
YARMOUTH PLANNING BOARD MINUTES

June 22, 2022

I. CALL TO ORDER

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

II. ROLL CALL OF MEMBERS

	PRESENT	ABSENT
Wendi Holden, Chair	X	
Janet Hansen, Vice Chair	X	
Andrew Bertocci	X	
Hildy Ginsberg	X	
Mary Lynn Engel	X	
Jerry King		X
Tony Cowles	X	

OTHERS

Erin Zwirko, Director of Planning & Development
Julie Dubovsky, Assistant Planner
Wendy Simmons, Administrative Assistant, Recording Secretary

III. APPROVAL OF MINUTES

Upon a motion duly made by Hildy Ginsberg, seconded by Mary Lynn Engel and carried by a roll call vote of 6-0 the minutes of the May 25, 2022 and June 8, 2022 meetings were approved.

IV. COMMUNICATION

E. Zwirko gave the following updates:

- The Town Visioning Kick Off event is scheduled for 6/28 at 6:00PM at the Log Cabin and under the Main St. Bridge. The formal presentation begins at 6:30. A link to the Visioning interactive website is located on the Town of Yarmouth home page.
- The Climate Resilience Community Workshop is scheduled for 6/29 at 6:00PM. In conjunction with GPCOG and surrounding communities the workshop will explore how climate change impacts the town.
- GPCOG is looking for feedback through their survey at Connect2045.org.
- The Transfer Station building permit is under review by the Code Enforcement Officer
- The first building at Sweetser Village Apartments is scheduled for a final inspection and will be opening in early July. The second building will open near the end of summer. During construction it was discovered the third-floor siding materials had flaws and warping. The Planning Department approved an in-kind swap of materials to correct this.

- The next regular Planning Board meeting scheduled for 7/13 will likely be postponed to 7/20 due to Clam Festival. Planning is waiting to hear from an applicant before rescheduling.
- Tony Cowles announced he is moving out of Yarmouth and will no longer be on the Planning Board. The Board wished him well.

V. **JOINT MEETING WITH THE HISTORIC PRESREVATION COMMITTEE**

The Planning Board and the Historic Preservation Committee will hold a joint meeting to discuss how the Committee can support the Planning Board in application review. The Planning Board will also hear from the Committee on its initial goals and priorities for the first year of work.

Greg Paxton, Ed Ashley, Bruce Butler, Phil Bean and Sue Devine introduced themselves to the Planning Board. The Committee was created after many years of work by the Planning Department and community members in response to the Comp Plan's goals related to historic preservation. The Committee is an advisory committee with the goal of enhancing historic projects in town, helping homeowners achieve the best quality rehabilitation, and providing homeowners with economically feasible and durable solutions. They anticipate with early engagement with homeowners they will be able to add value in the keeping and restoration of historic homes in Yarmouth. They reviewed the Secretary of Interior standards and Ch. 701 Articles IX and X. As a new committee they are still developing process and procedures. They have been added to Planning's list for comment requests which reviews all Planning Board applications and comments. A Historic Preservation Committee page is located on the Town website. They meet once/month to review any applications received through the Planning Department, as well as other activities within their charge.

VI. **PUBLIC HEARING ITEMS**

A. **OLD BUSINESS:**

None

B. **NEW BUSINESS:**

1. **Action Item: Amendment of a Building & Lot Plan, Major Site Plan, and Major Subdivision Approval; 149 & 153 Main Street; Map 38 Lots 16 and 17-00A; Matt Wogan, Waypoint Partners, LLC, Applicant.**

The applicant is requesting an amendment to the June 2018 approval of the Building & Lot Plan, Major Site Plan, and Major Subdivision for the twelve-unit townhouse development known as Shepley Weld at 149 & 153 Main Street. The applicant proposes a change to an exterior light fixture at the rear of the 5-unit townhouse building at 153 Main Street. A vote will be taken after public comment is received.

