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**YARMOUTH PLANNING BOARD MINUTES**

September 28, 2022

**I. CALL TO ORDER**

Janet Hansen called the meeting to order at 7:00 PM.

**II. ROLL CALL OF MEMBERS**

	<b>PRESENT</b>	<b>ABSENT</b>
Wendi Holden, Chair		X
Janet Hansen, Vice Chair	X	
Andrew Bertocci	X	
Hildy Ginsberg	X	
Mary Lynn Engel	X	
Jerry King		X
Ian Cromarty	X	

**OTHERS**

Erin Zwirko, Director of Planning & Development  
 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 4-0 the minutes of the September 14, 2022, meeting were approved. (Cromarty abstained)

**IV. COMMUNICATION**

E. Zwirko gave the following updates:

- The last visioning session is scheduled for September 29. It is a remote session at 7PM and Zoom information can be found on the website.
- The RFP for the development of the Comprehensive Plan deadline is October 7.
- The photo contest deadline was extended to October 13.
- Reminder, the Visioning online survey is still available on the website.
- 298 Main St. Demolition Permit was issued. The Code Enforcement Officer requested they notify the Director of Planning directly prior to demolition so we can communicate to the public via the website, Facebook and Chamber of Commerce.

**V. JOINT MEETING WITH THE PARKS AND LANDS COMMITTEE**

The Planning Board and the Parks and Lands Committee will hold a joint meeting with the Planning Board to discuss goals and priorities over the next year.

Ron Dupuis the Chair of the Parks and Lands Committee gave a presentation. Their primary role is to oversee the good stewardship of the Town's open space and parks. They serve as a resource to property owners and developers and work with other Town committees to address concerns and interest throughout the Town.

Their current work plan includes: Updating the open space guide, development of the Frank Knight Forest management plan, finalizing sign standards, developing a plan for the removal of invasive species, developing a land acquisition strategy, participating

in the development of an impact fee policy and providing support for the Comp Plan, Open Space Plan and the Tree Committee.

They want to continue their support of the Planning Board through comments on applications with an eye towards the protection of open space, the Comp Plan, and consistently applying landscape standards on site plan and subdivisions.

The Board requested an update on Royal River Park Development and Latchstring Park. E. Donohoe gave an update on Royal River Park. The Grant they requested has been processed at the State level and is now at the Federal level, where it has stalled. They anticipate approval in Spring of 2023. At that point they will reach out again to the public for feedback on use of the funds. E. Zwirko gave an update on Latchstring Park. The Latchstring Park Task Force is continuing their fundraising efforts. The Board asked how the committees are participating in the Visioning work and the development of the Comp Plan? R. Dupuis said Karyn MacNeill distributed the schedule of Visioning sessions and members have attended those at their convenience.

Ed Libby, 374 Route One

Shared that the Frank Knight Forest area has a Mobile Home Park Overlay zone. It is not a good location for a mobile home park; but thought the Town should consider another location to move it.

## **VI. PUBLIC HEARING ITEMS**

### **A. OLD BUSINESS:**

None

### **B. NEW BUSINESS:**

#### **1. 1. Workshop Item: Presentation from the Greater Portland Council of Governments on LD 2003.**

The Planning Board will receive a presentation from the staff of the Greater Portland Council of Governments on LD 2003, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions." Aspects of the law will be effective on July 1, 2023, and the Town of Yarmouth will need to develop zoning amendments to be compliant with the law. The presentation will provide the Planning Board with background and information to begin work on zoning amendments.

Robert O'Brien from GPCOG gave an overview of the State Law LD 2003. He divided the information into 3 parts:

Part 1 – Density per lot

- 2 Units are allowed By Right regardless of local zoning.
- If there is an existing single-family home there can be 1 additional unit attached to the home and 1 additional detached unit.
- The Town cannot create setbacks that would prevent growth.

Part 2 – ADUs by Right

- Additional parking cannot be required.
- ADUs cannot be limited by a growth cap

- All new development must ensure adequate capacity for water and sewer
- Towns are allowed to regulate short-term rentals

### Part 3 – Multi-Units

- There can be up to 4 units in a priority density zone and/or all zones serviced by water and sewer.
- Where there are existing multi-units no new rights are granted
- If 2 units are allowed By Right, then if they are Affordable Housing units there can be up to 5 units allowed
- If 4 units are allowed By Right, then if they are Affordable Housing units there can be up to 10 units allowed.
- The Town may require a maximum of 2 parking spaces per every 3 units.

The law goes into effect 7/1/2023. In the meantime, the Town should work on aligning zoning language to coincide with the law.

Vice Chair Hansen opened to public comment

Ed Libby – 374 US Route 1

Current zoning is not aligned with LD 2003. MDR, LDR, and RR currently do not allow multi-family housing. Multiplex and duplex are only allowed with a minimum of 2 acres. There needs to be a definition of multi-family and also added as a permitted used. The Village 3 zone allows multi-family; but it needs a definition. The Town needs to consider its density requirements. Currently it is 1 unit/acre which translates to 4 units requiring 4 acres. There is no entity to enforce an Affordability Clause and the Town should establish one.

Public comment closed

E. Zwirko outlined the next 9 months. While the Town is waiting further guidance from the State it can start on amendments to the ADU Ordinance, affordable housing density bonus and defining multi-family. The Town will use the Comp Plan to obtain community feedback. The Affordable Housing Committee can start work on density and the Planning Department can start work on ADU updates.

R. O'Brien shared the State is working on hiring a temporary position to support this work. Hopefully just after the new year more guidance will be released by the State. The State is providing funding Towns can apply for to help offset the costs to hire consultants to help implement these new guidelines. The State will establish housing goals and identify Towns and regions that may be low in their Affordable Housing density.

## **2. Workshop Item: Review of Character Based Development Code Projects, Waivers, and Pre-Existing Non-Conforming Structures.**

The Department of Planning & Development staff will review a summary of the Character Based Development Code (CBDC) projects reviewed to date with the Planning Board, common waivers, and managing pre-existing non-conforming structures within the CBDC Character Districts. The Planning Board will provide feedback on next steps.

E. Zwirko did an analysis of the most common waivers requested by applicants for development in the Character Based Development zones. Waiver requests included building height, lighting, glazing and parking, with façade glazing being the most frequent request. It can be more difficult to achieve zoning requirements on existing buildings and easier with new construction. The applications for this zone are relatively small and The Planning Department is not recommending making any changes to CBDC requirements currently. They will request more detailed information from applicant's on why the waiver request is justified.

Regarding pre-existing non-conforming structures and setbacks, Planning is not recommending any zoning changes. The applicant will be required to provide more detailed information justifying why they cannot meet the required setbacks.

### **ADJOURNMENT**

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

Respectfully submitted:

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Wendy Simmons, Administrative Assistant, Recording Secretary