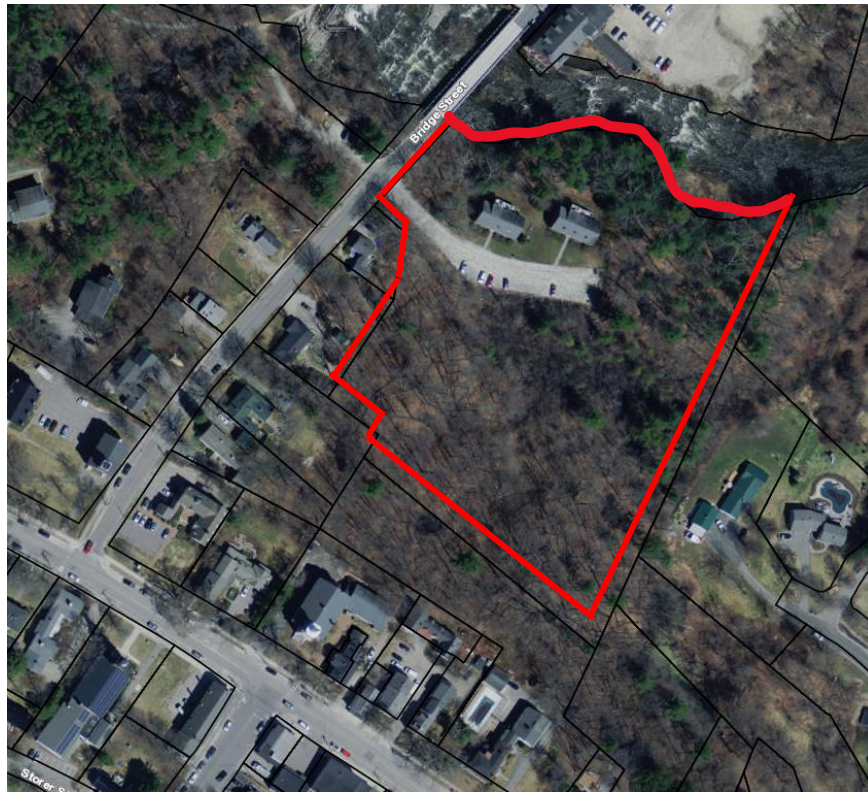
I. Project Description

Mill Point at Yarmouth, LLC, submitted a concept plan for review for the Mill Point Apartments at 49 & 51 Bridge Street. The apartment complex was developed in the 1980s and includes 2 existing buildings totaling 10 residential units on 6 acres. The applicant proposes to construct three residential buildings containing 17 new residential units, for a total of 27 residential units on the property. The proposed buildings are located outside of the Shoreland Overlay District and the Resource Protection District. However, a portion of the proposed driveway, where it connects to the existing driveway, the expanded parking, and the stormwater management facility is within the Shoreland Overlay District. As a part of the improvements to the site, the existing parking lot would be repaved and striped to include the parking spaces on the same side as the existing buildings as well as improvements to include a trash enclosure. Below is the illustrative site plan:



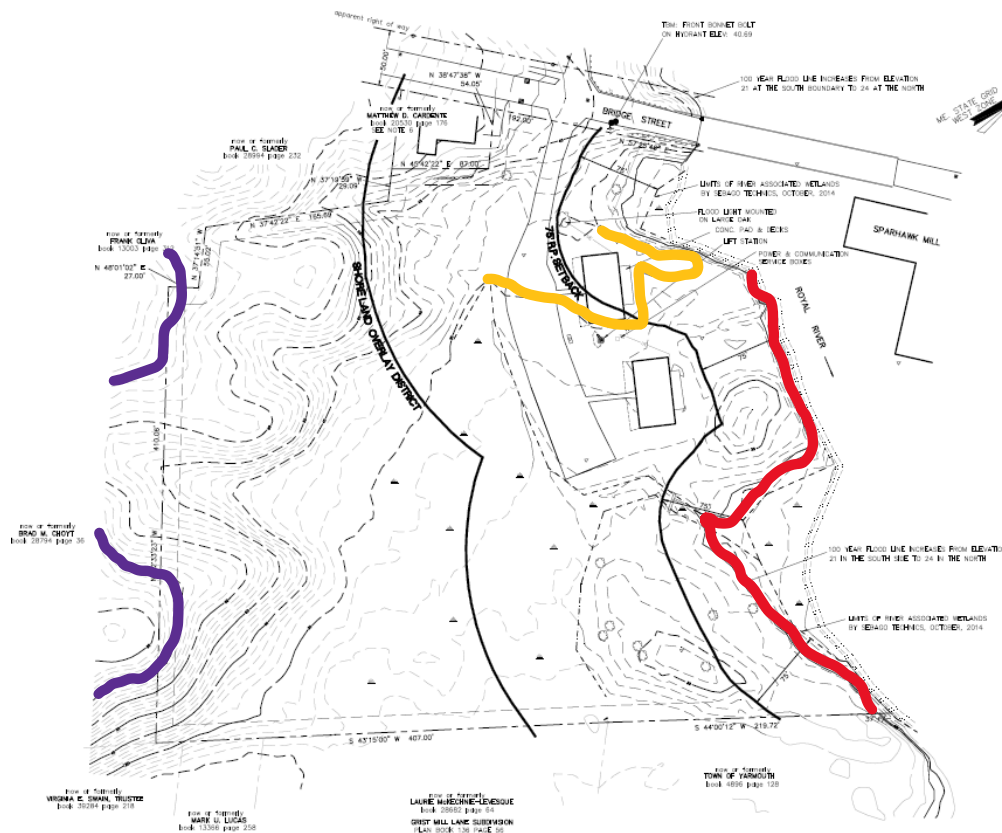
Illustrative Site Plan

The property sits between Bridge Street and the Royal River, and at a significantly lower grade from Main Street located to the south.



Subject Property is Outlined in Red

The existing conditions plan provides the existing contours of the site, at the highest elevation it is about 70 feet, and at the existing buildings it is about 30 feet. Closer to the Royal River, it is 20 feet.



Existing Conditions Plan: Elevation 70 in Purple, Elevation 30 in Gold, Elevation 20 in Red

The entrance to the property off of Bridge Street is unassuming due to the buildings and parking being at a lower elevation than Bridge Street and the dense vegetation on the slope and at the entrance:



Site Driveway off Bridge Street

The existing multifamily buildings were constructed in the early 1980s and contain five residential homes each. The two buildings are designed to be the same style:



Existing Structures on the site; from the Assessor's Database

The application provides a conceptual rendering of the proposed new buildings. The roof line is a lower profile than the existing buildings, but the style is very similar to the existing structures:



Proposed Rendering of New Structures

II. Project Review Process and Timeline

The application materials presented are conceptual in nature. The Planning Board is being asked to review the proposal pursuant to the following ordinances:

- CH. 702, Major Site Plan,
- CH. 601, Major Subdivision,
- CH. 701, Article IV.R, Shoreland Overlay District, and
- CH. 703, Article 5.M and 5.N, Character Based Development Code Architectural and Landscape Standards.

The applicant notes that elements of the project are subject to the rules of Chapter 701, Article IV.R, Shoreland Overlay District, but did not provide any additional information relative to this permit, which would fall under the Planning Board's jurisdiction. In particular, the applicant must provide an analysis of the clearing and non-vegetated surfaces in the Shoreland Overlay District.

Additionally, the Village III District incorporates by reference the architectural and landscape standards of the Character Based Development Code, so the project will be subject to these standards, although at this conceptual stage, detailed information regarding compliance has not been provided.

Finally, this property is located between the Lower Village Historic District and the Royal River Manufacturing Historic District, but is not located in either district and is identified as an out of district resource. Chapter 701, Article IX and X are not applicable.

III. 2015 Review

The Planning Board may be aware that the applicant had proposed a similar expansion in 2015 but withdrew the application before a decision was rendered due to the application of the Shoreland Overlay District standards to the project. At the time, the applicant proposed to extend the existing parking lot to the southeast and site three structures containing an additional eighteen units on the upland side of the parking lot. The three new structures and expanded parking lot was located entirely in the Shoreland Overlay District.

The Village III District requires 10,000 square feet of lot area per dwelling unit. At 6 acres, the property could have supported the additional twelve residential units. However, the Shoreland Overlay District requires 30,000 square feet of lot area per dwelling unit (the existing 10 units are pre-existing non-conforming). The proposed twelve units would require 360,000 square feet, which exceeds the total lot area of the subject property, and the project could not be approved by the Planning Board as it would be in conflict with the state rules.

The location of the proposed structures is driven by this requirement. By placing the proposed structures outside of the Shoreland Overlay District, the Village III requirement of 10,000 square feet per dwelling unit is applicable. The applicant indicates that the property is 270,108 square feet (6.2 acres), so 27 residential units would be allowed, and the proposal brings the total number of units to 27.

Please note that the Town's Assessing Database shows the property at 6.00 acres or 261,360 square feet, which would only allow 26 units. The applicant must clarify the difference.

IV. Public Notice and Comment

Notices were sent to 60 property owners within the vicinity (within 500 feet) of the proposed development for the August 10, 2022 meeting. As of the writing of this staff report, we have received 17 comment letters from 15 individuals.

Significant concerns are expressed in the comment letters received to date including development on steep slopes and how erosion and stormwater will be managed, the loss of dense canopy and significant vegetation, as well as the concern of additional traffic on Bridge Street. Requests for a pedestrian connection through the property is highly valued. Finally, while this is still a concept application, comments are made indicating desire for more detailed information.

Uses in Vicinity: The surrounding neighborhood consists of: **Bridge Street** – residential, Town-owned recreational and open space property, and Sparhawk Mill across the Royal River; **Main Street** – a mix of residential, professional, and businesses, and the North Yarmouth Academy campus.

V. SITE PLAN STANDARDS REVIEW (CHAPTER 702)

The applicant has not yet provided an analysis of the compliance with the Site Plan Review standards, which will be required with a future submission. Where Town staff have applicable comments at this stage of the review, those comments have been added to this section.

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.

Staff Comments:

The Comprehensive Plan includes the Village III District in the Growth Area, defined as "those areas that are or can be conveniently served by public facilities and services, are physically suited for development, and promote a compact rather than sprawling pattern of development. From a policy standpoint, these are the areas in which much of the anticipated nonresidential and residential growth will be accommodated" (page 44). The Comprehensive Plan goes on to describe the Village III District as "[the area] to promote a residential living area that includes limited low-intensity businesses and mixed-use structures as a transition between the commercial Route One corridor and the Village Center" by allowing "a wide range of residential uses in the Village III area" (page 50). By these descriptions, the proposed project is suitable for the Village III area. In addition, with the requirement to adhere to the Character Based Development Code architectural and landscape standards (Chapter 703, Article 5.M and 5.N), development must meet the high standards adopted by the community for development in the Village and on Route One.

The Comprehensive Plan also provides an inventory on Yarmouth's natural resources in Appendix D. Applicable summary points include:

- There are only a few areas in Yarmouth where slopes are a community planning issue, including deep ravines near Route 88 west of I-295, bluffs along the Cousins and Royal River estuaries, and the Pratt's Brook area. Some of these areas are zoned Resource Protection. In general, slopes are not a development limitation in the community. (Page 245-246).
- A [soil] rating of very low does not necessarily mean that the intended use cannot occur on that soil. It does mean, however, that severe limitations may exist and corrective treatment may be necessary to overcome them...Because significant portions of Town are served by public sewer and water, limitations based on low or very low suitability for septic systems may not effectively limit or prohibit development of these areas. (Page 246)
- The biggest threat to Yarmouth's critical natural resources is development. Loss of open space, disruption of travel corridors, displacement of wildlife, and introduction of pets that prey on wildlife all contribute to a decline in the environmental health of habitats and the diversity and abundance of fish and wildlife populations. (Page 256)
- Site plan and subdivision review criteria help protect critical natural resources in Yarmouth. Resource Protection and Shoreland Zoning districts are other ways the Town protects important natural resources. Site plan and subdivision review, including provisions for clustering to protect sensitive lands, require preservation of critical resources. (Page 257)

While the Comprehensive Plan acknowledges the critical need to protect natural resources, it cannot be dismissed that the subject property is located in the Growth Area. It also cannot be dismissed that the Comprehensive Plan places significant value on the "Diversity of Population." Page 26 of the Comprehensive Plan notes and actually uses a photo of Mill Point Apartments to illustrate the point: "Yarmouth will continue to be a community with a diverse population: young families with children, middle-aged couples, elderly residents, younger renters ranging from those with modest incomes to affluent households. To accommodate this population diversity, a wide range of housing choices will continue to be available in our community including housing that is affordable to households with modest income and a variety of rental housing." On the other hand, the Royal River Corridor Plan (2009, Appendix G to the Comprehensive Plan) specifically calls out the Mill Point Apartments, stating "A large piece of undeveloped land west of the apartments is quite steep and wet and may not allow significant expansion" (page 52).

This analysis is provided to show that the Comprehensive Plan has many different goals and provides a wealth of information. The subject property can sit at the confluence of these varied goals and priorities: it is located in a Growth Area and provides expanded housing types, yet it is a difficult property to develop due to the constraints from the grade, the presence of wetlands, and the protections of the Shoreland Overlay District. The property may still be developed, but the scope and scale of the project may need to be revised with a second concept that provides additional detail about the constructability of the site.

In addition, it has been noted in the Town staff comments and the comments received from the public that in the 2015 review, the applicant had included an easement to benefit the town across the property in order to provide a pedestrian connection to Grist Mill Park. At this time, Town staff recommend that the applicant construct a sidewalk connection from the proposed interior sidewalk system to Bridge Street including an ADA compliant crosswalk to the sidewalk on the northwesterly side of Bridge Street and the Royal River Parkway. Additionally, Town staff would recommend that an easement allowing public pedestrian access through the property to the abutting Town land (Grist Mill Park) be conveyed to the Town. This infrastructure is a critical connection identified in the Royal River Corridor Plan, the Open Space Plan, and the Comprehensive Plan, and should this application advance to an approval, regardless of how the scope of the project may evolve through the public process, it will be a condition of approval.

- 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.**

Staff Comments:

The applicant must submit a traffic analysis for the proposed project, which will be forwarded to the Town's peer reviewer for review and feedback to the Town staff and the Planning Board. There has been some concern about the sight distances at the project site driveway. While there may be elements in the right of way that obstruct the view up Bridge Street, generally, there is good sight visibility at the site driveway as seen in the photos below. The traffic analysis should incorporate this analysis.



Sight Distance on Bridge Street from Project Site Driveway

Further, an analysis of the grade of the driveway must be provided. The Site Plan Review Ordinance and the Subdivision Ordinance as well as the Fire Department's requirements have specific grade requirements. Due to the steep slopes on the property, additional information regarding the grade of the proposed driveway extension is required for a future submittal.

- 3. Parking and Vehicle Circulation: The proposed plan provides for adequate parking and vehicle circulation. The amount of dedicated parking provided on-site 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.**

Staff Comments:

The application materials indicate that 46 parking spaces will be provided for 27 residential homes. The Village III District requires parking for multifamily and mixed-use residential structures be provided at a minimum of 1.35 parking spaces per dwelling unit but not more than 2 parking spaces per dwelling unit. With 46 parking spaces for 27 total residential dwellings, the parking ratio on the project site is 1.7 parking spaces per dwelling unit, within the allowance. It should be noted that the Village III District gives the Planning Board some leeway in terms of reducing the parking ratio as long as any reduction does not create unreasonable burdens to adjoining properties or create unsafe conditions for the pedestrians or motorists. There may be room for the applicant to further reduce the amount of parking offered.