Matt Wogan, applicant summarized the request for a light fixture change on one of the buildings. The new residents in the building requested a sconce on

the building instead of the planned light pole located post near the trash area. The sconce creates less light pollution as it is on a motion sensor than the light pole required per the original approval.

Chair Holden opened to public comment.

No comments.

Public comment closed.

The Board had only one question, confirming the new sconce met ADA requirements. E. Zwirko confirmed the ADA requirements are not applicable at this location because there is not a walking path.

The following motion was made:

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated June 16, 2022 for an amendment to the previously approved Building & Lot Plan and Major Site Plan, Waypoint Partners, LLC, Applicant; 149 & 153 Main Street, Map 38 Lots 16 and 17-00A, regarding the compliance with the applicable regulations of Chapter 703, Character Based Development Code, and the applicable regulations and standards of Chapter 702, Site Plan, the Planning Board hereby finds and concludes that the amended Building and Lot Plan and Major Site Plan meets the required standards and is therefore approved.

Such motion moved by Janet Hansen, seconded by Mary Lynn Engel, and voted 6 members in favor, 0 members opposed (Jerry King absent).

2. Action Item: Shoreland Permit, 109 Sunset Point, Map 24 Lot 53, Maria Atkins, Applicant.

The applicant is requesting a Shoreland Permit to demolish and reconstruct a single-family home as well as remove trees and make other site improvements at 109 Sunset Point. The existing structure on the property has a footprint of 1,603 square feet and the proposed structure will have a footprint of 1,688 square feet resulting in an expansion of 5.3%. The total existing impervious area on the property is 3,142 square feet (43%) will be reduced to 3,033 square feet (42%). A vote will be taken after public comment is received.

Mike Gotto, applicant representative summarized the application. They have thoroughly reviewed the staff report and are willing to meet all conditions of approval. They have spent much time working with the abutters to work out the details of the easements and construction concerns. The applicant's

builder, Ben Trout, noted that he is familiar with the area and understands the constrained working environment and will work closely with the neighbors.

Chair Holden opened to public comment.

Horace Horton, Representative for the Bicknell family, indicated there is some last minute negotiating with the Applicant, Maria Atkins, and was optimistic an agreement would be reached.

Brian Bicknell, 268 Sisquisic Trail & 110 Sunset Point

They've continued to work with the applicant on their concerns: 1) the use of each other's driveways to turn around in the tight location, 2) Requesting no blasting. Once a letter of intent and wording is agreed upon, Mr. Bicknell noted that the two other owners of 110 Sunset Point must agree as well.

Debra Bicknell, 268 Sisquisic Trail

The process of ensuring their property is protected has been difficult.

John Cunningham, the applicant's attorney confirmed all parties present reached an agreement and the two additional parties need to be consulted before the agreement is executed. They are requesting no building permits or demolition permits be issued prior to 7/1/22 and no site work be done to allow time for the language to be finalized.

Public comment closed.

E.Zwirko noted that the proposed project meets the performance standards for the Board to issue the approval with appropriate and reasonable conditions. The Board is not a party to the private negotiations between the application and the owners of 110 Sunset Point. E.Zwirko recommended adding a condition as follows: No site work may commence prior to July 1, 2022, and the Code Enforcement Officer is prohibited from issuing a demolition permit and/or a building permit prior to July 1, 2022.

The Board requested the applicant abide by the recommendations of the Tree Committee to preserve the large oak in the front yard and protect the root system from damage during construction. The applicant agreed to follow the recommendations. Board members who heard this application in 2017 commended the applicant on addressing the previous construction management concerns on a tight site with houses close and the ability to work with neighbors directly on solutions.

The following motions were made:

Reconstruction or Replacement and Relocation Assessment

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 June 16, 2022, and the testimony presented at the Planning Board hearing, regarding Shoreland Permit Review Chapter 701, Article IV.R.a.(3) and (4), Reconstruction or Replacement, and Relocation Assessment, for the construction of a new single-family home and other site improvements at 109 Sunset Point, Map 23 Lot 53, Maria Atkins, Applicant, the proposed new single-family home is set back from the shore edge to the greatest practical extent according to the standards for relocation contained in Article IV.R.a(3), and is approved as to location.

