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**YARMOUTH PLANNING BOARD MINUTES**

March 23, 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

Wendy Simmons, Administrative Assistant, Recording Secretary

**III. APPROVAL OF MINUTES**

Upon a motion duly made by Mary Lynn Engel, seconded by Janet Hansen and carried by a roll call vote of 6-0 (Jerry King absent at vote) the minutes of the March 9, 2022 meeting were approved.

**IV. COMMUNICATION**

- E. Zwirko released the RFP for a Visioning Consultant for the Comp Plan. Responses are due 3/25/22.

**V. PUBLIC HEARING ITEMS**

**A. OLD BUSINESS:**

None

**B. NEW BUSINESS:**

**1. Action Item: Final Ch. 702 Site Plan Review and Ch. 703 Building & Lot Plan, Renovation and Expansion of Travis Roy Arena; SD-1, NYA Campus Special District; Vicinity of 497 Route One; Map 32 Lot 125; North Yarmouth Academy, Applicant.**

The applicant seeks approval of a renovation and expansion of the existing Travis Roy Arena located at North Yarmouth Academy in the vicinity of 497 Route One. The expansion totals approximately 2,741 square feet. Associated façade improvements, utility, landscaping, stormwater, accessibility, and other site improvements will also be completed. This project is scheduled for final review and a vote will be taken. Public comment will be received.

Tim Hebert, Will Haskell, Austin Smith and Adam Wiles-Rosell presented for the applicant. The conditions of approval were discussed and it was confirmed they will be met. The applicants had concerns about meeting the requirement for 3 EV chargers in the parking lot per the ordinance and requested the Board's feedback on this condition of approval. NYA would be able to provide the infrastructure; but requested installation of the EV charging stations at a later time or in a different location. They did not anticipate this expense and would need time to do more fund raising. The money raised only covers the construction costs for the building. They requested an additional 12-18 months to fund raise. They confirmed they would renegotiate their parking agreement with Clayton's due to new ownership. The screening at the tennis courts the Board asked about in the previous meeting is used as a windscreen in the summer. Due to high winds in the winter, it becomes damaged and they would rather not keep it up year round.

Chair Holden opened to public comment

No public comment.

Public comment closed.

The Board discussed the EV charging station requirements and revised the condition of approval to be 2 years for implementation.

The following motions were made:

**Waiver Request – Traffic Analysis**

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 March 17, 2022, for Building & Lot Plan and Major Site Plan, North Yarmouth Academy, Applicant; 497 Route One, Map 32 Lot 125, regarding the compliance with the applicable regulations of Chapter 702, Site Plan, the Planning Board hereby finds and concludes that the waiver of the required traffic analysis is consistent with the Chapter 702 Site Plan Review Ordinance and is therefore approved.

**Such motion moved by Janet Hansen, seconded by Tony Cowles, and voted 7 members in favor, no members opposed.**

**Waiver Request – Parking Ratio**

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 March 17, 2022, for Building & Lot Plan and Major Site Plan, North Yarmouth Academy, Applicant; 497 Route One, Map 32 Lot 125, 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

minimum number of parking spaces required for the Arena 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 7 members in favor, no members opposed.**

**Waiver Request – Parking Stall Size**

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 March 17, 2022, for Building & Lot Plan and Major Site Plan, North Yarmouth Academy, Applicant; 497 Route One, Map 32 Lot 125, regarding the compliance with the applicable regulations of Chapter 702, Site Plan, the Planning Board hereby finds and concludes that the waiver of the parking stall size is consistent with the Chapter 702 Site Plan Review Ordinance and is therefore approved.

**Such motion moved by Janet Hansen, seconded by Mary Lynn Engel, and voted 7 members in favor, no members opposed.**

**Waiver Request – Façade Glazing**

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 March 17, 2022, for Building & Lot Plan and Major Site Plan, North Yarmouth Academy, Applicant; 497 Route One, Map 32 Lot 125, 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 of the minimum façade glazing and glazing fenestration are consistent with the Character Based Development Code and are therefore approved.

