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**YARMOUTH PLANNING BOARD MINUTES**

June 8, 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	
Tony Cowles	X	

**OTHERS**

Erin Zwirko, Director of Planning & Development  
 Julie Dubovsky, Assistant Planner  
 Wendy Simmons, Administrative Assistant, Recording Secretary

**III. APPROVAL OF MINUTES**

None

**IV. COMMUNICATION**

E. Zwirko gave the following updates:

- Memo on LD 2003 – This new legislation was recently passed in response to the housing crisis in the State of Maine. The 4 elements of the bill are outlined in the memo. The Town is waiting for additional rules and guidance from Maine Municipal Association and the Department of Economic and Community Development as there are still many unknowns. The law goes into effect 7/1/23. A workshop will be scheduled with the Planning Board in the fall to discuss the new law in more detail.
- The Town is holding a public meeting on 6/15 at 7PM to discuss the proposed changes to the intersection at Railroad Square and Main St.
- The Town Visioning website to assist in creating a vision statement for the Comprehensive Plan goes live on 6/28.

**V. JOINT MEETING WITH THE TREE ADVISORY COMMITTEE**

The Planning Board and the Tree Advisory Committee will hold a joint meeting to discuss how the Tree Advisory Committee can support the Planning Board in application review. The Planning Board will also hear from the Tree Advisory Committee on its initial goals and priorities for the first year of work, and identify where the Planning Board has shared goals and priorities.

Rebecca Rundquist, Chair, Lisa Small and Susan Prescott of the Committee took a moment to speak about the Tree Advisory Committee and their goals. A major goal is to help preserve existing trees and increase canopy cover. They are working to create

a matrix of State and Local Statute to use in reviewing Planning Board applications and work with homeowners. They've created an Emerald Ash Borer task force to identify trees for treatment and will be moving forward with a plan.

**VI. PUBLIC HEARING ITEMS**

**A. OLD BUSINESS:**

None

**B. NEW BUSINESS:**

**1. Action Item: Amendment of a Building & Lot Plan, Major Site Plan, and Major Subdivision Approval and Request to Extend the Major Site Plan Approval; 298 Main Street; Map 37 Lot 30; 298 Main Partners, LLC, Applicant.**

The applicant is requesting an amendment to the August 2021 approval of the Building & Lot Plan, Major Site Plan, and Major Subdivision for a new 3-story mixed-use building on the site of 298 Main Street. The applicant proposes a change to the exterior materials and other alterations to the façade. The applicant also requests an extension of the Major Site Plan approval to August 11, 2023, per Chapter 702, Article L.2. Public comment will be received. A vote may be taken.

Mark Nordby, applicant representative presented further information regarding proposed exterior material changes and possible colors. Samples have been available at Town Hall the past few weeks. The Character Based Code does not indicate color requirements, only texture. They are sensitive to the historic detailing of buildings in the area and carried these characteristics over to this building. Clapboard is a common material used in housing throughout Maine. The applicant is open to further discussion on colors and details; but is seeking approval to substitute new materials.

Chair Holden opened to public comment

Tom Reinsborough, 44 East Elm St.

If the applicant can't afford to build the building as approved, then they shouldn't build it or they can reduce the square footage to reduce costs. Does not agree with the material change, it does not fit in with Main St. and should be a brick building. If the applicant wants clapboard it should have a pitched roof and be required to come back to Planning Board with a new design and approval. Concerned about the number of mechanical units and where they will be located and whether they will be visible from the street from all angles up and down Main St.

Ed Ashley, 20 Spartina Point

Was disappointed the applicants did not reach out to discuss his and Bruce Butler's written comments. Questioned if the materials were painted or came in the different colors and how much siding would be exposed to the weather. Requested a detailed drawing with the final materials, all building penetrations and mechanicals with a long view from both sides of main street. Concerned about mechanicals being visible from the street. The top of the building lacks visual weight and cast stone should be used on all sides of the building. Questioned if there needed to be an extension of the Demolition Delay approval?

Bruce Butler, 29 Baker St.

Feels the building is lacking the appropriate top. Questioned if the Board received the sketch he provided with his comments? Concerned the window size is not large enough to be egress windows.

Robert Anderson, 40 Church St.

Concerned the building is too big. Concerned about mechanicals and the noise they will create.

Public comments closed

E. Zwirko – A demolition permit would need to be resubmitted with back up material to the Code Enforcement Officer. Because there are certain notifications required, the applicant will need to resubmit. She also confirmed that the applicant received the memo from E.Ashley and B.Butler. It was emailed directly to the applicant from Mr. Ashley and attached to the staff report.

The Board suggested the applicant relook at the cornice at the top of the building and reduce the number of dentals, feels too busy. They questioned how the different colors of siding materials handled weathering and how the siding would be maintained? Several members of the Board liked the darker colors due to weathering and felt it made more of a statement. They questioned where the HVAC units and vents would be placed? They reinforced the importance of screening and ensuring mechanicals are not visible from Main St. One member had concerns about how this building fits into Yarmouth and the other housing styles, thinks a clapboard building should have a pitched roof and the building design should be reconsidered.

