
YARMOUTH PLANNING BOARD MINUTES

November 10, 2021

I. CALL TO ORDER

Judy Colby-George called the meeting to order at 7:00 PM.

II. ROLL CALL OF MEMBERS

	PRESENT	ABSENT
Judy Colby George, Chair	X	
Wendi Holden, Vice Chair	X	
Andrew Bertocci		X
Hildy Ginsberg	X	
Mary Lynn Engel	X	
Janet Hansen	X	
Jerry King	X	

OTHERS

Erin Zwirko, Director of Planning & Development
Nicholas Ciarimboli, Code Enforcement Officer
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, minutes of the October 27, 2021 meeting were approved.

IV. COMMUNICATION

A special meeting will be held on Wednesday November 17, 2021 to attend to Item 1 and 2 on this agenda which will be tabled.

V. PUBLIC HEARING ITEMS

A. OLD BUSINESS:

1. Action Item: Request for Reconsideration of October 27 Vote to Deny Appeal of a Minor Site Plan Approval for an Accessory Dwelling Unit, Map 30 Lot 14, Eugene and Heidi Miller, Peter and Rhonda Senger, Andrea Pizzo and Haoyi Gu, Appellant.

The appellants are requesting the Board reconsider their decision of October 27, 2021, to not allow an appeal on the grounds that the appellants did not have standing. A motion to reconsider may be offered by a Board member who voted at the immediately preceding meeting on the prevailing side, which was the vote against standing. If a reconsideration vote is offered and approved by a majority, the matter returns for consideration or may be tabled to a subsequent Board meeting for further consideration.

A motion was made to table the Request for Reconsideration to a date certain of November 17, 2021.

Such motion moved by Janet Hansen, seconded by Mary-Lynn Engel, and voted 6 in favor, 0 opposed, Andrew Bertocci absent.

2. Ratification of Findings of Fact and Conclusions of Law – Appeal of a Minor Site Plan Approval for an Accessory Dwelling Unit, Map 30 Lot 14, Eugene and Heidi Miller, Peter and Rhonda Senger, Andrea Pizzo and Haoyi Gu, Appellant.

The Board will review and vote on written Findings of Fact and Conclusions of Law pertaining to their decision of October 27, 2021.

A motion was made to table the Ratification of Findings of Fact and Conclusions of Law to a date certain of November 17, 2021.

Such motion moved by Jerry King, seconded by Hildy Ginsberg, and voted 6 in favor, 0 opposed, Andrew Bertocci absent.

B. NEW BUSINESS:

1. Action Item: Amendment to ADU Ordinance, Chapter 702, Article I.J.13

The Planning Board will review an amendment to the Accessory Dwelling Unit Ordinance to remove the requirement that the lot on which the accessory dwelling unit is located must be served by public water and public sewer. A vote on a recommendation to Council is scheduled at this meeting. Public comment will be received.

Mary-Lynn Engel disclosed she is a volunteer with The Aging in Place committee, but it would not impact her ability to discuss this item. The Board did not see a conflict and she did not need to recuse herself.

Erin Zwirko reviewed the history of this item. At the June 9, 2021 Planning Board meeting the Board reviewed the ADU Amendment as a workshop item. It is a very narrow request to amend the ordinance to include properties not on public water and public sewer. The amendment was initially brought forth by Aging in Place and the Town chose to support the amendment. ADUs are a good housing option for allowing seniors to stay in their homes and support Aging in Place. The Board was supportive at that meeting and the next step would be to make a recommendation to Town Council for approval. E. Zwirko did an analysis of the town and currently 75% of households are on public sewer and 90% on public water. Most homes not on public water and sewer are the outlying areas at the edges of town and the islands. She surveyed surrounding towns and Yarmouth is one of the few towns that does not allow private connections for sewer or water. A condition of approval for homes on septic systems would be to upgrade the system to accommodate the additional living area. ADU application requirements already include staff review by the Town Engineer, Public Works Director, Fire Chief and Police Chief. Zoning only allows one ADU/property. This summer the State Legislature tabled legislation that expanded the use of ADUs. It is unclear if the Legislature would return to the legislature when the next session begins in 2022.

Chair Colby-George opened to public comment.

Leigh Kirchner, 78 Tenney St.
Director of Aging in Place and supports the amendment.

