

To: Chair Holden and Members of the Yarmouth Planning Board

From: Erin Zwirko, Director of Planning & Development

Re: 298 Main Street Request for Reapproval of Major Site Plan and Building & Lot Plan

Date: December 7, 2023

Introduction and Background

298 Main Partners LLC, received approval on August 11, 2021, to redevelop the site at 298 Main Street with demolition of the existing mixed-use commercial and residential building (determined to NOT be a Building of Value) and construction of a new three-story building containing 3,246 SF of commercial space on the first floor and two upper stories comprising fifteen dwelling units ranging from approximately 660 square feet to 990 square feet each. The development was reviewed and approved pursuant to the following ordinances:

- CH. 702, Major Site Plan;
- CH. 703 Character Based Development Code (CBDC) Building & Lot Plan; and
- CH. 601, Subdivision

Per Chapter 702, Site Plan Review, the Major Site Plan and Building & Lot Plan approvals expire within one year if building permits and performance guarantees are not approved. The Ordinance also allows the Planning Board to extend the approval for a second year for major applications, which the Board did in June 2022, in addition to approving modifications of the elevations, including the location of some windows and doors, and specifically the proposed exterior materials. Unfortunately, the approval expired on August 11, 2023, and the ordinance does not allow further extensions.

Major subdivision requires the subdivision plan to be filed within 180 days of the approval, and it was recorded with the Cumberland County Registry of Deeds on November 3, 2021, well within the required timeline. The applicant has requested that the Planning Board grant an extension of the Major Site Plan & Building and Lot Plan approvals.

The applicant notes that "volatile market conditions (including changes in costs for both labor and materials, and increased interest rates), have impacted the transition from the previous reviews to the start construction of the designs as previously approved." The applicant returns to the Planning Board for reapproval of the Major Site Plan and Building and Lot Plan without further changes since the original approvals. As this review represents a new approval, the Planning Board is starting a fresh review; however, based on the extensive review that has already been completed, the new comments provided, and the desire to see this building come to fruition, the Planning Board can choose to simply reconfirm its previous approvals.

Previously Approved Project

Over the course of the review, the applicant worked closely with the Town staff, Planning Board, and community to develop a proposal that evokes a scale and character worthy of such a prominent location on Main Street. Although the proposal did require a waiver for shopfront glazing, which was approved unanimously by the Board in 2021, the

proposed design was celebrated by the Board at the approval as being a top example of the applying the Character Based Development Code standards.



2021 Approved Main Street Façade

Concurrently with requesting an extension of the Site Plan approval in 2022, the applicant proposed a modification of the exterior materials and other changes to windows and doors on the four elevations as outlined in the application materials. The applicant also noted that the proposed design is still in compliance with the previously granted waiver for shopfront glazing. Barrett Made in 2022 wrote "After performing various value engineering/ pricing exercises in advance of construction with specific input from subcontractors and material suppliers the associated costs of using masonry on the façade is no longer economically feasible due to construction cost escalation impacted by both material cost (specifically masonry and structural steel) and subcontractor labor availability and cost and their significant impact on the project's financial modeling and viability."



2022 Updated Main Street Façade

As part of the amendment review, the applicant refined the façade by extending the columns to the roof line cornice, altered the cornice between the first and second floor, detailed the windows and cast stone on the first floor, and refined the upper story window trim. The exterior materials (samples of which are still available at the Planning Department) are identified on the rendering.