Such motion moved by Janet Hansen, seconded by Mary Lynn Engel, and voted 6 members in favor, 0 members opposed (Jerry King absent).

Shoreland Zoning 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 June 16, 2022, and the testimony presented at the Planning Board hearing, regarding Shoreland Permit Review Chapter 701, Article IV.R.11 a & b, for the construction of a new single-family home and other site improvements at 109 Sunset Point, Map 23 Lot 53, Maria Atkins, Applicant, the plan is in conformance with the standards for review of this section, and is approved subject to the following conditions of approval.

Such motion moved by Janet Hansen, seconded by Mary Lynn Engel, and voted 6 members in favor, 0 members opposed (Jerry King absent).

Conditions of Approval:

1. The applicant shall not utilize blasting to aid in the construction of the new single-family home and the other site improvements.
2. The applicant shall substitute a swamp white oak for the red oak in the replanting plan.
3. The applicant shall coordinate with the Department of Public Works and the Yarmouth Water District to ensure that the new home construction, paving, and water main projects are appropriately coordinated.
4. The applicant shall install a solid fence to provide screening of the proposed generator.
5. The applicant shall have a professional surveyor lay out the foundation in the field
6. Prior to the issuance of a building permit, the applicant shall submit a letter of no impact from the Maine Historic Preservation Commission.

7. Prior to the issuance of a building permit, the applicant shall comply with the requirements of the Fire Chief as outlined in his memorandum dated May 29, 2022.
8. All erosion and sedimentation controls (ESC) best management practices (BMPs) shall be installed prior to the disturbance of site soils and vegetation. During construction, the applicant and their construction manager/contractor shall perform the required inspections and enforcement of the ESC plan per 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.
9. During construction, the applicant and their construction manager/contractor shall ensure that the protective fence to be placed around the white oak tree to be preserved is maintained in good condition. In addition, the applicant and their construction manager/contractor shall ensure that the protected tree is adequately watered and fertilized and a thick layer of mulch is placed within the protected area for the duration of construction. The use of machinery, heavy foot traffic, storage of building materials, washing equipment, use of chemicals, and similar hazards should be avoided. The applicant and their construction manager/contractor shall ensure that crane mats are utilized wherever heavy equipment is expected.
10. During construction, only two parking spaces shall be established for the construction manager/contractor team. All other employees must park off site at a Park and Ride or other public parking area. Parking on Sunset Point is prohibited during construction.
11. No site work may commence prior to July 1, 2022, and the Code Enforcement Officer is prohibited from issuing a demolition permit and/or a building permit prior to July 1, 2022.

Standard Conditions of Approval:

Please note the following standard conditions of approval and requirements for all approved site plans.

1. Develop Site According to Plan: The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority.
2. Separate Building Permits Are Required: This approval does not constitute approval of building plans, which must be reviewed and approved by Yarmouth Code Enforcement Officer.

3. Permit Expiration: The permit shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the date of issuance of the permit, the applicant shall have one additional year to complete the project at which time the permit shall expire.
4. Preconstruction Meeting: At least two weeks prior to the release of a building permit or start of site construction, a construction schedule shall be provided by the owner, agent, or contractor to the Town Engineer, Code Enforcement Officer, Public Works Director, and Director of Planning and Development detailing the construction schedule and critical aspects of the site work. The Town representatives may require a preconstruction meeting with the contractor to review the approved plans and conditions of approval prior to start of construction.
5. Landscaping: All required landscaping shall be guaranteed for a 2-year period.

ADJOURNMENT

With no objection, the meeting adjourned at 8:20 PM.

Respectfully submitted:

Wendy Simmons, Administrative Assistant, Recording Secretary