
YARMOUTH PLANNING BOARD MINUTES

August 10, 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	

OTHERS

Erin Zwirko, Director of Planning & Development
Nicholas Ciarimboli, Code Enforcement Officer
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 Janet Hansen and carried by a roll call vote of 6-0 the minutes of the July 20, 2022 meeting were approved.

IV. COMMUNICATION

E. Zwirko gave the following updates:

- The Town Council Appointments Committee has been conducting interviews for a new Planning Board member. There may be an appointment at their August 18, meeting.
- Town staff had a pre-construction meeting with the 298 Main St. Developers. They plan on beginning demolition in September and construction in October.
- Sweetser Village Apartments has a final inspection scheduled for the 2nd building. A final site plan visit will be conducted to ensure they've met the conditions of approval before issuing the final certificate of occupancy.
- Working with the Town Engineer on Stormwater Ordinance changes including low impact development.
- Working with GPCOG to schedule a presentation to the Board regarding LD2003. More information from the State is due to be released later this month and final state rules in early 2023.
- Met with the Tree Committee regarding the Town recommended planting list to discuss the removal of invasive species.
- The Planning Department has been conducting Town Visioning pop ups with more scheduled. The Meetings in a Box were released and can be

requested online. On 9/20 a Visioning meeting session will be held at the High School. Virtual sessions will also be held on different days and times to invite more public engagement.

V. PUBLIC HEARING ITEMS

A. OLD BUSINESS:

None

B. NEW BUSINESS:

1. Action Item: Shoreland Permit, 166 White's Cove Road, Map 3 Lot 21, Zaki Nashed, Applicant.

The applicant is requesting a Shoreland Permit to demolish and reconstruct a single-family home and make other site improvements at 166 White's Cove Road, Map 3, Lot 21, and approximately 11,157 square feet in size. The existing structure on the property has a footprint of approximately 2,077 square feet and the proposed structure will have a footprint of approximately 1,658 square feet resulting in a reduction of approximately 20%. The existing lot coverage is 43.14% and will be reduced to 40.05%. The proposed new structure will still be nonconforming in regards to the shoreline setback, and the applicant requests that the Planning Board make a determination that the new structure is setback to the greatest extent practical. A vote may be taken after public comment is received.

E. Zwirko reported in the Planning Board report the Department did not recommend this application for approval. There was little information available in the property's map and lot file regarding the history of construction on the property. She and Nick Ciarimboli had a phone conversation earlier today to discuss concerns and recommendations. After lengthy discussion, review of permitting, aerial photos, and agreement on shoreland measurement requirements it was determined due to limited information available the application should be considered as presented by the applicant and the Planning Department is recommending it be approved.

Mike Morse, applicant representative, gave an overview of the application. There are several non-conforming buildings and features existing on the property. The applicants are proposing a decrease in lot coverage and working to make improvements to the site.

The Board questioned if the foundation could be reused and if a water line would be run from Gilman Road to the house?

M. Morse – the house was originally built in the 1950s and the foundation is not usable. It is best to demolish the house and rebuild. The property is currently served by a well and will continue to be as well as seasonal water service available in the summer only. There are no plans to run a permanent, full time water line to the house. E. Zwirko – the house will be required to have a sprinkler

system and there are ways to accommodate this without running a water line. It is a condition of approval to work with the Yarmouth Water District and Fire Department on accomplishing this.

The Board also asked about the septic system. M.Morse confirmed that the septic leach field won't be relocated, only the septic tank, and the appropriate permit will be submitted.

Chair Holden opened to public comment.

No public comment.

Public comment closed.

The following motion was made:

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 at 166 White's Cove Road, Map 3 Lot 21, Zaki Nashed, 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 Mary Lynn Engel, seconded by Janet Hansen, and voted 6 members in favor, 0 members opposed (one vacancy).

Regarding Shoreland Permit Review Chapter 701, Article IV.R.11 a & b, for the construction of a new single-family home at 166 White's Cove Road, Map 3 Lot 21, Zaki Nashed, Applicant, Applicant, 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. Prior to the issuance of a building permit, the applicant shall coordinate with the Yarmouth Fire Department and the Yarmouth Water District regarding the seasonal water service as it is unable to support a life safety sprinkler system which is a requirement for new single-family homes per Town of Yarmouth Ordinance Chapter 317, Fire Sprinkler Ordinance.
3. 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.