ATERIAL LEGEND

- 1. CAST STONE AT BASE & STOREFRONT
- 2. PAINTED HORIZONTAL SIDING
- 3. PAINTED BORAL TRIM
- . PAINTED WINDOWS



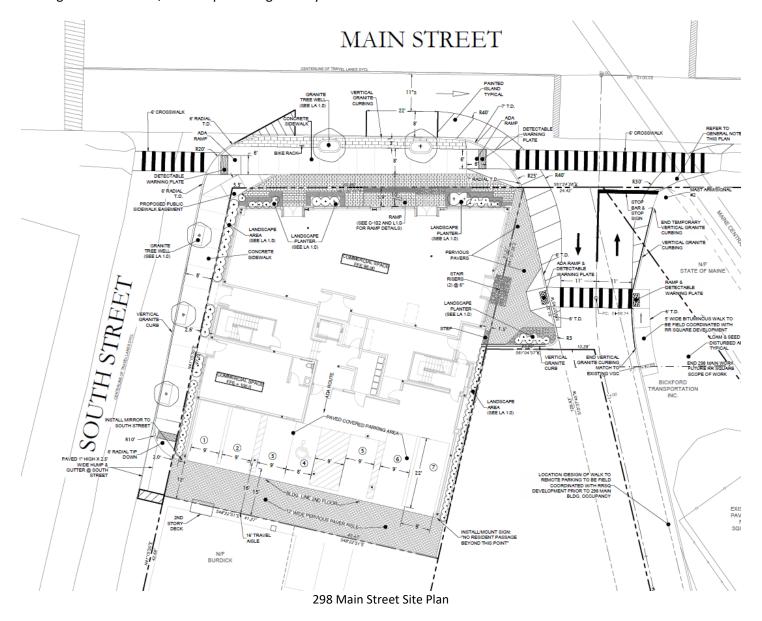
2022 Rendering and Exterior Materials at corner of Main Street and RRSQ Drive

The wide-angle rendering below provides the building in context with South Street.



2022 Rendering of corner of Main Street and South Street

Throughout the review, the site plan has generally remained the same:



The Planning Board's 2021 approval and 2022 amendment and extension approval are attached to this staff report.

Previous Reviews

The review of the Major Site Plan, Building & Lot Plan, and Subdivision began in 2020, in concert with the Railroad Square Master Plan. In early 2021, the projects were separated with 298 Main Street proceeding as a stand-alone project. The record is extensive, and I won't detail the various changes made to the project in this memo as the applicant seeks reapproval of the final design as approved and amended by the Planning Board.

Two concept plans were considered in late 2020, which are no longer on the Planning Board's website, but the following meetings and all of the material can be found on the website:

Meeting Date	Level of Review and Action	Link
August 26, 2020	Concept Site Plan and Subdivision Review Demolition Delay Review	N/A
	Action taken on Demolition Delay; PB Determined that the Structure is NOT a Building of Value	
October 28, 2020	Concept Site Plan and Subdivision Review	N/A
January 9, 2021	Site Walk	N/A
January 13, 2021	Preliminary Site Plan and Subdivision Review	Application Site Plan Drawings Staff Report Public Comment Additional Public Comment Minutes
March 10, 2021	Preliminary Site Plan and Subdivision Review	Application Supplemental Information
	The hearing was tabled at the applicant's request.	More Supplemental Information Site Plan Drawings Architectural Drawings Minutes
June 9, 2021	Preliminary Site Plan and Subdivision Review	Application Supplemental Information
	Action taken on Preliminary Subdivision	Construction Management Plan Site Plan Drawings Architectural Drawings Subdivision Plan Staff Report Public Comment Additional Public Comment Minutes Preliminary Subdivision Approval
August 11, 2021	Final Site Plan and Subdivision Review	Application Supplemental Information
	Waiver granted for Façade Glazing Action taken on Final Subdivision	Wavier Information Site Plan Drawings Architectural Drawings Staff Report Public Comment Minutes Final Building & Lot Plan, Site Plan and Subdivision Approval

Meeting Date	Level of Review and Action	Link
April 27, 2022	Preliminary Amendment of the Site Plan Approval	<u>Application</u>
	and Approval Extension Request	Supplemental Information
		More Supplemental Information
		<u>Elevations</u>
		Minutes
June 8, 2022	Final Amendment of the Site Plan Approval and	<u>Application</u>
	Approval Extension Request	<u>Elevations</u>
		Staff Report
	Action taken on Amendment and Extension	<u>Minutes</u>
		Building & Lot Plan, Site Plan, and
		Subdivision Amendment and
		Extension Approval

Public Notice and Comment

Notice of this public hearing was sent to 62 property owners in the vicinity (within 500 feet) of the proposed project. As of this writing, we have received no comments from the public.

