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TOWN OF YARMOUTH
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To: Planning Board
From: Erin Zwirko, Director of Planning and Development
CC: Railroad Square Associates, LLC
Steven Johnson, Town Engineer
Re: Updated Conditions of Approval for Railroad Square Development Plan and Subdivision Plan
Date: September 13, 2022

Updated Conditions of Approval

Following discussion with the applicant, Railroad Square Associates, LLC, the Town of Yarmouth Planning & Development Staff recommend updated conditions of approval for the Planning Board's consideration during the public hearing advertised and planned for Wednesday, September 14, 2022. I will be available to answer any questions at the hearing.

The motions and the updated conditions of approval are provided below for reference.

A. FINAL DEVELOPMENT PLAN

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearings, information and the findings and recommendations contained in Planning Board Report dated September 8, 2022, for a Final Development Plan and Major Subdivision, Railroad Square Associates, LLC, Applicant; Railroad Square, Map 37 Lots 28 and 29A, regarding the compliance with the applicable regulations of Chapter 703, Character Based Development Code, the Planning Board hereby finds and concludes that the Final Development Plan **[meets/does not meet]** the required standards and is therefore **[approved/not approved]** subject to the following conditions of approval:

Such motion moved by _____, seconded by _____,
and voted ____ in favor, ____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

B. FINAL 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 September 8, 2022, for a Final Development Plan and Major Subdivision, Railroad Square Associates, LLC, Applicant; Railroad Square, Map 37 Lots 28 and 29A, regarding the compliance with the applicable standards and regulations of Chapter 601,

"Our Latchstring Always Out"

Subdivision, the Planning Board hereby finds and concludes that the Final Subdivision Plan **[meets/does not meet]** the required standards and is therefore **[approved/not approved]** subject to the following conditions of approval:

Such motion moved by _____, seconded by _____,
and voted ____ in favor, ____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

CONDITIONS OF APPROVAL:

1. Prior to the start of any site work, the applicant shall submit the final construction plans and receive approval from the Yarmouth Water District regarding the layout and installation of any water infrastructure for any required mains, domestic services, and fire services. The applicant shall also execute an easement with the Yarmouth Water District.
2. Prior to the start of any site work, the applicant shall receive the necessary permitting from the Maine Department of Environmental Protection and the U.S. Army Corps of Engineers. In addition, the applicant shall provide confirmation from the Maine Department of Transportation that a Traffic Movement Permit is not necessary prior to the start of any site work.
3. Prior to the start of any site work, the applicant shall address the comments outlined in Peer Reviewer Aubrey Strause’s comments dated August 29, 2022, and Town Engineer Steven Johnson’s comments dated August 31, 2022, to the satisfaction of the Yarmouth Town Engineer.
4. Prior to the start of any site work, the applicant shall submit to the Town Engineer a Sewer Infrastructure Operations and Maintenance Plan for the gravity sewer system for review and approval. Prior to the issuance of any Planning Board approval for Lot 4 and Lot 5, the applicant shall submit to the Town Engineer a second Sewer Infrastructure Operations and Maintenance Plan for the private sewer pump station and sewer force main for review and approval.
5. Prior to the start of any site work, the applicant shall submit to the Town Engineer and the Director of Planning and Development final Homeowner Association (HOA) documents for review and approval. The HOA documents must be updated to include the following elements:
 - a. Reference to the Sewer Infrastructure Operations and Maintenance Plan, which will be the responsibility of the HOA to implement,
 - b. A prohibition on plowing snow into and storing snow on the BMPs, and
 - c. The items identified by Steven Johnson in his final memorandum dated August 30, 2022.
6. Prior to the start of any site work, the applicant shall execute the parking lease agreement with the owner, its successor, or assigns of 298 Main Street. The parking lease agreement shall be recorded at the Cumberland County Registry of Deeds.
7. Prior to the start of any site work, the applicant shall execute the unsigned Limited Use License Agreement with Maine Department of Transportation.
8. Prior to the start of any site work, the applicant shall execute the easement for a portion of the sidewalk to be located under the pavilion.
9. Prior to the start of any site work, the applicant shall receive approval from the Yarmouth Water District and the Yarmouth Fire Department regarding the location of any hydrants.
10. Prior to the start of any site work, the applicant shall prepare and submit a construction phasing plan for the roadway and infrastructure for review by the Town Engineer and the Director of Planning & Development.
11. During construction of the roadway and utility infrastructure, the applicant shall remove the debris and sediment from the inlet area of existing stone culvert on the southeasterly corner of the property to provide for full inlet hydraulic capacity and revegetate the area as necessary. If necessary, the applicant shall secure the appropriate Maine Department of Environmental Protection permits prior to completing this work.
12. During construction of all sewer infrastructure, all work must be inspected by Town staff prior to backfilling and all sewer work shall be constructed per Yarmouth Town Standards. All sewer infrastructure to be abandoned shall be as directed by the Town Engineer.
13. During construction, the applicant shall make reasonable attempts to engage with the adjacent property owner to develop a more robust edge treatment for TF-2. The applicant shall report any progress to the Director of Planning & Development on a quarterly basis.