Rebecca Rundquist, 55 West Elm St.
The proposal is narrow; but will have broad reaching effects. Questioned the geographic reach and how much of it would reach into rural residential. Rural residential zone is where the Comp Plan determined was not appropriate for infill. She supports AIP; but not the expansion of ADUs. Questioned the enforcement mechanism of the requirement of one unit be owner occupied? There are no short-term rental regulations or data determining how much this change would benefit Aging in Place.

Public comment closed.

E. Zwirko clarified the owner is required to file a Deed Restriction with the registry not allowing the units to be sold separately. The Code Enforcement Officer requires a State Issued ID and a utility bill in the owner's name as a condition of approval as proof of residency at the address ensuring one of the units is owner occupied.

The Board is supportive of the amendment. This is a small logical step supporting affordable and multi-generational housing options.

The following motion was made:

On the basis of the application, plans, reports and other information submitted by the applicant, and the findings and recommendations contained in Planning Board Report dated November 4, 2021, for Zoning Amendment to Remove the Requirement for Public Water and Public Sewer from the Accessory Dwelling Unit Ordinance, Town of Yarmouth and Yarmouth Aging in Place, Applicant, the Planning Board finds that the plan is in conformance with the Yarmouth Comprehensive Plan, and therefore **recommends** that the Town Council adopt the proposed zoning text amendment.

Such motion moved by Hildy Ginsberg, seconded by Mary Lynn Engel, and voted 6 in favor, 0 opposed, Andrew Bertocci absent.

2. Workshop Item: Visioning Workplan

The Planning Board will continue review a workplan prepared by the Director of Planning & Development for a visioning exercise in advance of a Comprehensive Plan Update. The workplan was reviewed during a joint meeting with the Town Council on September 23, 2021, where the Planning Board was directed to solicit additional feedback. Public comment will be received.

Erin Zwirko gave an overview of this item. The Planning Department has a small budget to work with until the 2022-2023 Fiscal Year budget. With this limited budget the Planning Department would like to begin outreach and begin gaining feedback from the community on the development of the Comprehensive Plan. She provided more detailed information outlined on the Visioning Document. She envisions 3 facilitated work sessions. 1. Broad visioning, 2. Beginning work on the vision including determining community identity and shared values, 3. A second visioning session and wrap up.

E. Zwirko – A consultant will be hired to help write the Comp Plan document. A committee will be formed, and volunteers utilized in conjunction with town staff. The consultant will help manage workflow and keep the project on track. The goal is to begin work in the beginning of 2022 blending into the 2022-2023 budget season when more funding will be available.

Chair Colby-George opened to public comment.

Ed Ashley, 20 Spartina Point

The Comprehensive Plan process should not be compared to the Character Based Development Code (CBDC) process. The CBDC was a product presented whereas the Comp Plan requires community interplay. Facilitated meetings work well in an in-person setting allowing the facilitator to engage the public in the room. Conducting virtual meetings would be difficult to accomplish this. Research other venues to hold meetings other than the Log Cabin. Technology and the recording of meetings may be a problem at other venues other than the Log Cabin. Ideas are YHS, History Center and Library.

Rebecca Rundquist, 55 West Elm St.

The CBDC was developed in another community and not representative of Yarmouth. Find a consultant locally. Recommends reaching directly into the neighborhoods, many have open space areas that can be utilized to have conversations with neighbors. Suggested designating 1 person who can answer questions regarding the Comp Plan to simplify the dissemination of information if the community has questions.

Public comment closed.

The Board has concerns around survey tools requiring access to or familiarity with technology. Many people may not have internet access or the skills to manage online surveys. They questioned who will write the Comp Plan and the demands it will place on the Planning Department? They encourage using a local consultant who is familiar with the area. The Board recommended considering the seasonality of Maine and that summertime and holiday times are hard to facilitate public meetings because people are distracted with other things. Recommended reaching out to different parts of town because

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different areas have different perspectives. An idea included a large circus tent event allowing people to be outside. Create as many touch points as possible. Some people work well in a more technological way while others.

Next steps are to revise the Visioning Document based on the feedback received tonight and bring it back to the Planning Board at the special meeting on 11/17 before recommending it to Town Council.

ADJOURNMENT

With no objection, the meeting adjourned at 8:10 PM

Respectfully submitted:

Wendy Simmons, Administrative Assistant, Recording Secretary