**Such motion moved by Janet Hansen, seconded by Mary Lynn Engel, and voted 6 members in favor, 1 member opposed (Wendi Holden opposed).**

**Building and Lot Plan and Major Site 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 March 17, 2022, for Building & Lot Plan and Major Site Plan, North Yarmouth Academy, Applicant; 497 Route One, Map 32 Lot 125, 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 Review, the Planning Board hereby finds and concludes that the Building & Lot Plan and Major Site 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 7 members in favor, no members opposed.**

**Conditions of Approval**

1. Prior to the issuance of any building permit, the applicant shall submit a plan that better aligns the ADA landings at the entrance for approval by the DPW Director and Town Engineer.
2. Prior to the issuance of any building permit, the applicant shall submit a revised site plan illustrating snow storage areas and clearance to emergency access areas for approval by the DPW Director and Fire Chief.
3. Prior to the issuance of any building permit, the applicant shall add to the Utility Plan the proposed infrastructure for the future EV chargers, including detail for the EV conduit, EV signage and striping per standards. If not installed during construction, EV charging stations shall be installed within two years of this Planning Board approval.
4. Prior to the issuance of any building permit, the applicant shall apply for the required sprinkler and fire alarm permits, per the Fire Prevention and Life Safety Ordinance, Chapter 319.
5. Prior to the issuance of a certificate of occupancy, documentation of a current shared parking agreement between NYA and the new owner of Clayton's shall be provided to the Director of Planning & Development.
6. Prior to the issuance of a certificate of occupancy, the applicant shall conduct the necessary pressure tests and bacteria tests for the service line, as per the request of the Yarmouth Water District.
7. Prior to the issuance of a certificate of occupancy, debris in the drainage swale on the easterly side of the building, including old tires and sections of guardrail and other non-organic debris, shall be removed and properly disposed of as part of the project.
8. Prior to the installation of new signage, the applicant shall submit a sign permit application and detailed signage package to the Department of Planning & Development for review and approval.
9. Prior to the commencement of any soil disturbance the contractor shall install and maintain all appropriate soil erosion and sedimentation Best Management Practices (BMPs) per Maine Department of Environmental Protection latest standards. The Town will be performing site inspections and reviewing the inspection records per the Town's NPDES MS4 General Permit. BMPs must be installed prior to the disturbance of site soils and vegetation. If the disturbance exceeds one (1) acre, then the project will require coverage under the Maine Construction General Permit.
10. 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.

11. All storm drainage infrastructure must conform to Yarmouth Town Standards and all connections to Town infrastructure shall be per Town requirements.
12. An irrevocable letter of credit or cash escrow and a non-refundable (2%) inspection fee is required for the estimated cost of the infrastructure located in the public right of way as well as the stormwater BMPs, bike racks, debris removal from the wetland area, EV charging stations and landscaping. Also, prior to issuance of building permits or the commencement of work, the applicant and their selected construction contractor shall attend a pre-construction conference with Town staff at a mutually agreeable date and time. Attendance at the pre-construction conference should be a condition of approval. Also, prior to issuance of building permits, the applicant shall satisfy all Town concerns and provided updated drawings as required. All other permit applications and fees will be required prior to the release of a building permit.

### **Standard Conditions of Approval**

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **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.
2. **Separate Building Permits Are Required:** This approval does not constitute approval of building plans, which must be reviewed and approved by Yarmouth Code Enforcement Officer.
3. **Site Plan Expiration:** The site plan approval will be deemed to have expired unless work has commenced within one year of the approval or within a time period up to two years from the approval date if approved by the Planning Board or Planning Director as applicable. Requests to extend approvals must be received before the one-year expiration date.
4. **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.

5. **Town Record Copies:** One mylar copy and three paper copies of the plat showing book and page and date of recording must be submitted to the Town Engineer as well as a plat submitted digitally to the Town Engineer, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
6. **Landscaping:** All required landscaping shall be guaranteed for a 2-year period.

**2. Workshop Item: Concept 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 is the third in a series of public hearings on this project. This hearing will focus on the lots, uses, and thoroughfares, landscape, buffers, and open space, and the utility master plan. A vote will not be taken. Public comment will be received.