New Comments

The Department of Planning & Development circulated the request for reapproval to Department Heads and other agencies for additional comments. The Town Engineer and the DPW Director reviewed the application for reapproval and did not identify any new comments. The Code Enforcement Officer did not have any comments either but has extensively reviewed the project through a building permit request in consultation with the applicant.

Eric Gagnon, the Yarmouth Water District Superintendent, reviewed the plan set, and noted that coordination is required between the applicant and the Water District regarding the various connections to the residences and the commercial spaces, and the sprinkler system. It is recommended that the Planning Board consider adding a condition of approval that the applicant receive approval from the Yarmouth Water District regarding the water infrastructure prior to the issuance of a building permit.

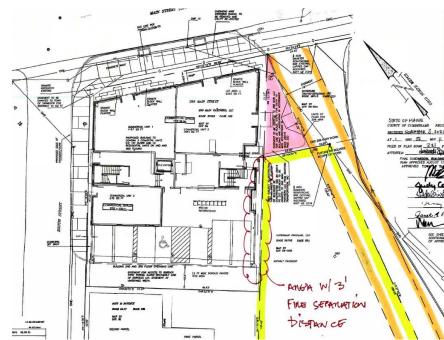
As noted earlier in this memo, the application is considered a new application. As such, it is reviewable as new construction in a historic district, and the Historic Preservation Committee (HPC) reviewed the project during its November 27, 2023, meeting and its advisory recommendation is attached to this staff report. The Historic Preservation Committee recommended the following conditions:

1. Continue the idea of "base, middle, and top" as a strong theme on all four sides of the building, not just the Main Street side, by adding a higher parapet as shown, all around. This will also help screen the rooftop mechanicals. See Condition of Approval #5 in Exhibit "B", the June 8, 2022 Extension Approval and Amendment, which states "All rooftop machinery and equipment shall be located and/or screened appropriately so as not to be visible from the ground.")

Screening of the rooftop mechanical units is a requirement of the 2022 approval. The HPC recommends increasing the height of the building from 35 feet to 37 feet in order to provide additional screening through a parapet. The Planning Board is aware that the height limitation across Yarmouth is 35 feet, although a parapet is not counted toward that overall 35 feet as defined by the CBDC. Should the Planning Board agree with the HPC's advisory recommendation, there is the ability to extend the parapet.

2. Increase the articulation/projection of the parapet to the extent possible taking any applicable setback or other legal requirements into account.

The proposed building is subject to fire separation requirements, meaning that projections and openings on any elevation are limited, in particular on the Railroad Square Drive elevation. The Planning Board may recall that the triangular plaza is a nobuild area due to an existing easement (pink). Railroad Square Drive is also an access easement which prevents obstructions (orange); however, the Downeast parcel (yellow) does not have any such restrictions over than where the access easement overlaps with the property lines. It is where the subject property meets the Downeast property where the fire separation requirements are limiting.



The shared property line bubbled in red is where projections and openings are limited.

The building wall must not be closer than 3-feet to the property line in this area. No projections from the building wall may encroach within 2-feet of the property line. (Openings are limited to a percentage which has been incorporated into the design.) The previously approved design of the building meets the fire separation requirements for this façade. Further, the previous review included an assessment of the CBDC's architectural standards and found that the proposed design meets the CBDC's requirements related to an articulated parapet.

The HPC recognizes this limit in the advisory recommendation, although in the suggested elevations from a member of the HPC, the parapet appears to project further than the previously approved design.

3. Make the building top equivalent in visual weight and impact to its bottom with the larger, higher parapet which is supported by a "beam" that links (and, in turn, is visually supported by) the pilasters.

The HPC's advisory recommendation is to add an additional horizontal beam element below the parapet. The CBDC architectural standards require a defined base, a middle, and a top that includes an articulated cornice and roof. The previous review included an assessment of the CBDC's architectural standards and found that the proposed design meets the CBDC's requirements to have a top, middle, and base.

