

**YARMOUTH PLANNING BOARD MINUTES**

September 27, 2023

**I. CALL TO ORDER**

Chair Holden called the meeting to order at 7:00 PM.

**II. ROLL CALL OF MEMBERS**

	<b>PRESENT</b>	<b>ABSENT</b>
Wendi Holden, Chair	X	
Janet Hansen, Vice Chair	X	
Hildy Ginsberg		X
Mary Lynn Engel	X	
Jerry King		X
Ian Cromarty	X	
Matt Schumacher	X	

**OTHERS**

Erin Zwirko, Planning Director

**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 5-0, the minutes of the September 13, 2023, meeting were approved.

**IV. COMMUNICATION**

E. Zwirko gave an update.

- Please save the date for October 2 for the Plan Yarmouth Community Conversation on Natural Resources and the Environment as well as October 10 for the Climate Action Plan Community Action Workshop.
- The Planning Board was reminded of the site visit on October 16 at 5 PM at 251 West Main Street.

**V. PUBLIC HEARING ITEMS**

**A. OLD BUSINESS:**

None

**B. NEW BUSINESS:**

**1. Action Item: Shoreland Permit, 44 Ashland Avenue, Map 55 Lot 56, Ann Marie Meygaard, Applicant.**

The applicant is requesting a Shoreland Permit for the proposed demolition and reconstruction of their single-family dwelling that is located within the Shoreland zone at 44 Ashland Ave on Cousins Island. The proposed structure will be built within the existing home's footprint with a new second floor and deck. The height of the new structure will be 34.8' tall as measured from the average existing grade to the ridge. The first-floor deck will remain the same size, but as it is within the required 75' setback from the Highest Annual Tide (HAT) level, it is still nonconforming. The rest of the structure is conforming. The applicant requests that the Planning Board make a determination that the deck is set back to the greatest possible extent practical. The Board is scheduled to vote after public comment is received.

Joe Waltman, architect, noted that he is available to answer any questions about the plans. The proposed deck and structure are to be rebuilt within the same footprint. The second story cantilevered deck is also within the same footprint.

Ann Marie Meygaard, owner, explained that she is a personal friend of the previous owner of the property and getting the project right is important to her.

Chair Holden opened to public comment.

Lisa Corey, 52 Birchwood Ave.  
Spoke in support of the proposal as a neighbor of the applicant.

Karen Saucier, 29 Maplewood Ave.  
Asked to see the plans, which were shown on the screen. Also inquired whether the Shoreland Association land affects the proposed plan. She also asked the height of the new structure.

Public comment closed.

It was clarified that the new structure is 8.5 feet taller than the existing structure. M. Schumacher noted that height changes should not come after the fact, and noted that he didn't see any concerns with the plans submitted.

The following motions were made:

On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Staff Memo dated September 21, 2023 regarding the application of Ann Marie Meygaard, Applicant, 44 Ashland Avenue, Map 55 Lot 56, regarding Chapter 701 Article IV.R.a.(3) and (4), Reconstruction or Replacement, and Relocation Assessment, the Planning Board finds that the plan is set back from the shore edge to the greatest practical extent according to the standards for relocation contained in Article IV.R.a(3), and is approved as to location.

**Such motion moved by Janet Hansen, seconded by Matt Schumacher, and voted 5 members in favor, 0 members opposed (Ginsburg and King absent).**

On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Staff Memo dated September 21, 2023 regarding the application of Ann Marie Meygaard, Applicant, 44 Ashland Avenue, Map 55 Lot 56, regarding Shoreland Permit Review Chapter 701 Article IV.R.11 a & b, the Planning Board finds that the plan is in conformance with the standards for review of this section, and is approved subject to the following conditions of approval:

1. Prior to the issuance of a building permit, the applicant shall submit a letter of no impact from the Maine Historic Preservation Commission.
2. The applicant shall have the existing septic system inspected by a licensed professional to ascertain its condition and suitability to serve the proposed structure. A report shall be submitted to the Town for review and approval prior to the issuance of a building permit.