M. Nordby – Reconsideration of the building and height would reduce the number of units and is not financially viable. All exterior venting would be out the roof or at the back of the building by the parking. Mechanicals are located on the roof and will not be visible from Main St. from any direction. They are sensitive to noise pollution and will be using insulation to minimize noise for mechanical units. The mechanicals were reviewed and approved in the previous meetings. In general, darker tones weather better; but the building would have an ongoing maintenance plan to prevent weathering. The windows are egress compliant. The siding will be 4" exposure which is a New England standard and will be primed and painted.

The following motions were 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 June 2, 2022, for an extension to the previously approved Building & Lot Plan and Major Site Plan, 298 Main Partners, LLC, Applicant; 298 Main Street, Map 37 Lot 30, the Planning Board hereby extends the Building and Lot Plan and Major Site Plan approval to August 11, 2023.

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

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 June 2, 2022 for an amendment to the previously approved Building & Lot Plan and Major Site Plan, 298 Main Partners, LLC, Applicant; 298 Main Street, Map 37 Lot 30, regarding the compliance with the applicable regulations of Chapter 703, Character Based Development Code, and the applicable regulations and standards of Chapter 702, Site Plan, the Planning Board hereby finds and concludes that the amended Building and Lot Plan and Major Site Plan meets the required standards and is therefore approved subject to the following conditions of approval:

1. Prior to the issuance of a building permit, the applicant shall construct a full-scale mockup of the exterior building materials and elements for review and approval by the Planning Board. All major elements of the facade shall be featured including the cast stone base, the transition line cornice between the first and second stories, the upper story windows and trim, the column, the roofline cornice, and the selected clapboard color, clapboard reveal, and corresponding trim color. The mockup should not be three stories tall, but at a scale where the materials and elements may be viewed and understood.
2. Prior to the issuance of a building permit, the elevations shall be updated to match the renderings.
3. The light fixture finish shall be chosen to blend into the element it is attached to, and in particular, any highly visible light fixture shall be black including the sign light and the wall scones attached to the shopfront.
4. The clapboard siding shall be a dark charcoal gray. The clapboard reveal shall be no more than 4.25 inches.
5. All rooftop machinery and equipment shall be located and/or screened appropriately so as to not be visible from the ground.
6. The shopfront windows shall include a three-panel transom over the single pane of glass.
7. All utility vents must be ducted internally to the roof terminus so that no venting or other equipment is seen on any of the three primary facades (Main Street, South Street, or Railroad Square).
8. The gas meters located on the Railroad Square façade shall be appropriately screened.

Such motion moved by Janet Hansen, seconded by Jerry King, and voted 5 members in favor, 1 member opposed (Mary Lynn Engel opposed, Hildy Ginsberg absent).

**2. Action Item: Preliminary Ch. 703 Development Plan and Ch. 601 Major Subdivision, Railroad Square Master Plan; CD-4, Village Center District; Vicinity of 48 Railroad Square; Map 37 Lot 28 & 29A; Railroad Square Associates, LLC, Applicant.**

The applicant seeks approval of a Development Plan consistent with the requirements of Chapter 703, Character Based Development Code, Article 6, and Chapter 601, Major Subdivision Plan. A Development Plan lays out the location of thoroughfares

(roads) and blocks as well as pedestrian and bicycle connectivity, open spaces and civic spaces, mix of uses and densities, landscaping, architectural design context, and stormwater management. A mix of uses are proposed, including civic space of 2,750 square feet, commercial space of 7,600 square feet, and 61 residential units. This project is scheduled for preliminary subdivision and preliminary development plan review, and a vote will be taken, however this is not the final approval. Public comment will be received.

Matt Teare, applicant acknowledged the site walk before the last meeting went well. They've had 4 neighborhood meetings and will have 1 more to work directly with the abutters regarding screening at their property.

Rick Licht, applicant representative indicated tonight's meeting would focus on traffic, landscaping, lighting, and thoroughfares. Alterations in paving materials were made to throughfare 4 to better accommodate emergency vehicles. The easement delineation at Down East continues to progress and they are considering a fog line with bituminous pavers painted red. Lot 3 is a pedestrian focused area and they propose to make that whole section of the site a raised table. Snow removal will be handled by an outside contractor, and they've identified two areas for snow storage until it can be removed.

Diane Morabito, applicant representative summarized the traffic study. At the request of the Board, they extended their survey area to be from East/West Elm St. to School St. They also included the entrances at 317 Main St and 298 Main St. and accounted for traffic from those two locations. They conducted their car count in April and utilized available MEDOT information. Calculations show all levels of traffic service to be grade A or B. There will be minimal impact on traffic generation in the area. There are no safety concerns regarding site line distance or crashes.

