



Erin Zwirko, AICP, LEED AP
Director of Planning & Development
E-mail: ezwirko@yarmouth.me.us

Tel: 207-846-2401
Fax: 207-846-2438

TOWN OF YARMOUTH

200 Main Street, Yarmouth, Maine 04096

www.yarmouth.me.us

December 16, 2022

Adam Lemire
Platz Associates
Two Great Falls Plaza
Auburn, Maine 04210

Dear Mr. Lemire:

On December 14, 2022, the Yarmouth Planning Board voted to approve certain waivers and the preliminary Subdivision Plan for the 90 Main Street project with the following motions and votes:

Waiver – Certain Site Plan Review Application Requirements

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 December 8, 2022 for Preliminary Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations and standards of Chapter 702, Site Plan Review, the Planning Board hereby finds and concludes that not requiring a photometric plan is consistent with intent of the Site Plan Review Ordinance and is therefore approved.

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

Waiver – Use of Alley Thoroughfare and Larger Right of Way Width

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 December 8, 2022 for Preliminary Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations and standards of Chapter 703, the Character Based Development Code, the Planning Board hereby finds and

"Our Latchstring Always Out"

concludes allowing the use of the Alley Thoroughfare and a wider right of way meets the required standards and is therefore approved.

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

Waiver – Dead End Thoroughfare

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 December 8, 2022 for Preliminary Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations and standards of Chapter 703, the Character Based Development Code, the Planning Board hereby finds and concludes allowing a Dead End Thoroughfare 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 (Hildy Ginsberg absent).

Waiver – Location and Screening of Parking

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 December 8, 2022 for Preliminary Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations and standards of Chapter 703, the Character Based Development Code, the Planning Board hereby finds and concludes the location and screening of the parking spaces meets the required standards and is therefore approved.

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

Waiver – First Floor Elevation

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 December 8, 2022 for Preliminary Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations and standards of Chapter 703, the Character Based Development Code, the Planning Board hereby finds and concludes the elevation of the first floor 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 (Hildy Ginsberg absent).

Preliminary Subdivision 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 December 8, 2022 for Preliminary Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations and standards of Chapter 601, Subdivision, the Planning Board hereby finds and concludes that the Preliminary

Major Subdivision meets the required standards and is therefore approved subject to the following conditions of approval.

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

Conditions of Approval

1. The applicant shall confirm that the solid waste hauler turning movement diagram reflects the trucks used by the preferred hauler.
2. The applicant shall assess the use of pervious pavement on the site in coordination with the Town Engineer.
3. The applicant shall provide EV ready parking spaces on the site.
4. The applicant shall continue to work with the Tree Warden to select native species and further develop the tree protection plan with input from the Tree Advisory Committee.
5. The applicant shall provide written documentation that there is agreement with the owners of 18 Portland Street that the right of way easement remains in full force.
6. The applicant shall submit revised Homeowner Association documents that incorporates the following items for review and approval by the Town Engineer and the Director of Planning & Development:
 - a. The Association's responsibilities relative to stormwater management;
 - b. The Association's responsibilities relative to snow removal;
 - c. The Association's responsibilities relative to tree trimming as requested by the Fire Chief; and
 - d. Incorporates the right of way easement to the benefit of 18 Portland Street.
7. The applicant shall submit a detailed construction management plan that ensures access is uninterrupted and maintained to 18 Portland Street, incorporates the requirements of the erosion and sedimentation control plan, and identifies conditions when the Portland Street driveway is needed for construction access subject to the Town Engineer's approval.
8. The applicant shall incorporate the Historic Preservation Committee's recommendations for the new construction in the Lower Village Historic District.
9. The applicant shall either incorporate the required improvements to the frontage along Main Street for review and approval by the Town Engineer and DPW Director or agree that a contribution in the amount identified by the Town Engineer in his memorandum dated November 29, 2022, be made subject to final approval of the project.
10. The applicant shall incorporate the plan review comments from the Town Engineer in his memorandum dated October 3, 2022 and November 28, 2022, the Fire Chief in his memorandum dated September 20, 2022 and November 23, 2022, and the Yarmouth Water District Superintendent dated October 6, 2022.
11. The applicant shall consult with the Yarmouth Water District to determine whether water service can be accessed from Main Street rather than Portland Street.

This approval is for the Preliminary Subdivision Plan only. We look forward to review of the Final Subdivision Plan within six months of the date of this preliminary approval.

Sincerely,



Erin Zwirko, AICP, LEED AP
Director of Planning & Development

CC:

Chair and Members of the Yarmouth Planning Board

Nathaniel J. Tupper, Town Manager

Steven S. Johnson, Town Engineer

Erik S. Street, Director of Public Works

Karyn MacNeill, Community Services Director

Daniel Gallant, Police Chief

Michael Robitaille, Fire Chief

Scott LaFlamme, Economic Development Director

Nicholas Ciarimboli, Code Enforcement Officer

File copy