4. Have the windows express what's going on behind them: retail as storefront and residential as double hung, with the sole exception of the rear ground floor windows enfronting South Street, which may be double hung. (This is already a Condition of Approval in the Exhibit "B" approval, being Condition #6, "The shopfront windows shall include a three paned transom over the single pane of glass." This had not yet been reflected in Applicant's North elevation drawing, but is shown on the Committee's north elevation).

The HPC's advisory recommendation is consistent with the existing condition associated with the 2022 approval.

5. Differentiate the infill from the beams and columns that define the base of the building: i.e. the storefront windows and wood paneled walls are surrounded by stone structure.

The previous review included an assessment of the CBDC's architectural standards and found that the proposed design meets the CBDC's requirements. The commercial ground floor is considered a shopfront and one of the relevant architectural standards is:

Doors, windows, awnings, signage and lighting shall meet character and functionality standards to achieve a simple classic storefront with such features as large glass panels below, divided light transoms above and sheltering awnings at the entry.

The condition of approval attached to the 2022 decision to add transom windows is the result of the Planning Board's discussion on how the applicant achieved consistency with the CBDC's architectural standards. The Planning Board also found that the base of the building meets the various architectural standards such as:

The design of the base of a Building, as well as the quality and durability of its materials, shall be emphasized.

Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the architectural style and details of the Building as a whole.

The Planning Board found that the base with the shopfronts is consistent with the CBDC standards.

6. Building Lighting: emulate the style of the adjacent street lighting, making both consistently traditional in design. This would be in addition to existing Condition of Approval #3 of the June 8, 2022 Extension Approval and Amendment.

The proposed lighting, which was previously reviewed by the Planning Board, is unobtrusive and functional. The Planning Board previously expressed that the finish should not necessarily be as presented on the cut sheet in the information from the applicant, but the finish should be consistent with the building.

7. Replace the small evenly spaced brackets of the cornice with larger more widely spaced brackets, doubled on the pilasters and at all corners, as shown on the attached elevation, with small dentil work applied as shown.

The previous review included an assessment of the CBDC's architectural standards and found that the proposed design meets the CBDC's requirements to have a top, middle, and base.

The Planning Board will have the opportunity to discuss Mr. Gagnon's recommendation and the HPC's advisory recommendation with the applicant during the hearing and take into account any additional testimony during the hearing. No other comments have been received. If there are additional conditions desired by the Board beyond what was included in the 2021 and 2022 approvals, those should be discussed at the hearing with the applicant.

Waiver

The project now, as it did previously, requires a waiver for the façade glazing of the shopfronts. The waiver request for façade glazing included a reduction from the required 70% on the primary and secondary façades as follows:

- 1. Main Street Principal Frontage Façade: from 70% to 62% (11.4% reduction) and
- 2. South Street Secondary Frontage Façade: from 70% to 51% (27.1% reduction).

The applicant wrote at the time that proposed reduction in window glazing is based primarily on the inability of the building to realistically meet the 70% standard without compromising the architecture and compatibility with the historic form and character of the village. The applicant provided an explanation indicating that the proportions of the shopfront façade would likely be inconsistent with the traditional village if the full 70 percent glazing were to be achieved. In addition, the applicant indicated that the glazing requirement on the secondary façade along South Street would be incompatible with the transition to the residential village.

In 2021, the Planning Board found that both requests are within the allowances of reductions of up to 35% per Article 1.N. The Staff recommend that the Planning Board reconfirm the waiver request.

Recommended Motions

The Planning Staff recommend the following motions for the Planning Board's consideration. Note that the Subdivision approval did not expire due to the properly recorded subdivision plan with the conditions from the 2021 decision noted on the subdivision plan.