The Bicycle and Pedestrian Committee notes that the layout of the parking uses single-loaded parking (i.e. parking spaces are only accessible from one side of the drive aisle). If the applicant considered using double-loaded parking (i.e. parking spaces accessible from both sides of the drive aisle), there may be opportunity to reduce the amount of impervious surfaces on the site. This may also require reconsidering where the parking is located on the site. In combination with further reducing the number of parking spaces, there could be a reduction in impervious surfaces and improving stormwater management and lot coverage.

The applicant should provide bike parking, either in an accessory structure with enough spaces for the entire residential community, or in one of the proposed buildings.

- 4. Sanitary Sewerage: The proposed development will not cause an unreasonable adverse effect to the Municipal sewerage treatment facilities and will not aggravate and 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.**

Staff Comments:

The Town Engineer indicates that the existing facility is served by a private sewage pump station that conveys flow from the property via a small diameter force main to a public sewer manhole in Bridge Street, thence to the Town's Bridge Street pump station via a public gravity main. The location, configuration, age, capacity, and condition of the existing private pump station and private force main is unknown at this time. The Town Engineer goes on to indicate that there is adequate capacity at the Town wastewater plant to accept sewage flow from the project. However, the existing Bridge Street pump station that serves this facility has an undersized wet well and at peak flows struggles to keep up. Capital improvements for this station are not being contemplated at this time. As a result, the applicant will be required to either replace or upgrade the private pump station as follows:

1. Provide adequate storage of sewage flow such that the peak pump station discharge does not exceed the current peak discharge flow;
2. The upgraded system shall have automatic backup generation sized to run the new or upgraded private pump station;
3. The pump station shall have remote monitoring installed;
4. The system shall provide for duplex pumps to ensure redundancy;
5. The applicant shall provide a system specific Operations and Maintenance Plan for the new or upgraded pump station.

Ultimately, the applicant will be required to submit an estimated projected daily flow for the project, including the existing structures and the proposed structures as well as the following:

1. A sewer connection permit and fee for each building will be required before the issuance of the building permit;
2. The construction and installation of all sewer infrastructure must be inspected by Town staff prior to backfilling;
3. Yarmouth's standard details for sewer infrastructure shall be incorporated into the drawings.
4. All sewer infrastructure shall be constructed per Chapter 304 Sewerage Ordinance and Town Standards and all work shall pass pressure and vacuum testing per Town standards.

The Town Engineer recommends that all sewer infrastructure on the project site remain private and he is available to consult with the applicant to ensure that future detailed submissions incorporate these requirements.

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.

Staff Comments:

The Yarmouth Water District Superintendent indicated that the application materials mention utilizing the existing water service from Bridge Street. The Superintendent does not believe that it will be possible to utilize the existing service, and that the applicant will be required to extend a water main off of Bridge Street with services taken off of the new water main on the project site. The Fire Department will also require a hydrant and the new buildings to have a sprinkler system installed, which will need to be coordinated with the Water District as well.

Additional coordination with the Yarmouth Water District and the Fire Department is needed prior to a future submission.

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.

Staff Comments:

The Fire Chief has identified a number of requirements that will address fire safety that will require additional coordination. Safety measures such as sprinkler systems, gas alarms, outdoor beacons, KNOX boxes, and building identification requirements will be required.

In addition, a hydrant will be required to support emergency operations and the grade of the driveway must be assessed for compliance with the NFPA requirements. The grade and width of the driveway is not identified in the application materials, and must be reviewed with the Fire Chief prior to a future submission. While measures might be able to be taken to keep the width of the driveway minimized, the grade cannot exceed the Fire Department's requirements.

Additional coordination with the Fire Department is needed prior to a future submission.

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 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, beaming, 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.

Staff Comments:

The Planning Board received significant comments regarding the location of the proposed buildings in relation to the residences located on Bridge Street. This standard requires a buffer of a minimum of 5 feet and a maximum of 25 feet to be provided where multifamily buildings are to be located adjacent to single family uses or districts. The Planning Board may want cross sections to understand how the topography may act as a buffer or not in relation to the existing residences surrounding the property.

The applicant should investigate an alternative layout of the road and the buildings to be located outside of the Shoreland Overlay District, but more centered on the site rather than loaded on the western side of the property. This would likely require additional permitting with the Maine Department of Environmental Protection due to the presence of wetlands but may be a more desirable location for the proposed structures to avoid significant impacts to the Bridge Street neighbors.

- 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.**

Staff Comments:

The applicant shall provide evidence that the soils existing on the site are adequate for the development proposed. This includes submitting soil mapping. Comments have noted that the soil type is unsuitable for residential development. Based on a review with the Town Engineer, it would be unsuitable for residential development on septic, whereas this development would connect to public sewer. However, given the existing site topography and height of the proposed buildings, the applicant shall provide a full soil engineering report sealed by a Maine Licensed Professional Engineer.

The application materials indicate that approximately 3,000 to 4,000 square feet of wetland impact will result from the project. The potential impact range is significant, so addition details regarding the nature of the impact and the required permitting from the Maine Department of Environmental Protection is required with future submittals.

While the structures are located outside of the Shoreland Overlay District, elements of the project are subject to the rules of Chapter 701, Article IV.R, Shoreland Overlay District, but no additional information relative to this permit was provided, which would fall under the Planning Board’s jurisdiction. In particular, the applicant must provide an analysis of the cleared openings and non-vegetated surfaces in the Shoreland Overlay District.

- 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.**

Staff Comments:

A photometric plan for any proposed lighting must be provided with future submittals that meets the requirements of the applicable ordinances.

- 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.

Staff Comments:

The applicant must submit an adequate pre- and post-development stormwater analysis for the entire site and must provide volume control and treatment of stormwater runoff for the entire site per Chapter 500 and Yarmouth's requirements. The applicant will also be required to comply with Yarmouth Ordinance Chapter 330, Post-Construction Stormwater Management. This will include executing and registering with the Cumberland County Registry of Deeds a Maintenance Agreement for the Stormwater Management Facilities for the site in perpetuity. In addition, the applicant will be required to provide annual reporting certifying the maintenance of the stormwater management infrastructure has been performed per the Ordinance and the approved inspection and maintenance protocol.

The applicant shall submit an acceptable site-specific Operations and Maintenance Manual (O&M Manual) for the stormwater best management practices (BMPs) used at the project site. The approved O&M Manual shall be referenced in the aforementioned annual report.

The Town strongly encourages the applicant to explore and implement Low Impact Development (LID) BMPs as part of the proposed project.

- 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.**

Staff Comments:

The applicant must submit a site-specific Erosion and Sedimentation Control (ESC) Plan as part of future submissions. The Town expects that during construction the applicant and their construction manager/contractor perform the required inspections and enforcement of the ESC plan per MDEP 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. It is also particularly important that the BMPs be installed prior to the disturbance of site soils and vegetation.

Additionally, the construction contractor may require coverage under the Maine Construction General Permit if the site disturbance is greater than or equal to 1 acre.

- 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 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.**

Staff Comments:

The applicant must submit elevations and renderings for the proposed structures for review per this standard and the CBDC architectural standards. The Planning Board received significant comments regarding the location of the proposed buildings in relation to the residences located on Bridge Street. The applicant should investigate an alternative layout of the road and the buildings to be located outside of the Shoreland Overlay District, but more centered on the site rather than loaded on the western side of the property. This would likely require additional

permitting with the Maine Department of Environmental Protection due to the presence of wetlands but may be a more desirable location for the proposed structures.

The Village III requirement of 10,000 square feet per dwelling unit is applicable to the project. The applicant indicates that the property is 270,108 square feet (6.2 acres), so 27 residential units would be allowed, and the proposal brings the total number of units to 27. The Town's Assessing Database shows the property at 6.00 acres or 261,360 square feet, which would only allow 26 units. The applicant must clarify the difference or simply reduce the number of new residential units on the property.

Additionally, this standard references efforts to save and plant native trees between and among the structures. It should be acknowledged that the undeveloped portion of the site is covered with dense vegetation and the proposed site plan will contribute to the loss of this vegetation and canopy. The applicant shall provide a plan that documents only the minimum area needed to be cleared for construction, and measures should be taken to protect the significant vegetation on the property. Certainly, significant comments have been received about the loss of this open space, although it should be acknowledged it is privately owned and not protected.

13. Existing Landscape: 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.

Staff Comments:

As noted above, the undeveloped portion of the site is covered with dense vegetation and the proposed site plan will contribute to the loss of this vegetation. Some public comment has indicated that a site walk would be difficult in the dense vegetation on the property. Planning staff visited the property and took the following photos to illustrate the canopy and the undergrowth:



In area of proposed driveway looking up the slope



View across property toward the south



View back toward existing site driveway

The Tree Advisory Committee submitted comments indicating their concern with the loss of significant vegetation. The applicant shall provide a plan that documents only the minimum area needed to be cleared for construction, and measures should be taken to protect the significant vegetation on the property. It may be warranted for the applicant to consult with a forester or the Yarmouth Tree Warden regarding the significant vegetation on the site. Additionally, the applicant must provide additional details about the cleared openings and non-vegetated surfaces in the Shoreland Overlay District.

- 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.**

Staff Comments:

It has been noted in the Town staff comments and the comments received from the public that in the 2015 review, the applicant had included an easement to benefit the town across the property in order to provide a pedestrian connection to Grist Mill Park. At this time, Town staff recommend that the applicant construct a sidewalk connection from the proposed interior sidewalk system to Bridge Street including an ADA compliant crosswalk to the sidewalk on the northwesterly side of Bridge Street and the Royal River Parkway. Additionally, Town staff would recommend that an easement allowing public pedestrian access through the property to the abutting Town land (Grist Mill Park) be conveyed to the Town.

This infrastructure is a critical connection identified in the Royal River Corridor Plan, the Open Space Plan, and the Comprehensive Plan, and should this application advance to an approval, regardless of how the scope of the project may evolve through the public process, it will be a condition of approval.

- 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.**

Staff Comments:

Additional information is necessary. The project site has existing signage located at the main entrance off of Bridge Street.

- 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.**

Staff Comments:

As noted elsewhere in this report, the Planning Board may want additional elevations and renderings as well as cross sections to understand how the proposed buildings relate to the site and the surrounding properties. Certainly, there is consistency between the buildings that exist on the site and the concept rendering provided as this conceptual stage.

Also as noted elsewhere, the applicant may need to consider an alternative layout to work with the topography of the property outside of the Shoreland Overlay District to accomplish their goals. This may require rethinking the layout of parking, the driveway extension, and the location of the proposed buildings.

- 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.**

Staff Comments:

Views of the Sparhawk Mill on Bridge Street are identified in the Comprehensive Plan as significant scenic views and areas. The proposed project should not alter the existing lines of sight of the Sparhawk Mill from Bridge Street, East Main Street, or other vantage points.

- 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.**

Staff Comments:

Additional coordination is necessary to develop a utility plan that may be reviewed by Town staff. The Yarmouth Water District, the Town Engineer, the Fire Chief, and the DPW Director have provided initial feedback about utility connections. Additional information is necessary.

It should also be noted that there is a CMP and NT&T easement on the property, which should be shown on the site plan.

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.

Staff Comments:

As discussed under Traffic, Water, Sewers, Stormwater Management, Fire Safety, Buffers, and Lighting, the applicant must provide additional details for review.

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 and "C-III", Commercial II districts shall be consistent with the Route One Corridor Design Guidelines, as approved August 19, 1999.

This Standard is superseded by the Character Based Development Code as per Article 1.c.3.

21. Right, Title and Interest: The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.

Staff Comments:

The applicant has provided a copy of the deed for the property. It should also be noted that there is a CMP and NT&T easement on the property, which should be shown on the site plan.

22. Technical and Financial Capacity: 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

Staff Comments:

Additional information is necessary.

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.**
- 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.**
- 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.**
- 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; (2) will conserve natural beauty; and (3) will comply with performance standards of Article II of Chapter 701, Zoning Ordinance.**

Staff Comments:

Additional information is necessary. Town staff have commented on all of these points throughout this staff report and the applicant should consider revisions to the conceptual site plan.

VI. SUBDIVISION REVIEW STANDARDS (CHAPTER 601)

The applicant has not yet submitted an analysis of the subdivision standards. At this conceptual level, additional information is necessary to fully assess compliance with Chapter 601.

- 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;**

Staff Comments:

The applicant shall provide evidence that the soils existing on the site are adequate for the development proposed. This includes submitting soil mapping. Comments have noted that the soil type is unsuitable for residential development. Based on a review with the Town Engineer, it would be unsuitable for residential development on septic, whereas this development would connect to public sewer. However, given the existing site topography and height of the proposed buildings, the applicant shall provide a full soil engineering report sealed by a Maine Licensed Professional Engineer.

It is unlikely that there would be any resulting air pollution as result of the proposed project.

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

Staff Comments:

The Yarmouth Water District Superintendent indicated that the application materials mention utilizing the existing water service from Bridge Street. The Superintendent does not believe that it will be possible to utilize the existing service, and that the applicant will be required to extend a water main off of Bridge Street with services taken off of the new water main on the project site. The Fire Department will also require a hydrant and the new buildings to have a sprinkler system installed, which will need to be coordinated with the Water District as well.

Additional coordination with the Yarmouth Water District and the Fire Department is needed prior to a future submission.

- 3. Will not cause unreasonable burden on an existing water supply and the project can be served as planned, if one is to be utilized;**

Staff Comments:

Additional coordination with the Yarmouth Water District Superintendent and the Fire Chief is necessary. See the comments above.

- 4. Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;**

Staff Comments:

The applicant shall provide evidence that the soils existing on the site are adequate for the development proposed. This includes submitting soil mapping. Comments have noted that the soil type is unsuitable for residential development. Based on a review with the Town Engineer, it would be unsuitable for residential development on septic, whereas this development would connect to public sewer. However, given the existing site topography and height of the proposed buildings, the applicant shall provide a full soil engineering report sealed by a Maine Licensed Professional Engineer.

The applicant must submit a site-specific Erosion and Sedimentation Control (ESC) Plan as part of future submissions. The Town expects that during construction the applicant and their construction manager/contractor perform the required inspections and enforcement of the ESC plan per MDEP 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. It is also particularly important that the BMPs be installed prior to the disturbance of site soils and vegetation.

Additionally, the construction contractor may require coverage under the Maine Construction General Permit if the site disturbance is greater than or equal to 1 acre.

- 5. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and shall adhere to the street connectivity requirements of Article I.E.7, Street Access to Adjoining Property, herein. 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 MSRA 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;**

Staff Comments:

The applicant must submit a traffic analysis for the proposed project, which will be forwarded to the Town's peer reviewer for review and feedback to the Town staff and the Planning Board. There has been some concern documented in comments about the sight distances at the project site driveway. While there may be elements in the right of way that obstruct the view up Bridge Street, generally, there is good sight visibility at the site driveway as seen in the photos below. The traffic analysis should incorporate this analysis.



Sight Distance on Bridge Street from Project Site Driveway

Further, an analysis of the grade of the driveway must be provided. The Site Plan Review Ordinance and the Subdivision Ordinance as well as the Fire Department's requirements have specific grade requirements. Due to the steep slopes on the property, additional information regarding the grade of the proposed driveway extension is required for a future submittal.