E.Zwirko summarized what the Planning Board should consider in tonight's meeting covering thoroughfares.

Keith Smith and Rick Licht, presented for the applicant.

Thoroughfares are the main access and connection points on the site. Main St. is primary access point to the property. Each thoroughfare section (TF1-TF5) and CBDC criteria was broken down and presented to the Board. All thoroughfares will meet ADA standards and Yarmouth Complete Streets Standards. TF1 – 2-way shared road with Down East Energy accommodating commercial traffic including parallel parking and a sidewalk on one side. They are considering a fog line between the Railroad Square property and Down East property to identify the easement line. TF2 – A Village Street and residential zone will have slower moving traffic and shared bike lanes. TF3 – A Village Street where residential buildings begin, with sidewalks and parallel parking on 2 sides of the street. They are looking into ways to slow traffic, possible raised table. TF4 – Shared Space Street, where pedestrian traffic is prioritized. A one-way loop around the 55+ housing in the back of the property. TF5 – The proposed multi-use path on the railway. A one-way access parking lot behind lot 3 is proposed and can be closed off to traffic for special events. A variety of paving materials are under consideration to highlight crosswalks and pedestrian areas. Landscaping and street trees are proposed including screening behind buildings 6 & 7 abutting South St. residents. Lighting will be dark sky compliant

like the new fixtures on Main St. A Maintenance and Management plan draft will be provided to the Board. A Homeowners Association will be established to maintain the roadways, infrastructure, open space, etc. A Parking and Traffic Management Plan will be constantly updated throughout the entire review process including review of each building as they come before the Planning Board. The intersection at Main St. is under review to accommodate the Down East truck traffic and their required turning radius requirements. They will be seeking a waiver on parking near the Pavilion because it's an existing structure. They are looking into green initiatives such as solar, bike/ride share, EV chargers, BMPs and removal of invasives from the open space. Snow removal/storage/plowing are still being considered. The site will likely be treated as an urban setting with snow removal. Dumpster/recycling removal will be addressed with each individual building plan that comes before the Planning Board. Their next submission will be for the 4/27 Planning Board meeting.

Chair Holden opened to public comment

Ed Ashley, 20 Spartina Point

Addressed trying to find the balance between pedestrians, cars and bikes he advocates favoring pedestrians over cars. The goal of this type of development is to get people out of their cars and encourage alternate means of transportation. Requested the Board consider tree species that would create large lush trees with big canopy.

Public comment closed

The Board questioned where the designated parking approved for 298 Main St. would be located? They questioned if the width of the aisle by the 55+ buildings was widened where is that space taken from? Questioned if the existing road identified as TF-1 is a thoroughfare because it's already built? Concerned about a painted fog line between the properties due to aesthetics and maintenance; suggested something textured. Be aware of parking count requirements before closing lot 3 for events. Be cognizant of light pollution when choosing lighting. Supportive of change in the materials for identifying crosswalks. The Board will discuss a date for a site walk at the next meeting.

K. Smith – 298 Main St. will have 2 parallel parking spaces at TH1 and the remainder in Lot 3. Regarding the width of the aisle it is still under consideration; but will likely have space taken from both sides of the street. Regarding the fog line they would like something textured; but need to work with Down East as well.

### **3. Action Item: Consideration of Continuing a Limited Local Emergency.**

The Limited Local Emergency Declaration adopted by the Planning Board on January 26, 2022, and extended on February 23, 2022, requires the Board to revisit the Declaration on March 23, 2022. The Board will determine whether a

Approved: 4/13/2022

limited emergency continues to exist in Yarmouth and the surrounding region, and either rescind the declaration or extend the limited local emergency. Public comment will be received and a vote will be taken.

The Board discussed the Limited Local Emergency.

A motion was made by Mary Lynn Engel to rescind the emergency declaration and revert back to hybrid meetings as outlined in the remote participation policy. Seconded by Jerry King. Voted 7 in favor, 0 opposed.

## **ADJOURNMENT**

With no objection, the meeting adjourned at 9:40 PM.

Respectfully submitted:

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Wendy Simmons, Administrative Assistant, Recording Secretary