Waiver: Façade Glazing

Based on the application, plans, reports and other information submitted by the applicant now and previously, information from the public hearing, information and the findings and recommendations contained in the Planning Board Report dated August 5, 2021 for Building & Lot Plan, 298 Main LLC, Applicant; 298 Main Street, Map 37 Lot 30, and in the Planning Board memo dated December 7, 2023, regarding the compliance with the applicable regulations of the Character Based Development Code Chapter 703, the Planning Board hereby finds and concludes and reconfirms that the waiver of the required shopfront façade glazing [is/is not] consistent with the Character Based Development Code and is therefore [approved/not approved].

code and is therefore [approved/not approved].
Such motion moved by, seconded by,
and voted in favor, opposed,
(note members voting in opposition, abstained, recused, or absent, if any).
Major Site Plan and Building & Lot Plan
Based on the application, plans, reports and other information submitted by the applicant now and previously,
information from the public hearing, information and the findings and recommendations contained in Planning Board
Report dated August 5, 2021 for Building & Lot Plan and Major Site Plan, 298 Main LLC, Applicant; 298 Main Street, Maj
37 Lot 30, and in the Planning Board memo dated December 7, 2023, regarding the compliance with the applicable
regulations and standards of Chapter 702, Site Plan Review, and the applicable regulations standards of Chapter 703,
Character Based Development Code, the Planning Board hereby finds and concludes and reconfirms that the Major Site
Plan and the Building and Lot Plan [meets/does not meet] the required standards and is therefore [approved/not
approved] subject to the following conditions of approval identified in the August 2021 decision, the June 2022 decision
and this decision.
Such motion moved by, seconded by,
and voted in favor, opposed,
(note members voting in apposition, abstained, recused, or absent, if any)

Conditions of Approval

From the August 2021 decision:

- 1. The applicant shall develop a standalone parking management plan for 298 Main Street. The 298 Main Street parking management plan shall include information on the owner, the purpose and goal of the parking management plan, information on the project location and area, the unit size and type of uses in the building, the traffic and vehicular access plan, management requirements, and annual analysis and reporting. In addition:
 - a. The plan shall include provisions to convert full size parking spaces to compact spaces should tenants report difficulties maneuvering in the parking lot;
 - b. The plan shall include provisions to address tenant or others use of the Downeast Energy property;
 - c. The plan shall include a provision for the scope of work of the annual analysis to be reviewed and approved by the Director of Planning and Development;
 - d. The plan shall include a provision for the annual report to be submitted to the Planning Board; and

- e. At the time that a future Railroad Square project is advanced, the plan shall include a provision for 298 Main Street shall be integrated into an overall parking management plan for 298 Main Street and Railroad Square due to the location of remote parking.
- 2. A sewer connection permit application and fee for the building will be required prior to the issuance of any building permit. 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 all be as directed by the Town Engineer.
- 3. The applicant shall provide an adequate soils report from a Professional Engineer licensed in Maine that evaluates that in-situ site soils and provides guidance for foundation design of the proposed structure prior to a request for a building permit.
- 4. The applicant shall verify the most viable underdrain connection and coordinate any required improvements for the underdrain connection with Public Works and the Town Engineer prior to a request for a building permit.
- 5. 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. The BMPs shall be installed prior to the disturbance of site soils and vegetation.
- 6. Prior to the required pre-construction conference with Town staff, the applicant shall provide a detailed logistics plan for construction management to the Town Engineer, Director of Public Works, and Director of Planning and Development for review and approval.
- 7. The applicant shall provide the final disposition of the utility poles to the Town Engineer and Director of Public Works as soon as the underground electric and communications system is finalized by CMP.
- 8. Prior to occupancy of the building, the applicant shall coordinate the location of the sidewalk to the remote parking area at and past the Railroad Square pavilion with the Town Engineer, Director of Public Works, and Director of Planning and Development.
- 9. 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 infrastructure located in the public right of way as well as the site drainage, stormwater BMPs 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 is required. Prior to issuance of building permits, 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.

From the June 2022 decision:

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.

New conditions:

1. Prior to the issuance of a building permit, the applicant shall receive written approval from the Yarmouth Water District regarding the public water infrastructure connections, services, and sizes.