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

Staff Comments:

The Town Engineer indicates that the existing facility is served by a private sewage pump station that conveys flow from the property via a small diameter force main to a public sewer manhole in Bridge Street, thence to the Town's Bridge Street pump station via a public gravity main. The location, configuration, age, capacity, and condition of the

existing private pump station and private force main is unknown at this time. The Town Engineer goes on to indicate that there is adequate capacity at the Town wastewater plant to accept sewage flow from the project. However, the existing Bridge Street pump station that serves this facility has an undersized wet well and at peak flows struggles to keep up. Capital improvements for this station are not being contemplated at this time. As a result, the applicant will be required to either replace or upgrade the private pump station as follows:

1. Provide adequate storage of sewage flow such that the peak pump station discharge does not exceed the current peak discharge flow;
2. The upgraded system shall have automatic backup generation sized to run the new or upgraded private pump station;
3. The pump station shall have remote monitoring installed;
4. The system shall provide for duplex pumps to ensure redundancy;
5. The applicant shall provide a system specific Operations and Maintenance Plan for the new or upgraded pump station.

Ultimately, the applicant will be required to submit an estimated projected daily flow for the project, including the existing structures and the proposed structures as well as the following:

1. A sewer connection permit and fee for each building will be required before the issuance of the building permit;
2. The construction and installation of all sewer infrastructure must be inspected by Town staff prior to backfilling;
3. Yarmouth's standard details for sewer infrastructure shall be incorporated into the drawings.
4. All sewer infrastructure shall be constructed per Chapter 304 Sewerage Ordinance and Town Standards and all work shall pass pressure and vacuum testing per Town standards.

The Town Engineer recommends that all sewer infrastructure on the project site remain private and he is available to consult with the applicant to ensure that future detailed submissions incorporate these requirements.

7. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

Staff Comments:

The DPW Director notes that the property must manage its own solid waste and the management must comply with Chapter 306, Solid Waste Ordinance. Residents at the property may purchase a window sticker to bring recycle and bulky waste to the Transfer Station. The DPW Director also notes that the Yarmouth Recycling Committee strongly recommends that the applicant provide onsite recycling and food waste collection services.

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;

Staff Comments:

The applicant shall provide evidence that the soils existing on the site are adequate for the development proposed. This includes submitting soil mapping. Comments have noted that the soil type is unsuitable for residential development. Based on a review with the Town Engineer, it would be unsuitable for residential development on septic, whereas this development would connect to public sewer. However, given the existing site topography and height of the proposed buildings, the applicant shall provide a full soil engineering report sealed by a Maine Licensed Professional Engineer.

The application materials indicate that approximately 3,000 to 4,000 square feet of wetland impact will result from the project. The potential impact range is significant, so addition details regarding the nature of the impact and the required permitting from the Maine Department of Environmental Protection is required with future submittals.

While the structures are located outside of the Shoreland Overlay District, elements of the project are subject to the rules of Chapter 701, Article IV.R, Shoreland Overlay District, but no additional information relative to this permit was provided, which would fall under the Planning Board's jurisdiction. In particular, the applicant must provide an analysis of the cleared openings and non-vegetated surfaces in the Shoreland Overlay District.

Finally, this property is located between the Lower Village Historic District and the Royal River Manufacturing Historic District, but is not located in either district and is identified as an out of district resource. However, views of the Sparhawk Mill on Bridge Street are identified in the Comprehensive Plan as significant scenic views and areas. The proposed project should not alter the existing lines of sight of the Sparhawk Mill from Bridge Street, East Main Street, or other vantage points.

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;

Staff Comments:

The Comprehensive Plan includes the Village III District in the Growth Area, defined as "those areas that are or can be conveniently served by public facilities and services, are physically suited for development, and promote a compact rather than sprawling pattern of development. From a policy standpoint, these are the areas in which much of the anticipated nonresidential and residential growth will be accommodated" (page 44). The Comprehensive Plan goes on to describe the Village III District as "[the area] to promote a residential living area that includes limited low-intensity businesses and mixed-use structures as a transition between the commercial Route One corridor and the Village Center" by allowing "a wide range of residential uses in the Village III area" (page 50). By these descriptions, the proposed project is suitable for the Village III area. In addition, with the requirement to adhere to the Character Based Development Code architectural and landscape standards (Chapter 703, Article 5.M and 5.N), development must meet the high standards adopted by the community for development in the Village and on Route One.

The Comprehensive Plan also provides an inventory on Yarmouth's natural resources in Appendix D. Applicable summary points include:

- There are only a few areas in Yarmouth where slopes are a community planning issue, including deep ravines near Route 88 west of I-295, bluffs along the Cousins and Royal River estuaries, and the Pratt's Brook area. Some of these areas are zoned Resource Protection. In general, slopes are not a development limitation in the community. (Page 245-246).
- A [soil] rating of very low does not necessarily mean that the intended use cannot occur on that soil. It does mean, however, that severe limitations may exist and corrective treatment may be necessary to overcome them...Because significant portions of Town are served by public sewer and water, limitations based on low or very low suitability for septic systems may not effectively limit or prohibit development of these areas. (Page 246)
- The biggest threat to Yarmouth's critical natural resources is development. Loss of open space, disruption of travel corridors, displacement of wildlife, and introduction of pets that prey on wildlife all contribute to a decline in the environmental health of habitats and the diversity and abundance of fish and wildlife populations. (Page 256)
- Site plan and subdivision review criteria help protect critical natural resources in Yarmouth. Resource Protection and Shoreland Zoning districts are other ways the Town protects important natural resources. Site plan and subdivision review, including provisions for clustering to protect sensitive lands, require preservation of critical resources. (Page 257)

While the Comprehensive Plan acknowledges the critical need to protect natural resources, it cannot be dismissed that the subject property is located in the Growth Area. It also cannot be dismissed that the Comprehensive Plan places significant value on the "Diversity of Population." Page 26 of the Comprehensive Plan notes and actually uses a photo of Mill Point Apartments to illustrate the point: "Yarmouth will continue to

be a community with a diverse population: young families with children, middle-aged couples, elderly residents, younger renters ranging from those with modest incomes to affluent households. To accommodate this population diversity, a wide range of housing choices will continue to be available in our community including housing that is affordable to households with modest income and a variety of rental housing.” On the other hand, the Royal River Corridor Plan (2009, Appendix G to the Comprehensive Plan) specifically calls out the Mill Point Apartments, stating “A large piece of undeveloped land west of the apartments is quite steep and wet and may not allow significant expansion” (page 52).

This analysis is provided to show that the Comprehensive Plan has many different goals and provides a wealth of information. The subject property can sit at the confluence of these varied goals and priorities: it is located in a Growth Area and provides expanded housing types, yet it a difficult property to develop due to the constraints from the grade, the presence of wetlands, and the protections of the Shoreland Overlay District. The property may still be developed, but the scope and scale of the project may need to be revised with a second concept that provides additional detail about the constructability of the site.

In addition, it has been noted in the Town staff comments and the comments received from the public that in the 2015 review, the applicant had included an easement to benefit the town across the property in order to provide a pedestrian connection to Grist Mill Park. At this time, Town staff recommend that the applicant construct a sidewalk connection from the proposed interior sidewalk system to Bridge Street including an ADA compliant crosswalk to the sidewalk on the northwesterly side of Bridge Street and the Royal River Parkway. Additionally, Town staff would recommend that an easement allowing public pedestrian access through the property to the abutting Town land (Grist Mill Park) be conveyed to the Town. This infrastructure is a critical connection identified in the Royal River Corridor Plan, the Open Space Plan, and the Comprehensive Plan, and should this application advance to an approval, regardless of how the scope of the project may evolve through the public process, it will be a condition of approval.

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

Staff Comments:
Additional information is necessary.

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;

Staff Comments:
The application materials indicate that approximately 3,000 to 4,000 square feet of wetland impact will result from the project. The potential impact range is significant, so addition details regarding the nature of the impact and the required permitting from the Maine Department of Environmental Protection is required with future submittals.

Additionally, while the structures are located outside of the Shoreland Overlay District, elements of the project are subject to the rules of Chapter 701, Article IV.R, Shoreland Overlay District, but no additional information relative to this permit was provided, which would fall under the Planning Board’s jurisdiction. In particular, the applicant must provide an analysis of the cleared openings and non-vegetated surfaces in the Shoreland Overlay District.

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

Staff Comments:
It is not anticipated that the proposed project will adversely affect the quality or quantity of groundwater, but additional details are required to fully assess this standard. Additionally, a stormwater management report is required to be submitted.

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;

Staff Comments:

A portion of the property is located within a floodplain based on mapping available on the Town's website. Additional information is necessary to determine whether the proposed project will impact the floodplain.

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;

Staff Comments:

The application materials indicate that approximately 3,000 to 4,000 square feet of wetland impact will result from the project. The potential impact range is significant, so additional details regarding the nature of the impact and the required permitting from the Maine Department of Environmental Protection is required with future submittals.

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;

Staff Comments:

This standard is not applicable.

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)

Staff Comments:

While the structures are located outside of the Shoreland Overlay District, elements of the project are subject to the rules of Chapter 701, Article IV.R, Shoreland Overlay District, but no additional information relative to this permit was provided, which would fall under the Planning Board's jurisdiction. In particular, the applicant must provide an analysis of the cleared openings and non-vegetated surfaces in the Shoreland Overlay District.

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.

Staff Comments:

The applicant must submit an adequate pre- and post-development stormwater analysis for the entire site and must provide volume control and treatment of stormwater runoff for the entire site per Chapter 500 and Yarmouth's requirements. The applicant will also be required to comply with Yarmouth Ordinance Chapter 330, Post-Construction Stormwater Management. This will include executing and registering with the Cumberland County Registry of Deeds a Maintenance Agreement for the Stormwater Management Facilities for the site in perpetuity. In addition, the applicant will be required to provide annual reporting certifying the maintenance of the stormwater management infrastructure has been performed per the Ordinance and the approved inspection and maintenance protocol.

The applicant shall submit an acceptable site-specific Operations and Maintenance Manual (O&M Manual) for the stormwater best management practices (BMPs) used at the project site. The approved O&M Manual shall be referenced in the aforementioned annual report.

The Town strongly encourages the applicant to explore and implement Low Impact Development (LID) BMPs as part of the proposed project.

- 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;**

Staff Comments:

This standard is not applicable.

- 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;**

Staff Comments:

This standard is not applicable.

- 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**

Staff Comments:

This standard is not applicable.

- 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).

Staff Comments:

This standard is not applicable.

VII. SHORELAND OVERLAY DISTRICT STANDARDS (CHAPTER 701, ARTICLE IV.R)

This section does not provide a detailed analysis of the Shoreland Overlay District standards that are applicable to this project because no information has been provided by the applicant in order to assess these standards. Based on the conceptual plan, it appears that a portion of the extended site driveway, the stormwater management facility, and vegetation clearing will take place within the Shoreland Overlay District. This applicant illustrates the Shoreland Overlay District on their conceptual plan:



Conceptual Site Plan: Shoreland Overlay District highlighted in red

Chapter 701, Article IV.R has standards for the following which must be addressed by the applicant as these elements can only be approved by the Planning Board. These include:

- Article IV.R.7.d: Parking Areas;
- Article IV.R.7.e: Roads and Driveways;
- Article IV.R.7.f: Storm Water Runoff;
- Article IV.R.7.k: Clearing or Removal of Vegetation for Activities Other than Timber Harvesting.

The Planning Board has received comments regarding the amount of cleared openings and non-vegetated surfaces within the Shoreland Overlay District. Depending on the outcome of this analysis, the site plan may need to be altered to be in compliance with the standards. Revegetation may be required.

V. Character Based Development Code Review

As noted in the Introduction, the Village III District incorporates by reference the architectural and landscape standards of the Character Based Development Code (Chapter 703, Article 5.M and 5.N), so the project will be subject to these standards, although at this conceptual stage, detailed information regarding compliance has not been provided.

Architectural Standards (Article 5.M)

The applicant submitted an initial rendering for the proposed buildings, but the applicant must complete the architectural standard matrix in conjunction with the submittal of more detailed architectural elevations and renderings for review.



Proposed Rendering of New Structures

Composition	Additional details required in particular regarding the base, middle and top requirements of the Architectural Standards.
Walls	Additional details required especially about the material choices.
Attachments & Elements	Additional details required regarding the front door surround and the relationship of the building to the adjacent elevation.
Roofs	Additional details required on the proposed roof slope and the proposed dormers seen in the rendering above. Information on these elements can inform the need for any waivers. The Planning Board will also want to know details about any rooftop equipment.
Openings Windows, & Doors	Additional details required in particular about façade glazing, which will be informative to any waivers needed. The Planning Board will also want information about any vents in the facades, as well as information on the proposed windows and doors.
Shopfront	This standard is not applicable.
Miscellaneous	Additional details required on any ground level mechanical or HVAC equipment as well as the proposed solid waste enclosure.

Private Lot Landscape (Article 5.N)

As above, the applicant submitted a conceptual site plan for the site, without any details about the proposed landscaping. The project will be required to submit more detailed information in the future in order to assess these standards. Additionally, due to the steep slopes and the potential cut to establish the future grade of the proposed driveway, parking area, and building sites, the applicant may need to submit cross sections for the Planning Board to understand how landscaping can be installed as required. Finally, a plant list must be provided in order to assess against the requirements of Chapter 703.

It should be acknowledged that the undeveloped portion of the site is covered with dense vegetation and the proposed site plan will contribute to the loss of this vegetation. The applicant shall provide a plan that documents only the minimum area needed to be cleared for construction, and measures should be taken to protect the significant vegetation on the property.

Although the applicant has indicated that the existing parking lot will be repaved and restriped, the applicant should make reasonable efforts to address the landscape requirements in the existing parking lot.



Illustrative Site Plan

Landscape	Required	Proposed	Finding
5.N.2.a Lot Coverage	50% per Village III	Unknown	Additional details are necessary.
5.N.2.c Placement of Trees	3 ft from walkways 5 ft from utilities 6 ft from buildings 8 ft from balconies	Unknown	Additional details are necessary.
5.N.2.j Buffers and Screens		Unknown	Additional details are necessary.
5.N.2.k Plant Materials		Unknown	Additional details are necessary.
5.N.2.s Trees Required	1 tree per 30' frontage	Unknown	Additional details are necessary.
5.N.2.u Minimum Landscape	30% landscape in 1 st Lot Layer; not less than 20% landscape overall except when the coverage exceeds 85%	Unknown	Additional details are necessary
5.N.2.ee.i Parking Lots	1 island per 20 spaces	Unknown	Additional details are necessary.
5.N.2.ee.ii Parking Lots	1 tree per 2,000 s.f.	Unknown	Additional details are necessary

XX. Motions – Major Site Plan, Major Subdivision, and Shoreland Permit

At this concept stage, there are no motions recommended by the Town staff. It is recommended that a second concept plan be developed by the applicant for the Planning Board’s consideration. Of particular importance is more detailed information regarding the compliance with the Shoreland Overlay District standards for the elements that would be located within that area. Further information is also necessary to document the lot area as it is informative to determine the number of residential dwellings allowed on the site.

A second concept plan should reconsider the proposed siting of the proposed structures, the parking layout, and the driveway. This staff report also outlines the significant coordination still needed with the Town Engineer, the Yarmouth Water District, and the Fire Chief, regarding water and sewer utilities. It is acknowledged that this staff report also identifies necessary submittals that may not be necessary for a second concept, but due to the significant grade change of the site, consideration of minimizing the alteration of the existing topography should inform a second concept.

The Planning Board should expect that there will be significant public comment on this application and may receive additional testimony that is important to your feedback to the applicant at this conceptual stage.

A. MAJOR SUBDIVISION

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 XXXX for Major Subdivision, Mill Point at Yarmouth, LLC, Applicant; Mill Point Apartments, 49 & 51 Bridge Street, Map 33 Lot 8-00A, regarding the compliance with the applicable regulations and standards of Chapter 601, Subdivision, the Planning Board hereby finds and concludes that the Major Subdivision **[meets/does not meet]** the required standards and is therefore **[approved/not approved]** subject to the following conditions of approval:

- 1. Conditions...