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

Note that the Log Cabin experienced an internet outage for a brief period of time. No business was discussed in the Log Cabin and the in-person meeting was rejoined with the Go To Meeting once the outage was fixed.

2. Action Item: Amendment of a Building & Lot Plan and Major Site Plan Approval and Request to Extend the Major Site Plan Approval; CD4-C, Route 1 Corridor Character District; Vicinity of 756 Route One; Map 39 Lot 9 and 10, JP Morgan Chase Bank NA, Applicant.

The applicant is requesting an amendment to the September 2021 approval of the Building & Lot Plan and Major Site Plan for a new 3,924 square foot bank with drive-up ATM located at the Hannaford Plaza. The applicant proposes a change to the exterior lighting. The applicant also requests an extension of the Major Site Plan approval to September 8, 2023, per Chapter 702, Article L.2. Public comment will be received. A vote will be taken on the request for extension. A vote on the amendment may be taken.

Josh Kline, applicant representative, summarized the application. They are seeking an extension of approval for 1 more year. Their TMP permit is still under review with MEDOT and they have been working towards meeting the final conditions of approval. They are requesting a waiver for lighting creating more safety around the ATM and lobby entrance. This is a limited area with a small impact. Their security equipment requires a certain level of lighting to capture accurate video and allows clients added safety. The additional lighting will not impact the residential homes nearby. Lighting will be pointed towards the building and in bollards low to the ground.

The Board discussed the vegetative buffers and their request for a reduction in vegetation and agreed they have no concerns. They had no additional concerns regarding the change in the lighting plan.

Chair Holden opened to public comment.

No public comment.

Public comment closed.

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 August 4, 2022, for an extension to the previously approved Building & Lot Plan and Major Site Plan, JP Morgan Chase NA, Applicant; 756 Route One, Map 39 Lot 9 & 10, the Planning Board hereby extends the Building and Lot Plan and Major Site Plan approval to September 8, 2023.

Such motion moved by Mary Lynn Engel, seconded by Janet Hansen, and voted 5 members in favor, 0 members opposed (Andrew Bertocci absent due to technical difficulties, one vacancy).

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 August 4, 2022, for an amendment to the Building & Lot Plan and Major Site Plan, JP Morgan Chase NA, Applicant; 756 Route One, Map 39 Lot 9 & 10, regarding the compliance with the applicable standards of the Character Based Development Code, Chapter 703, and the applicable standards of Site Plan Review, Chapter 702, the Planning Board hereby finds and concludes that the waiver of the maximum illumination for the property line, parking lot, pedestrian and driveway areas in order to meet industry standards for security is consistent with the Character Based Development Code and Site Plan Review and is therefore approved subject to the following condition of approval:

1. Prior to the issuance of a building permit, the applicant shall provide an updated Photometric Plan that shows the property line lighting levels do not exceed the requirements of Chapter 702 and Chapter 703. If the lighting level at the property line exceeds the requirements of the applicable ordinances, the applicant shall add either vegetative or structural buffers to bring the property line lighting levels into compliance.

Such motion moved by Mary Lynn Engel, seconded by Janet Hansen, and voted 5 members in favor, 0 members opposed (Andrew Bertocci absent due to technical difficulties, one vacancy).

3. Workshop Item: Concept Major Site Plan and Major Subdivision; Village III District; 49 Bridge Street; Map 38 Lot 8-00A; Mill Point at Yarmouth, LLC, Applicants.

The applicant is proposing to construct three residential buildings, for a total of 17 new residential units. The new 17 residential units will bring the total residential units for the property to 27 residential units. The proposed new residential buildings are located upslope from the existing buildings and a driveway will be extended to the units and associated parking. Other site improvements will be made as part of the project. Public comment will be received. No vote will be taken.

Approved: 9/14/2022

The application has been withdrawn at the Applicant's request. Any future applications will be processed upon receipt.

ADJOURNMENT

With no objection, the meeting adjourned at 8:15 PM.

Respectfully submitted:

Wendy Simmons, Administrative Assistant, Recording Secretary