

YARMOUTH PLANNING BOARD MINUTES

June 28, 2023

I. CALL TO ORDER

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

II. ROLL CALL OF MEMBERS

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

OTHERS

Julie Dubovsky, Assistant Planner
 Wendy Simmons, Administrative Assistant, Recording Secretary

III. APPROVAL OF MINUTES

Upon a motion duly made by Mary Lynn Engel, seconded by Hildy Ginsberg and carried by a roll call vote of 6-0, the minutes of the June 14, 2023, meeting were approved. (Schumacher absent)

IV. COMMUNICATION

J. Dubovsky gave an update.

- Reminder there are no July Planning Board meetings
- Draft inventory chapters for the Comprehensive Plan are available on the website.

V. PUBLIC HEARING ITEMS

A. OLD BUSINESS:

None

B. NEW BUSINESS:

1. Action Item: Shoreland Permit, 111 Madeleine Point Road, Map 53 Lot 21, Andrea and Peter Cooper, Applicants.

The applicant is requesting a Shoreland Permit to remove the existing, non-conforming three season cottage and rebuild a year-round single family home. The proposed new structure will retain the existing dimensions of 902 square feet and add a first-floor 270 square foot bedroom addition. The proposed new structure will retain the same height as the existing, at 17'-6". Two hazardous and damaged trees will also be removed from the property, as well as approximately 199 square feet of vegetation to be cleared after construction. A vote may be taken after public comment is received.

Barry Hosmer, applicant representative gave an overview of the application. This is a small parcel of land at the end of Madeline Point Road. When the property was purchased the new owners intended to do a 1 bedroom addition and winterize the

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property. There were concerns about settlement between the existing structure and new addition and winterizing the structure would trigger a sprinkler requirement because more than 50% of the interior would be impacted. Installing a sprinkler system in the existing structure would be difficult and costly. They decided to pursue demolishing the existing structure and rebuilding a new single family cottage. They have reviewed and are able to meet all the conditions of approval. They received their letter for the Maine Historic Preservation Commission and there are no concerns. The two hazard trees referenced in the report have been removed; but they will remove 2 more smaller trees.

Chair Holden opened to public comment

No public comment

Public comment closed

The Board questioned if there would be any construction traffic interference at the Madeline Point parking lot? B. Hosmer – no traffic disruptions. The house has 2 entrances, and all construction vehicles and materials will be contained to property. The Board had no additional concerns.

The following motion was made:

1. On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Staff Memo dated June 22, 2023 regarding the application of Andrea and Peter Cooper, Applicants, 111 Madeleine Point Road, Map 53 Lot 21, regarding Chapter 701 Article IV.R.a.(3) and (4), Reconstruction or Replacement, and Relocation Assessment, the Planning Board finds that the plan 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 Ian Cromarty, seconded by Mary Lynn Engel, and voted 6 in favor, none opposed (Schumacher absent).

2. On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Staff Memo dated June 22, 2023 regarding the application of Andrea and Peter Cooper, Applicants, 111 Madeleine Point Road, Map 53 Lot 21, regarding Shoreland Permit Review Chapter 701 Article IV.R.11 a & b, the Planning Board finds that the plan is in conformance with the standards for review of this section, and is approved subject to the following conditions of approval:
 1. Prior to the issuance of a building permit, the applicant shall submit a letter of no impact from the Maine Historic Preservation Commission.
 2. The applicant shall have the existing system inspected by a licensed professional to ascertain its condition and suitability to serve the proposed structure. A report shall be submitted to the Town for review and approval prior to the issuance of a building permit.
 3. The applicant shall comply with the requirements of the Fire Chief as outlined in his memorandum dated June 1, 2023.
 4. All erosion and sedimentation controls (ESC) best management practices (BMPs) shall be installed prior to the disturbance of site soils and vegetation.

This includes preventing any track out from the site into the public right-of-way. 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.

5. Tree protection measures shall be installed prior to the disturbance of site soils and vegetation. During construction, the applicant and their construction manager/contractor shall ensure that tree protection measures are maintained in good condition. 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 to operate near the existing and protected trees.
6. The applicant and their construction manager/contractor are prohibited from blocking and/or parking on Madeleine Point Road and within the Madeleine Point parking lot during site preparation and construction. The applicant and their construction manager/contractor shall limit parking to the project site or identify other arrangements to accommodate vehicles during site preparation and construction.

Such motion moved by Ian Cromarty, seconded by Mary Lynn Engel, and voted 6 in favor, none opposed (Schumacher absent).

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

The applicant is requesting a concept review for a Major Site Plan pursuant to Chapter 702, Site Plan Review, and Building and Lot Plan pursuant to Chapter 703, Character Based Development Code, to remove the existing single-story building at 233 Route One and to construct a new building for prosthodontics practice. The existing foundation will be partially utilized in the new construction. The applicant's proposal also reduces the existing impermeable surfaces on the lot with a reduction in the parking lot size, from 31 spaces to 6 spaces, and revegetation of the property. A sidewalk and street trees are also proposed along the street frontage. This is a concept review and discussion, and no vote will be taken. Public comment will be received.

Patrick Boothe, applicant representative gave an overview of the application. Nuance Dental provides specialized dentistry services to clients. The existing building is deteriorating and they are requesting to demolish the building. They will retain one concrete wall and the foundation for the new structure. They want to create a pedestrian friendly site and are proposing a sidewalk leading to Five County Credit Union and sidewalk connector to the parking lot in the rear. The existing parking lot will be retained, and they will revegetate the entire site. They shared the floor plan and elevations. They are requesting a waiver for a shed roof which will allow big windows in the rear of the building allowing more natural light. A photo studio is proposed in the back which would benefit from natural light. For cost reasons they

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are proposing two phases of construction; building a second building in front of the existing building later. They noted the report indicated a fire sprinkler system would be required; but the building is under 4000sf and it should not be required. There are 3 waivers requested: 1. Roof style and slope, 2. Frontage buildout and 3. Façade Glazing.

Chair Holden opened to public comment

No public comment

Public comment closed

The Board requested the Planning Department confirm with the Fire Chief if a sprinkler system is not required. The Board discussed the waiver requests. They had concerns about snow sliding from a metal shed roof and where it would land and not be a hazard. They questioned the waiver for frontage buildout and if there was an opportunity to reposition the second building in the front to orient towards Route one meeting the CBDC standards? Overall, the Board liked the direction of the application and wants to see more details at the next submission.

P. Boothe – The snow will slide into an area where the public will not be accessing and shouldn't be a concern. They considered options of orienting the second building squarely to Route One and it created awkward massing and weird space between the buildings. The architect will share renderings from their past conceptual studies to explain why the other orientations are not being proposed. Calculations for the glazing requirements will be completed with the next submission.

ADJOURNMENT

With no objection, the meeting adjourned at 7:40 PM.

Respectfully submitted:

Wendy Simmons, Administrative Assistant, Recording Secretary