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

B. MAJOR SITE 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 dated XXXX for Major Site Plan, Mill Point at Yarmouth, LLC, Applicant; Mill Point Apartments, 49 & 51 Bridge Street, Map 33 Lot 8-00A, regarding the compliance with the applicable regulations and standards of Chapter 702, Site Plan Review, the Planning Board hereby finds and concludes that the Major Site Plan **[meets/does not meet]** the required standards and is therefore **[approved/not approved]** subject to the following conditions of approval:

- 1. Conditions...

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

C. SHORELAND PERMIT

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 XXXX, and the testimony presented at the Planning Board hearing, regarding Shoreland Permit Review Chapter 701 Article IV.R.11 a & b, for XXXX and other site improvements at Mill Point Apartments, 49 & 51 Bridge Street, Map 33 Lot 8-00A, Mill Point at Yarmouth, LLC, Applicant, the plan **[is / is not]** in conformance with the standards for review of this section, and **[is/is not]** approved subject to the following condition of approval:

- 1. Conditions...

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

Attachments:

1. Steve Johnson, Town Engineer – Memo 7/25/2022
2. Erik Street, Public Works Director – Memo 7/19/2022
3. Fire Chief Robitaille – Memo 7/27/2022
4. Eric Gagnon, Yarmouth Water District Superintendent – Email 7/29/22
5. Rebecca Rundquist, Tree Advisory Committee – Memo 7/28/2022
6. Mike Tremblay, Bicycle and Pedestrian Committee – Email 8/1/22
7. Public Comment – Christine Slader, 7/30/22
8. Public Comment – Deborah Keefe, 7/31/22
9. Public Comment – Ellen Pott, 7/31/22
10. Public Comment – Edward Ashley, 7/29/22
11. Public Comment – Edward Ashley, 7/29/22
12. Public Comment – Frank Oliva, 7/31/22
13. Public Comment – Holly Eddy, 7/31/22
14. Public Comment – Matthew Cardente, 7/31/22
15. Public Comment – Mike Tremblay, 8/1/22
16. Public Comment – Mitchell Rasor, 7/31/22
17. Public Comment – Mitchell Rasor, 8/1/22
18. Public Comment – Paul Christian Slader, 7/31/22
19. Public Comment – Scott Keysor, 7/31/22
20. Public Comment – Sheri Oliva, 7/30/22
21. Public Comment – Sam Eddy, 7/31/22
22. Public Comment - Tara McGeachey, 7/31/22
23. Public Comment - Virginia E. Swain, 8/1/22

Memo

To: Erin Zwirko, AICP, Director of Planning and Development
From: Steven S. Johnson, P.E., LEED AP, Town Engineer
CC: Erik Street, Nick Ciarimboli, Chris Cline, Karen Stover, Wendy Simmons, Daniel Gallant, Michael Robitaille
Date: July 26, 2022
Re: Conceptual Site Plan Application: Mill Point at Yarmouth, 49 Bridge Street

Erin:

I have reviewed the application from Henry Hess of Sebago Technics on behalf of Mill Point at Yarmouth, LLC for site development at 49 Bridge Street dated June 15, 2022.

I have the following technical comments on the application:

1. **General:** The applicant is proposing to construct three multi story apartment buildings on the site augmenting the existing two structures and will provide seventeen (17) units among the three new structures for a total of 27 units on the site. The applicant is proposing additional parking for the site. The project is located in the Village III District.
 - a. The general topography of the site is generally wooded with the southwesterly side of the site very steep with significant drainage rills through it as well as an area of mapped wetlands in the center of the site. It appears that the southerly side of the site will be challenging to develop from a grading perspective;
 - b. The general driveway layout appears to be reasonable in the horizontal dimension, however, the entrance grade suggested in this concept will potentially approach 20% which will be challenging for first responder access. The applicant should consider how access for first responder vehicles will access the proposed new buildings.
 - c. Portions of the parcel is located within the flood plain, however as proposed the new buildings are not within the 100-year recurrence event flood plain.
2. **Rights, Title:** The Applicant has submitted adequate evidence of right, title, and interest in the parcel. It should be noted that CMP and NT&T maintain an easement on the property which should be shown on the drawings.
3. **Solid Waste:** The Applicant has shown a dumpster location on the conceptual plan which I assume is to manage MSW and recyclables for disposal by a private hauler. The applicant shall provide a detailed plan to address post construction waste and recyclable management. Additionally, it should be noted that the site is adjacent to a residential area and collection of dumpster waste should not occur before 5:00 AM or after 10:00 PM, per Chapter 306 Solid Waste Ordinance.
4. **Water:** It is likely that fire suppression and domestic water service for the new development will be served by new water infrastructure from Bridge Street. The applicant must submit evidence of the capacity to serve from the Yarmouth Water District (YWD). Fire suppression in the buildings is required and the applicant should note the location of a new fire services as required. Additionally, as a condition of approval all water main infrastructure design must be approved by the YWD.
5. **Traffic\Parking:** The Applicant must submit a full traffic analysis for the project as well as a parking analysis.
6. **Sewers:**

1.1

- a. It appears that the existing facility is served by a private sewage pump station that conveys flow from the property via a small diameter force main to a public sewer manhole in Bridge street, thence to the Town's Bridge Street pump station via a public gravity main. The location, configuration, age, capacity, and condition of the existing private pump station and private force main is unknown at this time.
- b. There is adequate capacity at the Town wastewater plant to accept sewage flow from the project. However, the existing Bridge Street pump station that serves this facility has an undersized wet well and at peak flows struggles to keep up. Capital improvements for this station are not being contemplated at this time. That said, the applicant shall be required to either replace or upgrade the private pump station as follows:
 - i. Provide adequate storage of sewage flow such that the peak pump station discharge does not exceed the current peak discharge flow;
 - ii. The upgraded system shall have automatic backup generation sized to run the new or upgraded private pump station;
 - iii. The pump station shall have remote monitoring installed;
 - iv. The system shall provide for duplex pumps to ensure redundancy;
 - v. The applicant shall provide a system specific Operations and Maintenance Plan for the new or upgraded pump station.
 - vi. I am happy to work with the applicant on the system design.
- c. As a condition of approval, the applicant shall provide an estimate of the projected daily flow for the project, including the existing structures and the proposed new structures.
- d. A sewer connection permit and fee for each building will be required before the issuance of the building permit;
- e. It should be noted that during construction of all sewer infrastructure, all work must be inspected by Town staff prior to backfilling;
- f. Additionally, Yarmouth's standard details for sewer infrastructure shall be incorporated into the drawings. I can provide those electronic files as requested;
- g. All sewer infrastructure shall be constructed per Chapter 304 Sewerage Ordinance and Town Standards. Additionally, all work shall pass pressure and vacuum testing per Town standards;
- h. All sewer infrastructure on the site shall remain private.

7. Storm Drains

- a. All storm drain infrastructure must conform to Yarmouth Town Standards.

8. Drainage, Stormwater Management:

- a. The applicant shall provide an adequate pre- and post-development stormwater analysis and must provide volume control and treatment of the stormwater runoff per Chapter 500 and Yarmouth's requirements.
- b. The applicant will be required to comply with Chapter 330 Post-Construction Stormwater Management Ordinance. This will include executing and registering with the Cumberland County Registry of Deeds a Maintenance Agreement for the Stormwater Management Facilities for the site in perpetuity. Additionally, the applicant shall provide annual reporting certifying maintenance of the stormwater management infrastructure has been performed per the ordinance and the approved inspection/maintenance protocol;
- c. The applicant shall submit an acceptable site-specific Operations and Maintenance Manual (O&M Manual) for the stormwater BMPs used on this project. The approved O&M Manual shall be referenced in the annual report;
- d. The Town strongly encourages the applicant to explore and implement Low Impact Development (LID) BMP's as much as possible on the project.

9. Erosion and Sediment Control (ESC): The applicant will be required to provide Erosion and Sedimentation Control (ESC) Best Management Practices for this project per MDEP requirements. The Town expects that during construction the applicant and their construction manager/contractor perform the required inspections and enforcement of the ESC plan per MDEP 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. It is also especially important that the BMP's be installed prior to the disturbance of site soils and vegetation. Additionally, the construction contractor may require coverage under the Maine Construction General Permit if the disturbance is greater than or equal to one acre.

10. Soils: The applicant shall provide evidence that the soils existing on the site are adequate for the development proposed. Additionally, given the existing site topography and height of the proposed buildings, the applicant shall provide a full soil engineering report sealed by a Maine Licensed Professional Engineer prior to the issuance of a building permit.
11. Site Plan/Ordinance Requirements: The applicant shall provide evidence that the project meets all requirements of the pertinent site plan ordinance requirements.
12. Lighting: A lighting and photometric plan will be required.
13. Waivers: No waiver requests have been noted.
14. Off-site Improvements: No off-site improvements have been proposed at this time. I would recommend that the applicant construct a sidewalk connection from the proposed interior sidewalk system to Bridge Street including an ADA compliant crosswalk to the sidewalk on the northwesterly side of Bridge Street and the Royal River Parkway. Additionally, I would recommend that an easement allowing public pedestrian access through the property to the abutting Town land (Map 33 Lot 18) be conveyed to the Town as part of the project's approval.
15. Site Plan Drawing Comments:
 - Conceptual Site Plan
 - a. I would recommend that an easement at least 15 feet wide be conveyed to the Town allowing public pedestrian access through the property to the abutting Town land (Map 33 Lot 18) as part of the project's approval. Besides public access, the easement should allow the Town rights to construct, maintain, improve, and use in perpetuity a UA pedestrian and bicycle trail including boardwalk/bridge structures as required. I have included a rough sketch of a possible alignment that is generally where an existing path exists.
 - b. As shown the access drive will be challenging to both construct and to meet the maximum grade of 8% required by first responder vehicles and many service vehicles.
 - c. The plan should show a sidewalk, likely on the westerly side of the entrance, to connect the proposed interior sidewalks with the Town sidewalk on Bridge Street. The work should include a standard ADA pedestrian crossing per Town standards as noted above.




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

Town of Yarmouth ME
Director of Public Works

MEMORANDUM

To: Erin Zwirko -AICP, LEED AP - Director of Planning & Development

From: Erik S. Street, Director of Public Works 

CC: Steve Johnson, PE, Town Engineer, Wendy Simmons, Karen Stover

Date: 7/19/22

Re: 49 Bridge Street – Mill Point Apartments – Major Subdivision Concept Review

-
1. **General:** Applicant is looking to construct 3 residential buildings, that will supply 17 new residential units, bringing the total number of residential units at this complex to 27. In addition, they are proposing 28 new parking spaces, interconnecting sidewalks within the complex and a new dumpster location
 2. **Rights, Title:** Applicant has provided necessary documentation.
 3. **Easements:** No easements on the property or being proposed.
 4. **Homeowner Associations / Road Maintenance Agreements.** Nothing was provided, but the complex will need to develop an O&M plan, outlining how they will manage and maintain stormwater systems, snow plowing and other on-site operations.
 5. **Financial Capacity:** No Concerns.
 6. **Technical Ability:** No Concerns.
 7. **Solid Waste:** Mill Point is a rental complex of more than 10 units; therefore, its waste is considered commercial and must be managed by the complex. All waste management / recycling / food waste collection services must comply with the Towns Chapter 306 Solid Waste Ordinance.

Question – *Is the new dumpster location intended to service the entire complex?* While Yarmouth does not have mandatory recycling, The Yarmouth Recycling Committee strongly encourage the applicant to provide onsite recycling and food waste collection services. Applicant should be aware that while the residents of Mill Point cannot bring their trash to the Yarmouth Transfer Station, they can purchase a window sticker that will allow them to bring in recycling and bulky waste items (Punch Card Fees Apply).

8. **Water:** Water district must provide documentation stating they can supply the project.
 9. **Traffic / Parking:** No concerns at this time.
 10. **Storm Drains:** No Concerns at this time – Any design will need to comply with Town of Yarmouth standards.
 11. **Drainage, Stormwater Management:** The applicant will be required to submit a stormwater management plan. I strongly encourage the applicant to utilize LID stormwater treatment BMPs within the project campus as part of their design.
 12. **Sewers:** No concerns at this time.
 13. **Erosion and Sediment Control:** All erosion and sediment control BMP's along with maintenance and inspection practices apply.
 14. **Soils:** No Concerns at this time, but the applicant should provide soil type if the project move forward.
 15. **Site Plan / Ordinance Requirements:** No Concerns at this time.
 16. **Lighting:** No concerns at this time.
 17. **Waivers:** None asked for at this time.
 18. **Off-Site Improvements:** There are no off-sight improvements being proposed with this project. However, I would suggest that a pedestrian connection from the apartments to and across Bridge Street, to connect into the existing sidewalk network, be part of this project.
- Site Plan Drawing:** No comments at this time.

If you have any questions, please let me know.

*Town of Yarmouth,
Maine*

Incorporated 1849

**YARMOUTH FIRE RESCUE
178 NORTH ROAD (PO BOX 964)
YARMOUTH, MAINE 04096**



MICHAEL ROBITAILLE, CHIEF OF DEPARTMENT

BILL GODDARD, DEPUTY CHIEF

To: Erin Zwirko, Town Planner
From: Michael Robitaille, Fire Rescue Chief
Date: July 27, 2022
RE: Mill Point Apartments

I have reviewed the major site and subdivision sketch plan as submitted by Sebago Technics for 43 Bridge Street, Yarmouth and make the following recommendations:

1. The town of Yarmouth will require a sprinkler and a fire alarm system for each building that are independent of themselves. Permits will be required to be filed with the Town of Yarmouth and the State Fire Marshalls Office. This must also be coordinated with the Yarmouth Water District. Refer to Chapter 317 of the Town of Yarmouth Fire Sprinkler Ordinance for requirements.
2. Each unit shall have an Outdoor Beacon light installed on the exterior of the building which activates when the buildings alarm system is activated. Beacons shall be placed as so they can be easily seen from the road.
3. Gas alarms will be required, per state law, for any building that has propane or natural gas utilities. Detectors must be located in each room that an appliance exists.
4. All elevators shall be able to handle a Stryker Power Pro XT Stretcher. The dimensions are 84"x23"x29" and the stretcher must have free space around it for staff to work.
5. Access Road will be required to be of at least twenty (20) feet wide and clear of all obstructions. The obstructions include cars that are parking in approved spaces.

3.1

6. A fire hydrant shall be located in the area of building 2 and not be obstructed by any vehicles. This may be located on the northern side of the access road.
7. Individual buildings will be required to have their own KNOX box.
8. Hammerheads shall comply with the towns ordinance and be able to handle the towns largest fire apparatus.
9. Identification of the buildings shall be easily viewed from the driveway area.
10. In accordance with NFPA 1 the angle of approach and departure of Access Roads shall not exceed 1 foot drop in 20 feet or the design limitations of the fire apparatus
11. Fire Alarm and Sprinkler permits must be obtained from the Town of Yarmouth and the State of Maine as required.

Please feel free to contact me regarding this submittal if you have any questions, comments, or concerns.

Erin Zwirko

From: Eric Gagnon <egagnon@yarmouthwaterdistrict.org>
Sent: Friday, July 29, 2022 1:31 PM
To: Erin Zwirko
Cc: Tim Herrick
Subject: Re: Request for comment - Mill Point Apartments, Chase Bank & 166 Whites Cove Road - DUE 7/28
Attachments: Chase Bank Route One Ability to Serve 2022 04 22.pdf; Chase Yarmouth Utility Site Plan YWD Edits.pdf

Hi Erin,

I am a day late with responses, hopefully, it's not too late for consideration.