14. Prior to the installation of street trees, the applicant shall coordinate with the Tree Warden to ensure that each planter has adequate depth and width of quality soil and drainage to withstand root zone growth of the mature trees.
15. The applicant shall comply with the required conditions outlined in the No Action Assurance Letter issued by the Maine Department of Environmental Protection dated July 8, 2022. The applicant, all future lot owners, the HOA, and their contractors shall incorporate the requirements of this letter in the buildout and operation of the site and infrastructure as appropriate.
16. Erosion and Sedimentation Control (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.
17. All storm drain infrastructure shall conform to Yarmouth Town Standards. All connections to Town infrastructure shall be per Town requirements.
18. The roads and infrastructure shall remain private. Nothing herein obligates the Town of Yarmouth to accept ownership of the roads and infrastructure in the future.
19. The applicant shall be required to construct the easterly entrance radius and sidewalk improvements as shown generally in the "Base Design Concept" drawing by Toole Design dated June 27, 2022 and yet to be approved final Main Street Phase 2 Construction Plans. The applicant shall coordinate any required entrance design revisions with the Town Engineer.
20. The applicant shall be required to make a contribution of \$100,000 toward the construction of the proposed multiuse rail trail (rail trail) project planned between Cleaves Street and Main Street. The contribution is required to be made by December 31, 2023 and shall be placed in a non-interest bearing escrow account. The contribution is to be used for the construction of the rail trail, unless the Town of Yarmouth and Railroad Square Associates, LLC, its successors, or assigns, mutually agree in advance to use the funds toward another soft or hard cost for the development of the rail trail. If construction of the trail does not commence prior to December 31, 2027, the contribution shall be returned to Railroad Square Associates, LLC, its successors, or assigns. The Town of Yarmouth and Railroad Square Associates, LLC, its successors, and assigns, shall work cooperatively to advance the construction of the rail trail within the time period indicated.
21. An irrevocable letter of credit or cash escrow and a non-refundable two percent (2%) inspection fee will be required for the estimated cost of the roads and utility infrastructure as well as the site drainage including curb and pavement, stormwater BMPs, erosion and sedimentation control, lighting, public or common amenities within the public frontages, and landscaping as informed by the construction phasing plan. Prior to the issuance of any building permits or the commencement of site work, the applicant and their selected construction contractor shall attend a pre-construction conference with Town staff at a mutually agreeable date and time. Additionally, prior to the issuance of any building permits or the commencement of site work, the applicant shall satisfy all Town concerns and provide updated drawings as required. All other permit applications and fees will be required prior to the release of a building permit or commencement of site work.

STANDARD CONDITIONS OF APPROVAL:

1. Subdivision Recording Plat and Performance Guarantee: A final recording plat listing all conditions of subdivision approval must be submitted for review and signature upon Planning Board approval of a final subdivision. The performance guarantee and inspection fee of 2% of the performance guarantee amount must be submitted and approved by the Town Engineer prior to the start of any site work, building construction, or sales of lots or units, whichever comes first, by Railroad Square Associates, LLC, its successors, or assigns.

2. Subdivision Waivers: Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval.
3. Final Recording Plat Submission: Upon recording of the subdivision plat at the Cumberland County Registry of Deeds, 1 mylar and 3 paper copies of the plat showing book and page and date of recording shall be submitted to the Town Engineer, along with an electronic plan set in both AutoCAD format (*.dwg), release AutoCAD 2005 or greater and PDF formats. The Town Engineer shall forward a copy of the recorded plat to the Town Assessor and GIS Technician.
4. 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.
5. Separate Site Plan Approval, Building & Lot Plan Approval, and Building Permits Are Required: This approval does not constitute approval of any Major Site Plan or Building & Lot Plan, which must be reviewed and approved by the Yarmouth Planning Board. This approval also does not constitute approval of any building permit, which must be reviewed and approved by Yarmouth Code Enforcement Officer.
6. Subdivision Expiration: Any subdivision Plan not so filed or recorded within 180 days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of 180 days.
7. Preconstruction Meeting: Prior to the release of a building permit or site construction, a preconstruction meeting shall be held at the project site, Town Hall or other mutually agreeable location. This meeting will be held with the contractor, Town Engineer, Code Enforcement Officer and Director of Public Works representative and owner to review the construction schedule and critical aspects of the site work. The site/building contractor shall provide three copies of a detailed construction schedule to the attending Town's representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
8. As-Built Drawings: One mylar and one paper copy of the as-built drawings for the approved Thoroughfares/streets and other infrastructure in the subdivision must be submitted to the Town Engineer prior to the issuance of a certificate of occupancy or request for Town acceptance of the street. An electronic plan set in both AutoCAD format (*.dwg), release AutoCAD 2005 or greater and PDF formats are also required. The Town Engineer shall forward a copy of the recorded plat to the Town Assessor and GIS Technician.
9. Landscaping: All required public frontage landscaping shall be guaranteed for a 2-year period.