Tom Errico, TYLin, Town 3<sup>rd</sup> Party Reviewer commented on crosswalks. During the Main St. Master Plan all crosswalks were considered and planned along the street. He has no major concerns regarding the data and report from Ms. Morabito.

Keith Smith, applicant representative shared the landscaping plan for the property and thoroughfares. He showed lighting and seating with granite monuments proposed. Different types/colors of pavers are to be implemented to differentiate pedestrian versus auto space. Bollards will be placed throughout the property to protect certain pedestrian areas. They are proposing several ways to manage storm water with rain gardens, grates, etc.

Chair Holden opened to public comment

Robert Anderson, 40 Church St.  
Questioned the number of units being built, feels it's too many. Questioned the age of the data used to acknowledge 55+ habits. Many people are more active today than previously. Questioned the legitimacy of the traffic study and requested more details.

Tom Reinsborough, 44 East Elm St.

Concerned about the infrastructure and who will manage it? It should not be the Town's responsibility but the owners and that seems complicated based on the size. Questioned where dumpsters would be placed?

Public comment closed

The Board had concerns over too many different types of pavers; want to make sure it's not too overwhelming or busy. Same thoughts with seating, to not overdo it with different types and colors. They liked the creative approach to the fog line at the Down East easement. They questioned who would be responsible for the infrastructure and the road? They had questions regarding the traffic study which were further discussed with T. Errico and E. Zwirko. Some members have continued concerns about increased traffic in the area due to all the development including, 298 Main St. 317 Main St., The Community Center and Hancock Lumber.

E. Zwirko – the Town Engineer and Director of Public Works have made it clear through their comments the infrastructure will be the responsibility of the developer/owners. Additionally, the road will never be accepted by the Town and will remain a private road. A full plan of waste removal has been requested and will be part of site plan approvals.

The following motions were 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 June 2, 2022, for a Preliminary 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 the Character Based Development Code, Chapter 703, the Planning Board hereby finds and concludes that the waiver to allow less than the required frontage for Lot 1 due to its preexisting condition is consistent with the Character Based Development Code 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).

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 June 2, 2022, for a Preliminary 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 the Character Based Development Code, Chapter 703, the Planning Board hereby finds and concludes that the waiver to allow the use of the Road Thoroughfare due to preexisting conditions at the project site entrance is consistent with the Character Based Development Code 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).

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 June 2, 2022 for a Preliminary 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 Preliminary Development Plan meets the required standards and is therefore approved subject to the following conditions of approval.

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 June 2, 2022 for a Preliminary 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, Subdivision, the Planning Board hereby finds and concludes that the Preliminary Subdivision Plan meets the required standards and is therefore approved subject to the following conditions of approval.

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

#### Conditions of Approval

1. The applicant shall address the Town Engineer's comments on sewer infrastructure as outlined in his memo dated March 7, 2022, and incorporate the requirements on the Final Development Plan and Major Subdivision Plan.
2. The applicant shall provide design details of the raised crossing where TF-2, TF-3, and TF-4 meet to ensure that there is still adequate separation between pedestrians and vehicles.
3. The applicant shall identify snow storage areas on the Final Development Plan and Major Subdivision Plan.
4. The applicant shall address the comments of the Bike and Pedestrian Committee regarding the double crosswalks at the entrance to the project site to the Planning Board's satisfaction.
5. The applicant shall incorporate a flush pavement treatment (not painted) at the edge of the Down East Energy property.
6. The applicant shall provide updated and complete Thoroughfare sections illustrating all of the applicable requirements of Chapter 703 and Chapter 601.
7. The applicant shall obtain a capacity to serve letter from the Yarmouth Water District and incorporate the comments of the Superintendent regarding water infrastructure into the Final Development Plan and Major Subdivision Plan.
9. The applicant shall refine the planting list per the Tree Advisory Committee's comments dated May 25, 2022.
10. The applicant shall provide an erosion and sedimentation control plan for the entire site with the Final Development Plan and Major Subdivision submittal.
11. The applicant shall submit a Stormwater Management Plan that incorporates the basic requirements of the Town Engineer as outlined in his memo dated May 26, 2022.

12. The applicant shall submit the additional items to support the traffic analysis as required by the Town's traffic peer reviewer in his letter dated May 26, 2022 including:
  - a. The volumes on Main Street between Railroad Square and South Street do not balance. The applicant shall investigate if any changes should be incorporated.
  - b. The applicant shall provide the Synchro model files for review and approval.
  - c. The applicant shall provide turning templates for the review and approval.
13. The applicant shall submit a solid waste and recycling plan for review and approval.
14. The applicant shall submit a grading plan for the entire site with the Final Development Plan and Major Subdivision submittal.
15. The applicant shall coordinate with the Department of Planning & Development regarding the intersection of Main Street and Railroad Square for inclusion of the preferred concept.

## **ADJOURNMENT**

With no objection, the meeting adjourned at 10:20 PM.

Respectfully submitted:

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Wendy Simmons, Administrative Assistant, Recording Secretary