Whites Cove:

- This lot has a seasonal water service that is activated in the Spring and turned off in the Fall. They have a well that is utilized when the season service is not active. If they wish to have year-round YWD service an 8" main extension from Gilman Road. Considering the distance and ledge conditions, I would assume the current service configuration will be utilized because of the costs involved in extending a watermain. This season line would NOT be able to support a life safety sprinkler system in its current configuration.

Mill Point Apartments:

- There is mention of utilizing the existing water service from Bridge Street. I do not think this is possible. Without more information, I am thinking this would require a water main extension off of Bridge Street with services taken off of the new water main in the private development. We would also need to make sure the Fire Department doesn't require a hydrant as part of the main extension.
- An extension requires an easement given to the District to maintain the new water main within the private right-of-way.
- In order to better assess how this project can be served we would need to know the following:
 - How does the developer want these buildings to be metered? Would they like a meter for each building, for each unit, or other?
 - Will there be any sort of sprinkler system requirement? If yes, what are the size requirements? This needs to be provided by a fire sprinkler system designer. Please keep in mind that the charge for fire sprinkler service is determined by the size of the connection to the water main.
 - What is the peak flow for each meter?

Chase Bank

- I know this project has received PB approval but we still have some items that I can't seem to track down.
- I have attached my letter from April. I have not seen an updated set of plans or any notification indicating the size of the fire system required for the building nor the location of the water main extension required. This could have been sent but there was a flurry of separate emails with numerous questions so the plans may have been lost in the shuffle.
- At some point we will need domestic peak flow requirements to properly size the meter, this item isn't very urgent.
- I have also attached a PDF of the last set of plans I remember receiving with some notes that I redlined.

4.1

Eric Gagnon
Superintendent
Yarmouth Water District
207.846.5821 phone
207.846.1240 fax
<http://YarmouthWaterDistrict.org/>

This message is intended for the use of the addressee only and may contain privileged and confidential information. If you are not the intended recipient of this message, be notified that any dissemination or use of this message is strictly prohibited. If you have received this message in error, please delete all copies of the message and its attachments and notify the sender immediately

On Thu, Jul 14, 2022 at 1:03 PM Wendy Simmons <WSimmons@yarmouth.me.us> wrote:

For your review:

https://yarmouth.me.us/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=D1669487-6ACB-4E07-85EF-13C8A865005A&Type=B_BASIC

Have a great Clamfest! Wendy

Wendy L. Simmons, SHRM-CP (she, her, hers)

Administrative Assistant

Planning, Code Enforcement and Economic Development

Town of Yarmouth

200 Main St.

Yarmouth, ME 04096

Phone: 207.846.2401

Fax: 207.846.2438

www.yarmouth.me.us

Yarmouth Tree Advisory Committee

TO: Planning Board Members
Erin Zwirko, Planning Director

DATE: July 28, 2022

FROM: Rebecca Rundquist, Chair
Michael Brandimarte, Scott Couture, Clyde Hodgkin, Susan Prescott, Lisa Small

RE: Mill Point Apartments Application 6/15/22

The Yarmouth Tree Advisory Committee has reviewed the Mill Point Apartments Application for your meeting on 8/10/22 and has the following comments.

1. The Committee recognizes that this application is at the concept stage and, consequently, no detail is given as to location and number of trees on the site. However, given the site plan, it is clear that many trees would be removed to allow construction of the proposed buildings. We are concerned about the effects of major tree loss on the site, in addition to the large planned increase in impervious surface. The Planning Board should carefully consider the effects on runoff and potential erosion. The application states that 3,000-4,000 sq. ft. of wetland will be impacted.
2. This site is the only dense woodland near Main Street, and we feel it is worthy of protection.

Attachment 6

From: [Mike Tremblay](#)
To: [Wendy Simmons](#)
Cc: [Andrew Dolloff](#); [Dan Gallant](#); [Eric Gagnon](#); [Erik Donohoe](#); [Karyn MacNeill](#); [Lisa Small](#); [Mike Robitaille](#); [Nat Tupper](#); [Ron Dupuis](#); [Scott LaFlamme](#); [Ben Thompson](#); [Colin Durrant](#); dostrye@gmail.com
Subject: Re: Request for comment - Mill Point Apartments, Chase Bank & 166 Whites Cove Road - DUE 7/28
Date: Monday, August 1, 2022 8:03:04 PM

Wendy,

The Yarmouth Bicycle and Pedestrian Committee has the following comments on the Mill Point Apartments application.

- The internal site sidewalk should be extended to Bridge Street. The internal connectivity between apartments is puzzling without a pedestrian connection to Bridge Street.
- Bicycle parking should be provided, especially considering that the buildings will be multiple stories without an elevator. Residents of upper floors will have trouble owning a bicycle without secure (and ideally, covered) bicycle parking. The site has excellent propensity for bicycling, given its proximity to downtown Yarmouth, the Royal River Park, and the Beth Condon path.
- The parking layout is inefficient, as the parking is only "single loaded". The drive aisle could provide access to more parking with less length if the parking were double-loaded. Understanding that there are wetlands that need to be avoided, parking could be double loaded toward the east end of the site. In any case, all efforts should be made to reduce the stormwater impact of the site, including permeable pavers in the parking areas. The Royal River Master Plan also calls for parking to be located under the new buildings, which should be considered as a stormwater management benefit.
- The plan fails to incorporate one of the goals of the Royal River Master Plan, which calls for the creation of waterfront access to provide a public access trail connection from Grist Mill Park to Bridge St through the Mill Point Apartments. This plan should establish this connection, or, if the Town is unable to require this connection, specifically require the applicant to preserve an easement along the trail's future path.

Thank you for the opportunity to comment!

Thanks
Mike Tremblay, on behalf of the YBPC

On Thu, Jul 14, 2022 at 1:03 PM Wendy Simmons <WSimmons@yarmouth.me.us> wrote:

For your review:

https://yarmouth.me.us/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=D1669487-6ACB-4E07-85EF-13C8A865005A&Type=B_BASIC

Have a great Clamfest! Wendy

Wendy L. Simmons, SHRM-CP (she, her, hers)

Administrative Assistant

Planning, Code Enforcement and Economic Development

Town of Yarmouth

200 Main St.

Yarmouth, ME 04096

Phone: 207.846.2401

Fax: 207.846.2438

www.yarmouth.me.us

--

Mike Tremblay

Attachment 7

From: [Christian Slader](#)
To: [Wendy Simmens](#)
Subject: Mill Point Apartment Proposal
Date: Saturday, July 30, 2022 10:23:12 PM

July 30, 2022

Dear Yarmouth Planning Board,

I am writing to you regarding the proposed subdivision of Mill Point on Bridge Street. As a resident of 31 Bridge St. I would like to state my opposition to the proposal. The proposed plan for the three apartment buildings and parking lot is directly behind our house and just feet away from our backyard. I am strongly opposed to the development and not just because it is in my backyard and will affect my property value, my lifestyle, my peace and solace and the joy that I have living on Bridge St. I find this site plan to be extremely out of character with the values and comprehensive plan set forth by our town. I believe that cutting down a massive amount of trees, changing the character of the land, bringing in extreme amounts of building materials and building commercial buildings & parking lots with commercial lighting is simply a horrendous idea. Not only is the plan in contrast to what makes Yarmouth such a special and unique place to live and visit, it is detrimental to the earth and the life of the Royal River. The small but very important ecosystem that is in the area "bridging" the harbor, grist mill area and Royal River Park is the last of its kind. This space is a haven for deer, fox, coyote, beaver, fisher, bald eagles, osprey, turkeys, squirrels, multiple genus of songbirds & wetland creatures. I have seen all of these animals in the area of the proposed site as well as beautiful flora and fauna, grand trees, little preschoolers wandering the woods, children sledding in the ravine, neighbors crossing paths. The existing tree buffer aids in muffling the traffic on 295 and all of this is imperative to the livelihood of our beloved community. I hope that your committee will take a very hard look at the dire effects of this plan for today and the future.

We have lived in our home at 31 Bridge St. for 10 years and prior to that on E. Elm St for 35 years. I have lived in Yarmouth since I was a young girl totaling 52 years. My husband Christian and I have raised our two grown sons here and have always been active in the community, whether it's volunteering or working or caring for others here. I have loved living in Yarmouth and always speak very highly of my experiences here. I have seen a great deal of change which is almost all positive and beneficial to our family & our community. I have had concerns regarding development and other situations and have always felt I could voice my opinion and for that I am grateful. I am also very appreciative of all the volunteer time that goes into serving on boards such as the planning board. With that I hope you will appreciate that I have given this a great deal of thought & I am taking this very seriously.

I have always planned to make Yarmouth my forever home, but should this subdivision be approved I fear I would have to move and would probably have to leave this beloved community of mine. This breaks my heart.

I look forward to the opportunity to meet you all in person on August 10th and hear more about the proposal and our community's thoughts.

Christine Thorne Slader
31 Bridge Street
207-899-5861

Attachment 8

From: [Deborah Keefe](#)
To: [Wendy Simmons](#)
Subject: Mill Point Subdivision Site Plan
Date: Sunday, July 31, 2022 11:14:37 AM

To the Planning Board,

Although I will miss seeing the lovely woods behind my home at 109 Main St., I support this project IF it can offer some affordable homes, or contribute to an Affordable Housing Fund. The greatest need in Yarmouth right now is for affordable homes. Despite claiming in our Comprehensive Plan for the past 30 years that we want 10% of all new development to be affordable, Yarmouth has done nothing to bring this about. We are quickly losing land available for multi-family housing to market rate projects. More expensive housing contributes little to the Town, and also increases the burden on its infrastructure.

I would also ask that all requirements for protection of the river and wetlands be enforced. The Royal River is one of Yarmouth's greatest assets.

Thank you,

Deborah Keefe (Member: Yarmouth Affordable Housing Committee)
109 Main St.
615-9745

Attachment 9

From: [Ellen Pott](#)
To: [Wendy Simmons](#)
Subject: Subdivision at 49 Bridge Street
Date: Sunday, July 31, 2022 10:26:34 AM

Erin,

I want to add my concerns about the proposed subdivision at Mill Point on Bridge Street. I am not quite sure why we are doing this again since it was turned down once. I have lived on Main Street for 43 years and have always walked the path starting on Grist Mill Road, even before Grist Mill existed. When this proposal was turned down last time, a no trespassing sign was installed. Besides the fact that it isn't very neighborly to the walkers, it breaks up the 2 sides of the town walkers path. I am also concerned about the wild life that lives in that area and the traffic. Our taxes are going up this year and with all the new development in town, I don't understand why this developer gets precedence over those of us who have lived in this neighborhood for years. The new developments haven't lowered our taxes. Thank you for taking the neighbors concerns seriously.

Ellen Pott
31 Main Street
Yarmouth, Me

Sent from my iPad

Erin Zwirko

From: Edward Ashley <edwardashley02@gmail.com>
Sent: Friday, July 29, 2022 5:43 PM
To: Erin Zwirko; Nicholas Ciarimboli
Subject: Mill Point Apartments; comments for Planning Board

Dear Madam Chair and Planning Board Members:

I am not opposed to the Mill Point Expansion, but there are several key elements that I feel must be satisfactorily addressed before any approval can be given.

First, as was true the last time Mill Point sought expansion, this is the opportunity to complete the trail network alongside the river from East Elm Street on down to the Town owned land at Gristmill Field and to First Falls. A pedestrian easement should be granted to the Town, for recreational pedestrian use and trail construction/maintenance, from Bridge St. through the existing parking lot and into the wooded portion of the parcel to the east of Existing Building #1, over the existing trail of use, with right to rebuild a footbridge over the incised drainage gully, on down to the Town owned parcel adjoining the easterly boundary of Mill Point. Mill Point agreed to this in their last application, and they should again.

Second, the current proposed layout is harder on the neighbors than the first one was, by dint of being pushed back to the south, out of the SOD, uphill, and very close to the neighbors sidelines. This is unfortunate. It appears that the layout could be tweaked, by sharpening the radius of the new proposed driveway extension, shifting the development more to the north, and sliding it westward (which will shorten that extension, but still staying out of the SOD.). This will provide more space along the property rear line for the planting of some serious buffer/screening trees, e.g., such as Norway Spruce, to buffer the neighbors from the sight lines to the rear of the new buildings, and attenuate noise.

The Tree Advisory Committee should be consulted about the existing and future vegetation on the parcel. Right now there is substantial canopy, which will need to be replaced to the fullest extent possible. I think it would be beneficial to have a forester prepare a survey of the standing timber on the entire parcel, identifying species, any special conditions affecting planting plans and choice of species, in an effort to have the final result for the entire parcel be as good as it can be, for habitat, stormwater management, carbon sequestration, sound attenuation and fresh air for the village. A substantial planting reforestation plan should be a condition of approval for this sensitive site.

I am quite concerned about stormwater management, both during the construction phase, and post-construction, and suggest that peer review of the applicant's stormwater management plans would be appropriate. The slopes are significant, and this stretch of the river is sensitive. If we see dam removal in the future, fish passage and habitat concerns will be even more important.

I would like to know what applicant plans for construction timing, whether all three new buildings will be built in one effort, or whether phased construction is planned. Shortening the total time frame of construction would greatly alleviate the burden on the neighbors, and on the site.

The amount of impervious surface shown on the preliminary site plan seems excessive. Can the drives not be designed for yield movement? Although the fire chief may want to see 20 foot width of the drive, is that much width really necessary? I recognize the ladder truck needs 18' for jack placement, but that would be in front of the buildings. If the amount of impervious surface could be shrunk, and curled in upon itself, shifting westward and to the north and downslope, it would be very beneficial.

I do not know if any affordable rental units are intended to be part of the mix, or if this is all intended to be market rate.

This is a very unique and sensitive site and setting, there can not be many like it in the Greater Portland area, and the expanded development cries out for high quality and sensitive design.

Thank you for your attention,
Edward Ashley
20 Spartina Point

Erin Zwirko

From: Edward Ashley <edwardashley02@gmail.com>
Sent: Friday, July 29, 2022 6:21 PM
To: Erin Zwirko; Nicholas Ciarimboli
Cc: Greg Paxton; Bruce Butler; Phil Bean; Tom Bell; Sue Devine
Subject: Additional Mill Point comment to Planning Board

Dear Madam Chair and Planning Board Members:

In the email I just sent you, I neglected to mention one aspect of the importance of the design of the new buildings.

The site is in the Village III zoning district (as well as partly in the Resource Protection District and SOD). Ch. 701, Art.IV.X (VILLAGE III DISTRICT).2(Performance Stds.)e. provides that:

"Development in the Village III Zone shall be subject to the Architectural and Landscape Standards of Chapter 703 (Character Based Development Code), Articles 5.M and 5.N."

In addition, the abutting neighbors are all situated in the Lower Village Historic District, and the property lies between that Historic District and the Royal River Manufacturing Historic District on the other side of the Royal River. Several of the abutting neighbors own Contributing Structures in the Lower Village Historic District, of architectural significance. The Sparhawk Mill is an iconic and architecturally and historically valuable structure across the river. Accordingly, it would be entirely appropriate and desirable for applicant to review and be guided by the architectural standards set forth in Ch.701, Art.X.Appendix A4.3, for New Construction in a Historic District, as a supplement or over-view for the Ch.703 CBDC Architectural Standards referred to above. This is an important site, and should be further developed with great respect.