3. Prior to the issuance of a building permit, if the applicant chooses to connect to public water, the connection will require a water main extension and a new service, and the applicant shall receive approval of that infrastructure from the Yarmouth Water District. Evidence of such approval shall be submitted to the Code Enforcement Officer.
4. Prior to the issuance of a building permit, the applicant shall submit a final grading plan for review and approval by the Town Engineer, DPW Director, Director of Planning & Development, and Code Enforcement Officer. The grading plan shall illustrate where the foundation drains daylight to assess the discharge location and proposed stabilization of the discharge location.
5. The applicant shall comply with the requirements of the Fire Chief as outlined in his memorandum dated September 14, 2023.
6. All erosion and sedimentation controls (ESC) best management practices (BMPs) shall be installed prior to the disturbance of site soils and vegetation. This includes preventing any track out from the site into the public right-of-way. 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.
7. Tree protection measures shall be installed prior to the disturbance of site soils and vegetation. During construction, the applicant and their construction manager/contractor shall ensure that tree protection measures are maintained in good condition. The use of machinery, heavy foot traffic, storage of building materials, washing equipment, use of chemicals, and similar hazards should be avoided. The applicant and their construction manager/contractor shall ensure that crane mats are utilized wherever heavy equipment is expected to operate near the existing and protected trees.
8. The applicant and their construction manager/contractor are prohibited from blocking and/or parking on Ashland Avenue during site preparation and construction. The applicant and their construction manager/contractor shall limit parking to the project site or identify other arrangements to accommodate vehicles during site preparation and construction. Construction access routes and staging shall be submitted for review by the DPW Director, Town Engineer, and Director of Planning & Development prior to any site disturbance.
9. Any damage to Ashland Avenue caused by heavy equipment and trucks during construction will be the responsibility of the applicant. Any damaged areas shall be restored to Town standards in coordination with the DPW Director prior to the issuance of a Certificate of Occupancy.

**Such motion moved by Janet Hansen, seconded by Matt Schumacher, and voted 5 members in favor, 0 members opposed (Ginsburg and King absent).**

**2. Workshop Item: Presentation on Climate Action Plan**

Meddy Smith, Sustainability Coordinator, will make a presentation on the Climate Action Plan process and potential goals and strategies under consideration for the Climate Action Plan related to zoning and land use. Ms. Smith is requesting feedback from the Planning Board to be incorporated into the final document.

M. Smith made a presentation to the Planning Board on the progress of the Climate Action Plan. In 2022, the town adopted an emergency declaration to achieve net zero town and school operations and 80% reduction of community emissions by 2030, and net zero community emissions by 2050. The declaration established the Yarmouth Climate Action Taskforce, which works with Ms. Smith, to complete the plan for adoption by the end of 2023.

The work to date included a greenhouse gas inventory. It found that stationary sources contribute 50% of emissions with over half being from home energy use, transportation contributed 43% of emissions with 70% being from passenger vehicles, and the final 7% is from waste, primarily solid waste. In addition, the plan completed a vulnerability assessment identifying sea level rise and inland flooding as the major concerns. These are the foundational concepts for the plan to build upon.

M. Smith presented the strategy areas where she would like Planning Board feedback:

- Prioritize accessible and safe walking, biking and active transportation;
- Build out public transit-oriented infrastructure; and
- Encourage sustainable and accessible neighborhoods.

The Board discussed how the Town is already highly walkable and bikeable. M. Smith noted that the last mile connections are still important.

The Board asked if remote working affects the baseline modeling. M. Smith noted that the data used for the baseline modeling is 2019, in order to take a conservative approach. The intention is that the plan would be iterative and provide opportunity to lookback on how we're improving. Future work may show credit or a tradeoff between transportation and home energy use.

The Board discussed electric vehicle charging infrastructure, which is something that the Board has limited purview over in the Character Based Development Code. The Board noted that it is one area that the Board could see needing revisions. The Board also mentioned other opportunities through site plan review, zoning amendments, and code enforcement.

The Board asked about buy-in from municipal departments and the school department. M. Smith explained that she and the Committee are engaging with the various departments to create a roadmap and cost estimates. The Board noted that the plan should allow for a practical approach to a highly ambitious plan.

Chair Holden opened to public comment.

Kelly Tillinghast, 141 Wharf Rd.

Asked about the 7% waste, and asked if a stronger composting program would be helpful.

Public comment closed.

M. Smith indicated that composting would improve the solid waste emissions. She spoke about the life cycle of goods that we consume and how we can cut down on waste.

M. Smith reminded the Board about the October 10<sup>th</sup> Community Action Workshop.

**ADJOURNMENT**

With no objection, the meeting adjourned at 8:00 PM.

Respectfully submitted:

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Erin Zwirko, Planning Director