Thank you, Ed Ashley

Frank Oliva Architect

Erin Zwirko
Director of Planning and Development
Town of Yarmouth, Maine
c/o Wendy Simmons
Administrative Assistant

The Yarmouth Planning Board,

I'm writing this as a letter of concern for the proposed development at the Mill Point Apartment Complex on Bridge Street. I have reviewed the Owner's proposal, and whereas my wife and I are abutters to this property for 26 years, we consider it to be a significant change to this historically sensitive area, and we would like to offer the following concerns:

1. **Traffic.** The access road to Mill Point Apartments off of Bridge Street sits at a unique juncture for all means of travel. Cars, trucks, bicycles, skate boards, pedestrians, runners, sight seers, dog walkers and more. They all cross paths on the opposite side of the road from the Mill Point entrance. As if this weren't enough, the bridge starts at that location and it does not have a raised sidewalk for pedestrian protection, and the configuration of hills on both sides of the bridge tends to speed up traffic at the foot of the hill. Suffice it to say that the increased traffic at this location caused by 17 new apartments is a safety concern.
2. **Site Drainage.** The Mill Point proposal's area of development is at the property's southern edge with an access road to the existing Bridge Street entrance. It is my understanding that this will necessitate substantial reworking of the land contours and subsequent tree removal (at least 2 acres), at the steepest areas of the site. Erosion, due to interruption of existing drainage ways, construction activities and storm events will be a major challenge, both during and after construction.
3. **Environmental Impact to Abutters.** The proposed development would locate 17 new apartments, new parking and an access road in the backyards of several existing homes on Bridge Street, ours included. Full consideration should be given to minimize the impact to all the abutters. This should include building and road lighting, and landscape buffering.
4. **Impact to Village Character.** The area of Bridge Street, the Royal River corridor and the Sparhawk Mill are quintessential components for the Town of Yarmouth; rich in history and natural beauty. The reshaping of terrain and the loss of tree cover required by this project qualify as major changes to this sensitive area. If one of the goals of the Yarmouth Comprehensive Plan is to preserve our iconic places, then this proposal clearly cuts against that intent.

Respectfully,

Frank Oliva

July 31, 2022

Dear Planning Board members,

The proposed plan by Mill Point owner, Terry Brown, threatens to be one more “slippery slope” alteration to and replacement of one of Yarmouth’s precious and diminishing green spaces. This proposed massive development will visually impair and threaten the displacement of wildlife and their habitat and the destruction of the ravine’s natural landscape. This aggressive alteration of green space and its surrounding sprawl will affect all Yarmouth residents who populate and enjoy the peaceful stroll down Bridge Street and continue through the River Walk.

Contrasting the Planning Board’s intent to nourish and maintain Yarmouth’s “walkable neighborhoods” as stated on their website, this ambitious plan to develop our quiet neighborhood will directly compromise the “walkability” of Bridge Street and the River Walk. At stake is the safety of Bridge Street walkers, walkers with dogs and baby strollers, bikers, runners, skateboarders, and young bicyclists, all who frequent Bridge Street, the River Walk, and our historic Sparhawk Mill via the narrow one-lane bridge overlooking the beautiful Royal River, morning through evening, 7 days a week.

I live on Bridge Street and my “office” is in our driveway, so I see the constant flow of pedestrians and cyclists all day long. The thought of the proposed additional cars with inevitable increased access to Bridge Street throughout the day is alarming and honestly, unbelievable. Yarmouth residents young and old, families and school children who come from all over our town to enjoy a quiet and safe stroll, would be adversely affected.

Bridge Street has always been a safe cut through for young bicyclists living on Bayview Street, Yankee Drive and Willow Street on their way to the library, camp, school, or after school activities. During the school year packs of kids come racing down the top of Bridge Street, cross the narrow bridge, taking the short cut through the park. We are so fortunate to be able to allow this carefree and wholesome activity. With the proposed addition of ~30+ cars entering and exiting Mill Point throughout the day, the 1 lane bridge which already requires cautious crossing, will impose further safety concerns.

Please consider the importance of protecting the peaceful access to Yarmouth’s beloved and historic Royal River and park, as well as the impact the proposed plan will have on our residents who live in our charming village, and actively enjoy and use our “walkable neighborhood”.

Respectfully,
Holly Eddy
17 Bridge Street
207-807-2329

From: [Matt Cardente](#)
To: [Wendy Simmons](#)
Subject: Bridge Street Development Proposal
Date: Sunday, July 31, 2022 3:10:35 PM

Dear Wendy,
I own 43 Bridge Street, the adjacent residence to the entrance of the proposed new residential development on Bridge Street. My driveway is so close to the entrance, I already have safety concerns as it is. Currently, I can barely back out without my vehicle(s) infringing on the Millpoint entrance and the entrance to the Park trail. Adding so much more traffic is a major safety issue. This is one of many concerns regarding this project. Most are noted on record during the last public hearings to add more buildings to their property years back. I will be attending the meeting(s) to oppose this development, in full, as many others will. I am surprised Yarmouth is reconsidering this development frankly. I don't see any positive for the neighborhood, area density, for the environment, for the safety of pedestrian and vehicle traffic, for the overall congestion near a school, for a road that starts with two steep hills that people speed on as it is (Bridge Street), property values, land with watersheds and wildlife, ongoing construction, appearance, privacy, public safety with more renters and turnover, amongst many other things.

With great disappointment,

Matthew Cardente | Designated Broker / Owner
Cardente Real Estate | Commercial & Investment Brokerage
Direct Line: [207.775.5677](tel:207.775.5677) | Cell: [207.233.8229](tel:207.233.8229) |
Office: [207.775.7363](tel:207.775.7363) | Fax: [207.773.0066](tel:207.773.0066)
matt@cardente.com | www.cardente.com
322 Fore Street, Portland, Maine 04101
[View My Listings](#) | [Personal Profile](#) | [Connect on LinkedIn](#)
Member of the **Forbes** Real Estate Council



From: [Mike Tremblay](#)
To: [Wendy Simmons](#)
Subject: Re: Request for comment - Mill Point Apartments, Chase Bank & 166 Whites Cove Road - DUE 7/28
Date: Monday, August 1, 2022 8:34:49 PM

Wendy,

On Mill Point, I'd also like to submit public comment from myself (not on behalf of YBPC), if that is allowed. Unfortunately I have work conflict on the day of the Planning Board meeting and will not be able to attend. I apologize for not getting these comments in before the 7/28 deadline. I noticed a slew of flyers posted on utility poles near the project site that encouraged negative public comment against this project and I wanted to submit comment so that will likely be contrary to most you will receive from people who saw this flyer.

Maine, and much of the country, is in a housing crisis. People cannot find affordable places to live in much of southern Maine. Residents of Yarmouth should not try to stop more housing from being built simply because they already have a home. New housing should not be rejected sight unseen. Comments on new housing should be focused on making the project better, not "defeating" the project outright.

This project, as proposed, is not perfect, but it is appropriate for its location. Any lower-density development would be an inefficient use of space. Personally, I'd prefer more density at this location. The project location is near downtown Yarmouth, Royal River Park, and the Beth Condon Path, lending itself well to higher density development that encourages car-lite living. It is important that project density be prioritized where it is most optimal, and Mill Point is more suited to density than many other sites in town.

This project was envisioned in the 2008 Royal River Master Plan, with some notable omitted goals. 17 additional units will not substantially add to traffic concerns on Bridge Street, which certainly does not have a traffic problem today. I would echo the Yarmouth Bicycle and Pedestrian Committee comments, especially concerning pedestrian connections to Bridge Street and constructing the pathway envisioned in the Royal River Master Plan. Comments about impacts to wetlands need to be weighed against the relative benefits that density provides vs. single family housing; 17 single family homes and their driveways would have a much greater environmental detriment than this site.

Other comments:

- Covered and secure bicycle parking should be prioritized for residents, since residents will have trouble carrying bikes up stairways.
- The applicant should post Metro BREEZ schedules in building vestibules, and provide walking and biking directions to the stop at Yarmouth Town Hall.
- Residents of the development should receive certain information upon move-in, including: A pamphlet on how to use the edge lanes on Bridge Street; maps and schedule information for the Metro BREEZ bus route; a bicycle network map, etc.

Thanks again!

On Thu, Jul 14, 2022 at 1:03 PM Wendy Simmons <WSimmons@yarmouth.me.us> wrote:

For your review:

https://yarmouth.me.us/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=D1669487-6ACB-4E07-85EF-13C8A865005A&Type=B_BASIC

Have a great Clamfest! Wendy

Wendy L. Simmons, SHRM-CP (she, her, hers)

Administrative Assistant

Planning, Code Enforcement and Economic Development

Town of Yarmouth

200 Main St.

Yarmouth, ME 04096

Phone: 207.846.2401

Fax: 207.846.2438

www.yarmouth.me.us

--

Mike Tremblay

7.31.22

Preliminary Comments on the Mill Point Concept Major Site Plan and Major Subdivision Concept Plan

Dear Yarmouth Planning Board Members,

I own 87 Main Street where I reside and have an office for Rasor Landscape Architecture. I am a Maine and Nationally Registered Landscape Architect specializing in the development of infill housing projects.

Summary of Preliminary Findings - Property Zoned Shoreland, Resource Protection, and Village III

1. This parcel has remained undeveloped for 336 years since when Yarmouth was founded in 1636 because it is severely restricted by wetlands, intermittent streams, erodible soils, and steep slopes. We don't have new technologies or new best practices that now make this land suddenly suitable for development. The land has been a woodland in some form or another since 1636 because that is the only reasonable use given the extreme environmental constraints and applicable regulations.
2. The Yarmouth Comprehensive Plan states in two different sections that development potential for this parcel is severely restricted by wetlands and steep slopes. It is rare that the Comprehensive Plan provides such clear guidance for the Planning Board on a specific parcel, and this alone should make you pause before even considering the application.
3. 80% of the parcel is severely restricted by wetlands, erodible soils, intermittent streams, and severe steep slopes identified, cross referenced, and mapped by Yarmouth Ordinances. These highly sensitive natural areas are protected by Town, State, and Federal regulations and policies. The Planning Board has the authority to deny development proposals that impact these resources.
4. The parcel includes a Shoreland Overlay District requiring that the aggregate of historic and future clearing cannot exceed 25%. The development proposal results in 31% SOD clearing, exceeding the 25% maximum. The 25% maximum is exceeded with the proposed access drive connecting the existing parking to the new development sites. This is important to note because not only are the three building development sites undevelopable and inaccessible due to wetlands and steep slopes, but you can't even get to them without exceeding the 25% maximum.
5. The Concept Plan is not a reasonable response to the extreme environmental constraints of the site as required by the Site Plan and Subdivision Ordinances. The Concept Plan ignores the limitations of the site. For example, the proposed access drive, parking, and building sites are located on steep slopes of 47%. Town street and access drives have a maximum slope of 8% to 10%. There is no feasible way to access these sites for daily use or in an emergency by Fire, Police, and Rescue. Analysis shows that retaining walls 20' to 30' in height and approximately 255' in length with side slopes extending into the wetland are required to even remotely meet access standards. This type of aggressive and expensive site work might be reasonable for a Lowes or a Walmart abutting I-95, but not for a neighborhood of 17 townhomes set in the heart of Yarmouth village. The project is unreasonable and unsafe, and the required site work would be completely out of character for the village.

Prior to proceeding with any review of the Concept Plan, I urge the Planning Board to conduct a site walk of the proposed access drive center line and the proposed three building sites, ideally with the Fire Chief in attendance. Many of you won't be physically capable of traversing the steep slopes and wetlands. Conditions are that extreme. A site walk will provide you with an unbiased reality check that the land cannot support any more development and that the Concept Plan is not worthy of consideration.

Dear Yarmouth Planning Board Members,

There is a reason this parcel has remained undeveloped since 1636 when Yarmouth was founded as North Yarmouth. It is an undevelopable lot, severely constrained by access, steep slopes, erodible soils, wetlands, intermittent streams, and Town, State, and County regulations. 80% of the parcel to south of the existing Mill Point apartments and parking is severely constrained by wetlands, steep slopes (20% to 50% steep), erodible soils, intermittent streams, and the Shoreland Overlay District. Property owners have inherent rights to develop their property, but some people buy land that has limited to no development potential and no amount of daydreaming will change reality. This is the case here with a site that includes extensive and severe environmental and regulatory constraints. We don't have new innovative technologies that we didn't have in the past making it now possible to develop the site in a reasonable manner. We don't have out of date zoning ordinances and planning studies that don't align with best practices for village development. We have access to the very best technologies for land development and the very best and most innovative local zoning standards and regulations and none of these cutting edge technology, policies, or standards change the fact that the site cannot be developed in a reasonable manner while adhering to codes, policies, standards and best practices.

The Concept Plan under review does not represent a flash of creativity unlocking previously misunderstood potential of the property. It is an unreasonable proposal that runs counter to common sense, counter to adopted Town planning studies for the site, counter the specifics of the Comprehensive Plan, and counter to existing Town, State, and County zoning and environmental standards. Highly qualified professionals have previously looked at this property at different times in the past (I note at least six different sources below) and none of these thoughtful and informed efforts saw any possibility for further development of the site

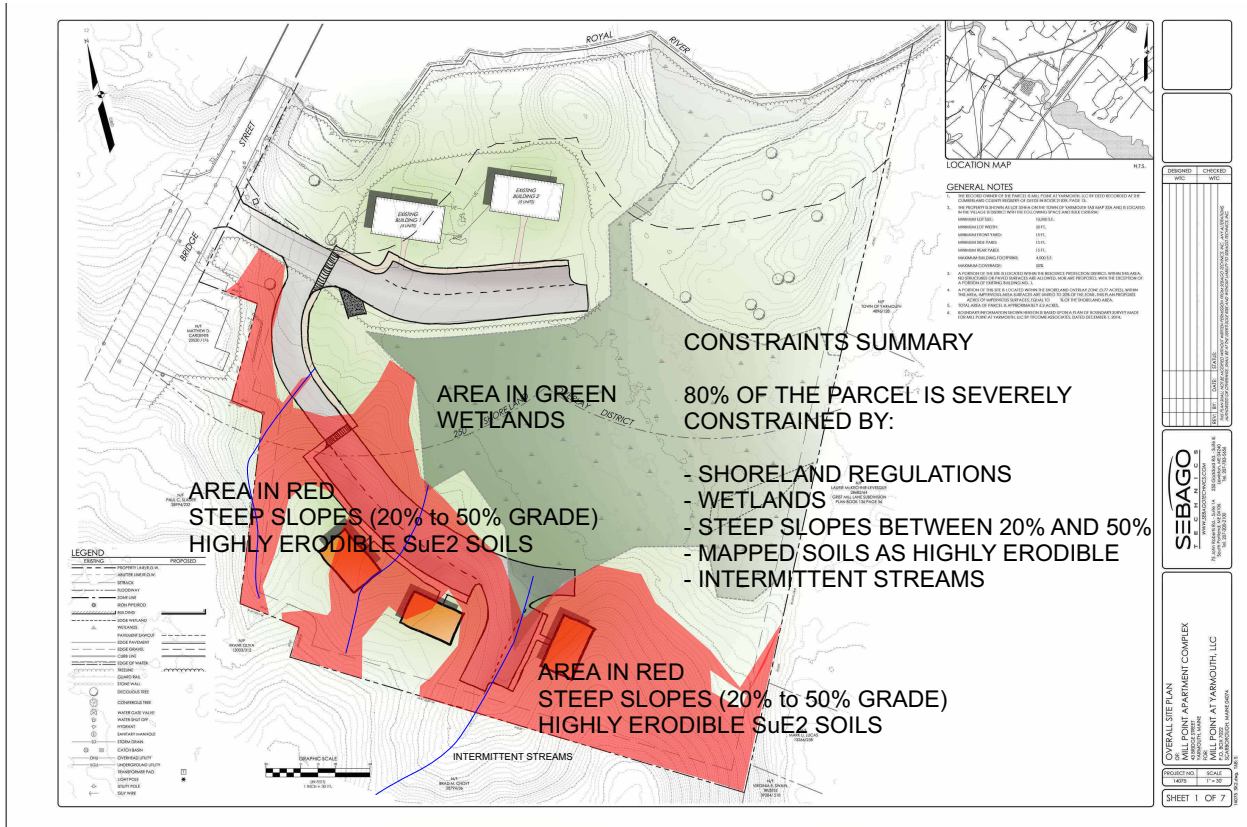
Before proceeding with any further review of this project, I respectfully request the Planning Board to ask the developer to stake the centerline of the proposed driveway and the corner locations of the proposed buildings. Please try and physically walk the centerline and building locations - up and down severely steep and erodible slopes with 20% and 50% grades, across intermittent streams, and right up against mapped wetlands - and you will understand why this project has no merit for the Planning Board's consideration. I respectfully request that the Fire Chief and Police Chief attend this site walk and experience first-hand the inherent and unsurmountable problems with developing this site.

Thank You,



Mitchell Rasor

1. Conflict with Mapped Environmental Constraints



80% of the proposed development area depicted in the Concept Plan includes mapped environmental constraints including severely steep slopes, severely erodible soils, and wetlands. The site is also land locked and it is not feasible to reasonably access the building sites.

Chapter 701 specifically defines steep slopes as

Steep Slope: A portion of land with a grade of 20% or greater.

The reasons why steep slopes are specifically defined in the Ordinance is because development on these slopes is unreasonable, leading to:

- Erosion soils
- Extensive and damaging cut and fill earthwork
- Dangerous and tall retaining walls
- Extensive side slopes requiring the removal of forests or impacts on wetlands
- Conflicts with ADA regulations
- Dangerous situations threatening Health, Safety, and Welfare because Fire, Rescue and Police cannot negotiate this terrain or access development on these slopes

- Conflict with street and driveway technical standards requiring a minimum of 8% to 10% grades
- Irreparable damage to character of the site and adjacent neighborhoods due to the extensive changes to the terrain and ecosystems
- When calculating Net Residential Density, steep slopes and other site constraints must be deducted from the total before calculating density, because you can't and should not build on steep slopes.
- Geotech issues with situating buildings on steep and erodible soils

Chapter 701 specifically defines Erodible Soils as “soils classified as being highly erodible by the Cumberland County Soil and Water Conservation District based on the most recent edition of Soil Survey of Cumberland County, Maine by the USDA and Maine Agricultural Experiment Station.”

The soils in the location of the proposed development depicted on the Concept Plan are SuE2, defined in the Cumberland County Soil Survey as:

Sulfield silt loam, 25 to 45 percent slopes, eroded (SuE2)

This soil is on the lower part of slopes of strongly dissected terraces adjacent to streams, rivers, and drainageways...runoff is very rapid. Sulfield soil is too steep for farming. It is suitable for use as woodland...if it is used for this purpose, seedling mortality is moderate and, equipment limitations severe, mainly because of steepness of slope, and erosion hazard is severe. Because of slow permeability in the clay layers and the steepness of slope, this soil has very severe limitations for use as homesites where septic tanks are needed for disposal of sewage. Limitations are very severe for most recreational uses, principally because of steepness of slope.

Please Note that the mapped coastal bluffs in Yarmouth restricted for new development are also SuE2. This is a very sensitive environmental constraint and authorities ranging from Maine Geologic Survey to the DEP to the Army Corps to Inland Fisheries and Wildlife all state that no development should occur on these steep and erodible soils.

Environmental and Site Constraints Findings

80% of the parcel to the south of the existing development is severely constrained by mapped wetlands, intermittent streams, and erodible 20% to 50% steep slopes. There are two relatively flat knolls to the far southern portion of the site, but these small areas are inaccessible, isolated, and undevelopable due to wetlands, steep slopes, and lack of street frontage. As stated by the Cumberland Country Soil Survey, in no uncertain terms, the only appropriate use for sites with the mapped soil type pf SuE2 is woodland. Developing a site for housing with such extensive mapped wetlands and mapped erodible soils is reckless, against code, and contrary to all environmental best practices for site development.

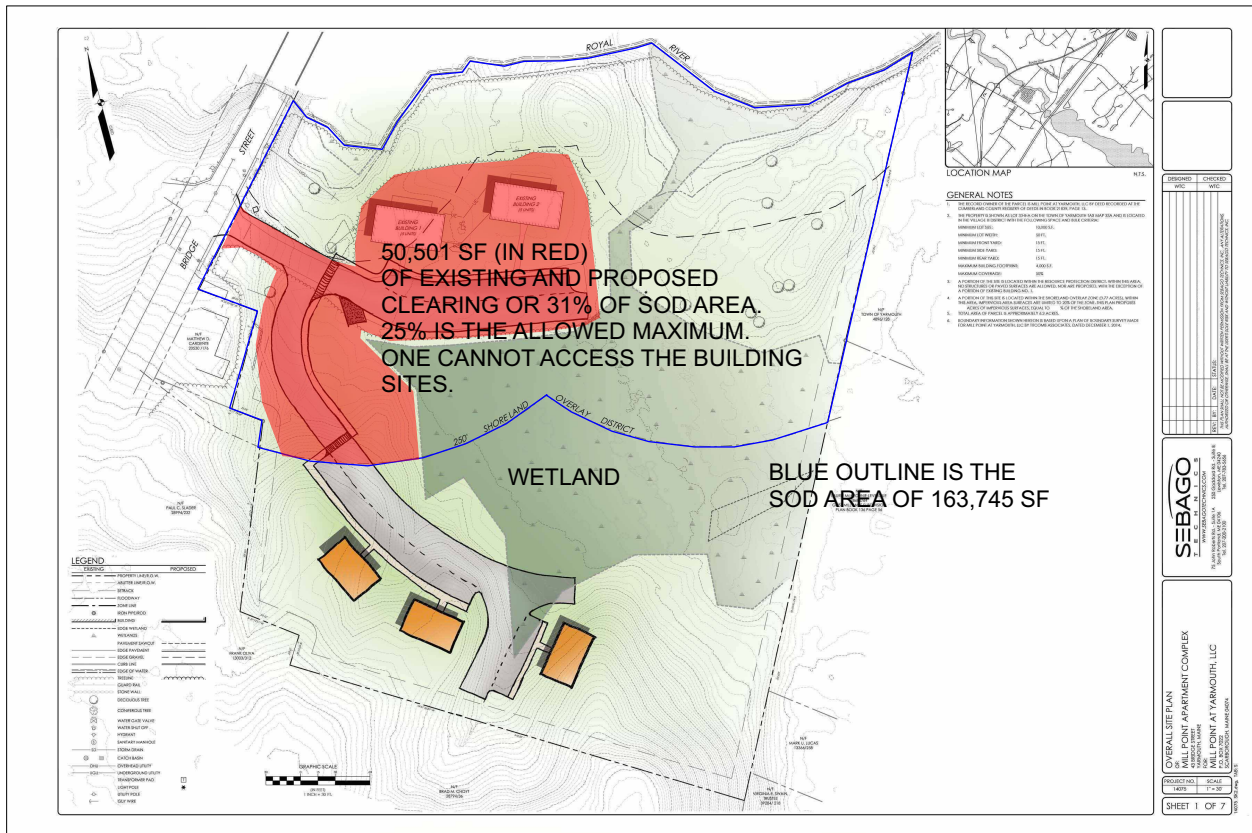
2. Conflict with Shoreland Overlay District

Shoreland Overlay District IV.7.k Clearing or Removal of Vegetation for Activities other than Timber Harvesting

Regulation:

(b.) In no event shall cleared openings for any purpose, including but not limited to, principal and Accessory Structures, Driveways, lawns, and sewage disposal areas, exceed in the aggregate, twenty-five (25) % of the lot area within the SOD or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the Shoreland zone, including the buffer area, but shall not apply to any Commercial or Industrial districts or the WOC I and GD Districts or commercially developed lot(s) in the WOC III District.

Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this district.



Shoreland Findings:

Analysis of the submitted Concept Plan shows that the area of the Shoreland Overlay District on the parcel is 163,745 SF and that existing and proposed clearing in the SOD will result in 50,501 SF or 31% of clearing, which is greater than the allowed 25% of clearing in the SOD.

This analysis is very important because it demonstrates that one cannot even access the proposed building sites and meet Shoreland Overlay District regulations. Not only are the proposed building sites unbuildable, but you can't get to them.

3. Conflicts with Site Plan Standards

From Chapter 702 Site Plan H. Review Criteria:

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 specifically states NOT to develop this site in this manner. It is very rare when a Comprehensive Plan calls out a specific parcel as being unsuitable for further development.

3. Parking and Vehicle Circulation: The proposed plan provides for adequate parking and vehicle circulation. The amount of dedicated parking provided on-site 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.

Due to the steep slopes, parking and vehicle circulation cannot be designed to meet regulations. As noted, above under Shoreland, one cannot even access the building sites due to conflicts with SOD standards

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 proposed development is a very unreasonable response to the design constraints of the site. The design in no way respects the many severe restraints of the land.

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.

One cannot even access the building sites with a conforming driveway due to steep slopes and SOD standards. Meeting design standards for Fire Safety would require the total destruction of a mapped environmentally sensitive site in order to create geometries suitable for emergency response.

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 Cumberland County Soil Survey maps the site soils as completely unsuitable for development recommending woodland as the highest and best use.

19. Technical Standards: The proposed development meets the requirements of ARTICLE I.J (Technical

The extreme nature of the site constraints, specifically steep slopes and wetlands, makes meeting the Technical Standards highly improbable without doing severe damage to a site mapped as highly environmentally sensitive by multiple regulatory and environmental authorities. For example, the maximum grade for streets and access driveways is 8% to 10% and 80% of this site has slopes 20% to 50%.

4. Conflicts with Subdivision Standards

*4. **Erosion:** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;*

The site is located on the MOST erodible soil type in Yarmouth.

8. Aesthetic, cultural and natural values:

*The proposed subdivision 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 Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (10" in diameter or more), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. **The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as reasonably practicable.***

9. Conformity with local ordinances and plans:

The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans and shall be designed so as to be consistent with master plans and facilities plans and with off premises infrastructure....

All adopted Comprehensive Plans and development plans (at least four different plans) note no new future development on this parcel.

5. Conflicts with Zoning Standards

Forthcoming.

6. Comments on the Design Implications of the Concept Plan

There are numerous critiques of the Concept Plan in regards to the absolute infeasibility of the proposal due to steep slopes and wetlands. Overall, the Concept Plan is so disconnected from the realities of the site that the Planning Board should reject it as the first step in the review of the proposal and note for the record that the site is severely constrained.

7. Conflict with the Comprehensive Plan

The Royal River Corridor Master Plan from 1.30.09 is adopted by the Town as part of the Comprehensive Plan. The Planning Board must reference the Comprehensive Plan for guidance when it comes to reviewing the Concept Plan. The Master Plan specifically looks at the Mill Point site and expressly states that any future development should occur adjacent to the existing apartments. The rest of the site has extensive wetlands and steep slopes considered by the Comprehensive Plan document as infeasible to develop as called for in the Concept Plan.

ROYAL RIVER CORRIDOR

Recommendations

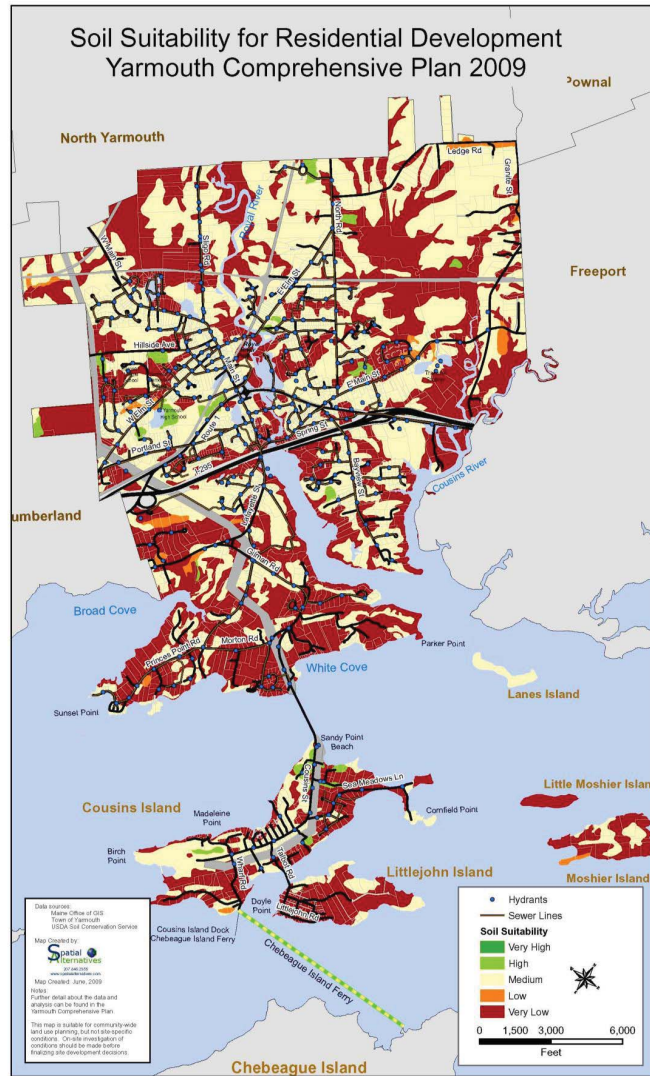
- A.** Allow additional residential development to complement the existing apartments at Mill Point. New units could be attached to the south end of the existing structures and/or incorporated into a new building built into the hillside on the west side of the parking lot.
- B.** New construction should not be built closer to Bridge Street to minimize tree removal.
- C.** Install a footbridge across the Royal River downstream from the Sparhawk Mill to provide a connection to the pathway on the west side of the river and access to Grist Mill Lane Field. Final location of the bridge will have to respond to floodplains, wetlands, and ownership patterns.
- D.** Extend the Royal River pathway across the property to connect to the town's Grist Mill Lane Field.
- E.** Construct a footbridge (following the design guidelines for the river corridor) to replace the existing bridge over a small drainageway on the south side of the Mill Point property.

12. MILL POINT APARTMENTS



KEY	Wetland	Bridge	Crosswalk	Primary Trail	100-Yr Floodplain	Sig. Wildlife Habitat
	Preservation Area	Sidewalk	Interpretive Sign	Secondary Trail	Recommendation	Potential Development Areas

The Comprehensive Plan also includes a map called Soil Suitability for Residential Development and the project site is mapped as Very Low Suitability for Residential Development:



Comprehensive Plan and Royal River Corridor Plan:

The Mill Point site was carefully considered during the master planning process and development was only recommended in a small window of an area by the existing apartments and the document specifically states. “A large piece of undeveloped land west of the apartments is quite steep and wet and may not allow significant expansion.”

8. Conflict with the Character-Based Development Code

The Master Plan adopted as part of the Yarmouth Character-Based Development Code includes analysis showing no future development for Mill Point. No future development is noted due to the environmental constraints of wetlands. A potential connectivity point is noted between the Grist Mill subdivision and Mill Point.

ILLUSTRATION P.A.2 ILLUSTRATIVE MASTER PLAN (NOT TO SCALE)



Erin Zwirko

From: Mitchell Rasor <mitchell@rasor.co>
Sent: Monday, August 1, 2022 10:34 AM
To: Erin Zwirko
Cc: Wendy Simmons
Subject: Re: Rasor Comments on the Mill Point Concept Plan

Hello Erin and Wendy

The Planning Board may not be able to access the proposed development area for a site walk because of the wetlands and terrain, so I shot this short video of the most southeastern portion of the site for their use. It shows the knolls with 50% steep slopes and intermittent streams extending into the wetland in the location of the proposed driveway and two building sites.

Thanks!

M

<https://www.dropbox.com/s/riaqf89bz4x0rv9/RasorVideoCommentsMillPoint.MOV?dl=0>

On Mon, Aug 1, 2022 at 9:39 AM Mitchell Rasor <mitchell@rasor.co> wrote:

Thank you!

M

Mitchell Rasor
He/Him/His
Licensed Landscape Architect
CLARB

Rasor Landscape Architecture
87 Main Street
Yarmouth, ME 04096

T 207 319 1607
C 207 831 9096

On Aug 1, 2022, at 9:24 AM, Erin Zwirko <EZwirko@yarmouth.me.us> wrote:

Good morning,

Your comments have been received and will be provided to the Planning Board.

Thank you,

Erin

Erin Zwirko, AICP, LEED AP

Director of Planning & Development

Town of Yarmouth

Office: 207-846-2401

ezwirko@yarmouth.me.us

From: Mitchell Rasor <mitchell@rasor.co>
Sent: Sunday, July 31, 2022 8:29 PM
To: Wendy Simmons <WSimmons@yarmouth.me.us>
Cc: Erin Zwirko <EZwirko@yarmouth.me.us>
Subject: Rasor Comments on the Mill Point Concept Plan

Hello Wendy

Here are my comments on the Mill Point Concept Plan.

Please confirm receipt of the PDF.

Thanks for your assistance

-Mitchell

--

17.2

Mitchell Razor
(He/Him)
Licensed Landscape Architect
CLARB

Razor Landscape Architecture
87 Main Street
Yarmouth | ME | 04096
T [207 319 1607](tel:2073191607)
C [207 831 9096](tel:2078319096)

mitchell@razor.co

--

Mitchell Razor
(He/Him)
Licensed Landscape Architect
CLARB

Razor Landscape Architecture
87 Main Street
Yarmouth | ME | 04096
T [207 319 1607](tel:2073191607)
C [207 831 9096](tel:2078319096)

mitchell@razor.co

July 31, 2022

To the Planning Board
Yarmouth, Maine

I am an abutting neighbor to the project proposed by Terry Brown regarding the Mill Point Apartments. I am opposed to it in many ways.

As you review the merits of this project, I ask you to consider how dangerous the Bridge Street bridge is right at the junction of the Mill Point driveway, path to the Royal River Park and the south entry to the bridge. This bridge is narrow. It does not have a raised sidewalk. It is not lit at night. Its traffic markings are confusing and many pedestrians, bicyclers and joggers disregard the marked boundaries of the walkway.

Due to the steep grade of the hills on Bridge Street, drivers must brake to keep from exceeding 25 MPH. Cars often pass pedestrians and each other at speeds well over that which is posted. The inadequate width of the bridge does not allow two vehicles to pass when large vehicles such as commercial trucks are involved. One of the 2 drivers who are approaching each other must make a quick decision to take turns going over the bridge. Add pedestrians, children and bicycles to this scenario and you have an increased chance of a terrible accident occurring.

Walkers, bikers, joggers and skateboarders access the Royal River Park at this point. Pedestrians in small groups, people with dogs on leashes walk onto the poorly marked bridge often walking out of the yellow dashed line and into traffic that is coming across the bridge. Young children walk ahead of their adults. Young bicyclists zip quickly in and out of the park entry. Skateboarders zig and zag down the hill to go across the bridge or into the park. All of whom are adding distraction and difficulty to the drivers as they cross over the bridge.

I have been witness to many near misses. Numerous times I have heard the desperate yells of adults screaming at children in a panic or yelling with anger at vehicles that pass too close or too quickly. I have witnessed cars coming to a screeching halt because they were watching the oncoming car and did not see the pedestrians ahead of them.

The driveway to the apartments at Mill Point is directly across from the access to the park. The proposed subdivision will add an additional 17 residential units to this busy intersection. It will triple the amount of vehicles currently going in and out of the Mill Point driveway. This bottleneck where pedestrian and vehicular traffic converge is an accident waiting to happen. Adding 17 units coming on and off the street at that juncture will increase the odds of something terrible happening.

As you consider the appropriateness of this project please keep in mind how it will affect the safety of our Yarmouth residents who enjoy the solitude and general safety of our wonderful park.

Respectfully,

Paul Christian Slader
31 Bridge Street

To: Erin Zwirko, Director of Planning and Development
Wendy Simmons, Administrative Assistant wsimmons@yarmouth.me.us

From: Scott Keysor, 20 Bridge Street

Thank you for reading this letter. I am concerned about the proposed expansion to the Mill Pointe Apartments.

I'd like to share a particular concern that you may not have already considered. But first, let me establish that our property does not border the Mill Point property. We live across Bridge Street from it. The perception may be that given the proposed project does not impact us "directly" we won't object. Not true! I am of the mindset that in a community, what harms one, harms all.

It should be obvious that the environmental impact to the proposed building site, and beyond (virgin forest removal, potential wetland damage, harmful stormwater runoff, etc.) are alarming.

True and to my point, **given the supply chain and employment issues the construction industry is having and the resulting delays, is it not wise to consider what could happen here?** Just look at the frustrating and costly delays to the [Congress Square redesign](#).

I am not an engineer but it seems to me that removing trees and carving into sloped land leaves it unstable and vulnerable to storms. This is especially true if things are delayed mid-project.

My hope is that the planning committee uses its best judgment, common sense, and strictly adheres to the laws and regulations governing these sorts of projects. If the committee is unsure how the laws and regulations apply, they must seek legal counsel from an expert in the field before moving forward. Thank you for your kind consideration.

Best,
Scott Keysor, 20 Bridge Street
scott.keysor@gmail.com

Erin Zwirko, Director of Planning and Development
Planning Board Members
Yarmouth, Maine

July 30, 2022

To the Yarmouth Planning Board,

First, I'd like to thank you for volunteering to be on this board. Yarmouth is under a lot of pressure to develop and I can only imagine how busy you've been with all of the projects in town.

I'm writing as an abutter to the proposed expansion of Mill Point apartments into the area beyond our backyard that our family fondly calls 'The Ravine' (in fact, so fondly that our sons named their band after it). We've lived in our house on Bridge Street for about 26 years, raised our children here, and provided housing for several young families in our attached rental units over the years. We were attracted to this house because of its unique setting. We love the balance of village, nature and industry that this setting maintains and we are so appreciative of the care and thought that has gone into this spot over the years. We've done our best to participate, trying to be good stewards of our property and the neighborhood. It seems clear that the proposal to nearly triple the Mill Point development is far too big for the site.

This will not be a quaint little driveway meandering through the woods. Three multi- storied buildings housing 17 units will require a parallel road, as wide as Bridge Street, with the addition of two parking lots the equivalent size of the one that's there now- all built on a narrow upward sloping piece of land. It will take clear- cutting a large swath of the forest to allow for the machinery to create this. Tall retaining walls, inert fill, and impervious pavement are akin to something one might expect to see on Route One, not in the heart of the village, next to the Royal River.

Living one lot downslope from Main Street, I can also attest to the realities of drainage and soil erosion in this topography. Despite endlessly adding soil, plants and rock walls to our gardens, we have new sinkholes and rivulets all the time. Should there be a site walk, I'd be happy to show you some of the recent effects of this erosion. Water wants to get to the river and it takes anything that's loose along with it, which is one of the reasons our trees are so precious in this neighborhood. Those trees also provide much-needed cooling, shade, wildlife habitat, they retain moisture and they are a sound and visual buffer between the highway, Rt. 88, and the village.

As I sit here writing this, I've watched countless bikes ride past, people using the sidewalk to access the Riverwalk, and vehicles co-existing on the street. I think of my steep driveway in the winter, when the snow is piled too high to see over as I back out and I'm at the mercy of coming vehicles. It all works pretty well right now, here and down at the bridge, even though the bridge has swapped the raised walkways for some paint striping. This street is a beloved conveyance

for all varieties of use. I think it works because of the scale. Adding 50% more residential units to the street, dumping them out at the bottom of the hill right next to the bridge is not a good idea.

The scale of this proposed development is suited to a commercial or industrial site. I don't think that is what the Village 3 designation intends. I sincerely hope you will take our concerns to heart.

Thank you!
Sheri Oliva

Erin Zwirko

From: Sam Eddy <SamEddy@maine.rr.com>
Sent: Sunday, July 31, 2022 5:01 PM
To: Erin Zwirko
Subject: Mill Point Apartments Proposal

July 30, 2022

Yarmouth Planning Board
Attn: Erin Zwirko
Director of Planning & Development
200 Main Street
Yarmouth, ME 04096

Re: Mill Point Concept Major Site Plan / 49 Bridge Street

Dear Ms. Zwirko:

Please accept this letter as commentary on the proposed Mill Point Concept Major Site Plan for 49 Bridge Street.

My name is Sam Eddy. I have lived on Bridge Street for 25 years. Along with my wife, Holly, we are 25-year property owners and residents of the home at 17 Bridge Street.

The scope and scale of the proposed Mill Point expansion seems to defy logic on many levels and, as presently conceived, poses a radically negative impact to the land and the surrounding neighborhoods.

Some quick research quickly reveals that the town's own Comprehensive Plan specifically states not to develop this site in this fashion. Moreover, the Cumberland County Soil Survey, based on numerous studied conclusions, specifically recommends woodlands as the highest and best use for this land.

The alterations to the land that would be necessary to accommodate the proposed design are so severe that they would effectively destroy and eliminate one of the few remaining 'in town' green spaces that has survived in its natural state since the earliest Yarmouth settlements.

I am very concerned that a greenlight for this proposal would impose irreversibly negative impacts to the land and its surrounding neighborhoods that are far out of proportion to any benefits that might be derived from its construction.

Moreover, during our time living on Bridge Street we have happily watched the street become an increasingly popular walking & biking route, as it provides a relatively safe gateway to the southern end of the village and the Royal River Walkway. It's frequent use by walkers & bikers from all points of Yarmouth highlights the quality of life Bridge Street contributes to all residents of the town.

The potential for increased traffic and increased speed (some drivers already routinely accelerate well past the posted speed limit going down Bridge Street) pose a significant concern for the continued safety of Bridge Street walkers & bike riders.

I ask you to consider carefully the impact all the vehicles associated with 17 new Mill Point apartments will have on the pedestrian & bike use of Bridge Street, particularly where Mill Point cars will be emerging onto the

21.1

street at the base of the hill, immediately next to the bridge crossing which, lacking any sidewalk, notably funnels walkers & bikers in the traffic lanes. Simply put, this is not a good scenario.

On a personal level, we have invested countless hours and expense to the restoration and renovation of our 1852 era home and property and, equally as important, to the life and vitality of our Bridge Street neighborhood and its connected streets.

The Mill Point proposal could negatively and irreversibly impact, by my count, approximately 25 homes and families contiguously or adjacently connected to the Mill Point property who, no doubt, have similarly invested in their homes.

Thank you.

Sincerely,
Sam Eddy
17 Bridge Street
Yarmouth, ME 04096
207-239-9454
sameddy@maine.rr.com

From: [Tara McGeachey](#)
To: [Wendy Simmons](#)
Subject: Mill Point Concept Major Site Plan / 49 Bridge Street | Concern
Date: Sunday, July 31, 2022 9:01:33 PM

July 30, 2022

Yarmouth Planning Board
Attn: Erin Zwirko
Director of Planning & Development
200 Main Street
Yarmouth, ME 04096

Re: Mill Point Concept Major Site Plan / 49 Bridge Street

Dear Ms. Zwirko:

Please accept this letter as commentary on the proposed Mill Point Concept Major Site Plan for 49 Bridge Street.

My name is Tara McGeachey, I just moved to Yarmouth and am in the consideration stage of purchasing a home. I am currently renting on Bridge Street. I started to read of the proposal for the Mill Point Apartments expanding, and immediately drew concern. From the perspective of affordable housing being a renter myself, I can certainly understand the allure to expand on this property.

However, I just moved from Rhode Island. Seeing first hand what has happened to Newport, RI at the hands of over expansion on the waterfront, I am concerned. The first negative impact in RI was public access to the waterfront. As Condo's and Hotels increased, public access to the waterfront started to diminish. Residents now have to spend their time fighting for public access that they should not have too.

Furthermore, the environment is in need of protection and preservation. While existing ordinances already caution the development of this area, our land is not becoming 'more dry' with the climate crisis. I would encourage an environmental study to be done by the Maine Department of Environmental Protection to ensure that with sea level rise & a significant portion of green space being replaced by impermeable surfaces that the proper amount of green space remains to absorb runoff. Greenspace can clean up to 90% of pollutants that would enter the river and ocean, and the replacement of that could mean future damage.

I moved here for a life that is more closely connected with nature, my two children have loved running through the woods off of bridge street. Building this close to the river is

enough of a concern to me that I would consider not purchasing in Yarmouth because of it.

The state is in need of affordable housing, but building next to the river is problematic and could jeopardize the ability of my children to create lives here for themselves as they grow. I encourage you to protect your water ways, more than ever right now. There is green space in Maine which can safely be developed. Please uphold and protect the river and ocean.

Thank you.

Sincerely,

Tara McGeachey

28 Bridge Street

Yarmouth, ME 04096

401-266-8602

Tara.mcgeachey@gmail.com

July 30, 2022

To the Planning Board
Town of Yarmouth, ME

Re: Mill Point at Yarmouth, LLC project at 49 Bridge Street

As an abutter of the land in question in this development proposal, I am writing to express several reservations concerning the project.

1. The proposal requires clearing much of the land that is now covered by a lovely and useful tree canopy. In Yarmouth, we prize our green spaces, especially the area lining the riverbank where the town has preserved a walk that benefits us all. The river walk attracts townspeople walking their dogs, mothers with children on an outing, teenage bicyclists, runners and elderly citizens getting their exercise. The popularity of this walk and its access points (from the Elm Street Park and the sidewalk beside the tennis courts at the elementary school) testifies eloquently to the desire for such quiet and shady recreational spaces. Another such space is the town-owned lupine fields and shady walks between the old grist mill and the property under discussion at Mill Point. Destroying the tree canopy that connects these two recreational areas would destroy the character of the riverside area of Yarmouth.

I would also point out that people concerned with climate change and global warming believe that the world needs more trees, not fewer. Trees prevent erosion, control runoff, lower the temperature in their vicinity and absorb carbon. They provide habitat for birds and other wildlife. These trees benefit the town in many ways.

2. Some may argue in favor of the proposal in the hope that the new apartments will provide much-needed affordable housing in town. I am a proponent of affordable housing; but even if these apartments qualify as affordable (which is debatable), I believe there are many better options for siting such housing, and some of them are already being considered or constructed. For instance, a single-family home in disrepair at [?] Main Street has been renovated to contain three small apartments, which I anticipate will provide affordable housing even as the renovation improves the look and livability of lower Main Street generally. The renovations to the apartment house at [94?] Main Street and the possibility of replacing a shed with a small house behind Charlie Hewitt's home (formerly Goff's Hardware) both qualify as improvements to the townscape, while providing more lower-cost housing. The new building at the corner of

Route 1 and Portland Street also seems to provide affordable housing in Yarmouth. Judging from these examples, the town is already supporting new low-cost housing on vacant lots and in buildings that need improvement. In all these cases, there is no destruction of valuable green space but rather valuable upgrading of existing buildings and empty lots. We do not need housing density at the expense of recreational opportunity and smart climate policy.

Thank you for your consideration.

Sincerely,
Virginia E. Swain, PhD
Professor Emerita of French
Dartmouth College

57 Main Street
Yarmouth, ME 04096
207.847.3072
Virginia.swain@dartmouth.edu
Vswain16@gmail.com