Attachments:

- 1. No Comments from Steve Johnson, Town Engineer, 11/27/2023
- 2. No Comments from Erik Street, DPW Director, 12/4/2023
- 3. Comments from Eric Gagnon, Yarmouth Water District, email dated 11/30/2023
- 4. Historic Preservation Committee Advisory Recommendation dated 11/27/2023
- 5. No Comments from Bike and Pedestrian Advisory Committee, 11/17/2023

(207)846-2401

Submit Comments to Erin Zwirko by __12/1/23__

TOWN OF YARMOUTH

200 Main Street Yarmouth, Maine 04096

(207)846-2401	Fax: (207)846-2438
NOTICE OF PLANNING DEPARTMENT	FILING & REQUEST FOR COMMENT
Date Rec'd.: 11/15/23 Agenda Date: 12/13/23 Project Description: Major Site Plan Reapprov Project Location: 298 Main St. Applicant: 298 Main Partners, LLC Agent/Contact: Mark Nordby - mark.nordby@ Project Description:	
Reapproval of 298 Main St. Site Plan	
□ Review For Completeness/Checklist □ Respond To Applicant Re: Completeness □ Staff Input/Request Sent: 1. Director of Public Works (full size) 2. Town Engineer (full size) 3. Fire Chief (pdf) 4. Police Chief (pdf) 5. Director of Community Svcs (pdf) 6. Yarmouth Water District (pdf) 7. Code Enforcement Officer (full size) 8. Town Manager (pdf) 9. Harbormaster (pdf) 10. School District (pdf) 11. Tree Warden (pdf) 12. Tree Committee (pdf) 13. Economic Development Director (pdf) 14. Planning Director (full size) 15. Assessor - Subdivision Only (pdf) 16. Bike & Ped Committee (pdf) 17. Parks & Lands Committee (pdf) 18. Historic Preservation Committee (pdf) 19. Traffic Peer Review - TyLin (pdf)	Date Completed: 11/16/23 11/16/23 11/16/23 _XXXXXXXXX
□ Notice Letters Created/Sent□ Agenda To PB□ Agenda Posting:	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
 Forecaster Website Bulletin Board 	

Submit Comments to Erin Zwirko by __12/1/23__

TOWN OF YARMOUTH

200 Main Street Yarmouth, Maine 04096

(207)	846	-24	01
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Fax: (207)846-2438

	NOTICE OF PLANNING DEPARTMENT FILLS	NG & REQUEST	FOR COMMENT
Age Pro Ap Age	te Rec'd.: 11/15/23 enda Date: 12/13/23 oject Description: Major Site Plan Reapproval oject Location: 298 Main St. plicant: 298 Main Partners, LLC ent/Contact: Mark Nordby - mark.nordby@barret oject Description: approval of 298 Main St. Site Plan	tmade.com	That NO concern comments comments comments comments comments comments comments comments comments comments comments comments comments comments comments comments compared compa
	Review For Completeness/Checklist Respond To Applicant Re: Completeness Staff Input/Request Sent: 1. Director of Public Works (full size) 2. Town Engineer (full size) 3. Fire Chief (pdf) 4. Police Chief (pdf) 5. Director of Community Svcs (pdf) 6. Yarmouth Water District (pdf) 7. Code Enforcement Officer (full size) 8. Town Manager (pdf) 9. Harbormaster (pdf) 10. School District (pdf) 11. Tree Warden (pdf) 12. Tree Committee (pdf) 13. Economic Development Director (pdf) 14. Planning Director (full size) 15. Assessor - Subdivision Only (pdf) 16. Bike & Ped Committee (pdf) 17. Parks & Lands Committee (pdf) 18. Historic Preservation Committee (pdf) 19. Traffic Peer Review - TyLin (pdf)	Date Complete 11/16/23 11/16/23 11/16/23 -XXXXXXXXXX_	ed:
	Notice Letters Created/Sent Agenda To PB Agenda Posting: 1. Forecaster 2. Website 3. Bulletin Board Copy Of Findings And Decision In File		-

Attachment 3

From: <u>Eric Gagnon</u>
To: <u>Erin Zwirko</u>

Cc: Wendy Simmons; Tim Herrick

Subject: Re: Request for Comment - 298 Main, VIP, 123 Even Keel Marine - DUE 12/1

Date: Thursday, November 30, 2023 2:45:09 PM

Attachments: <u>image001.png</u>

Hi Erin.

VIP Application:

- According to the application, there are no new domestic service connections. If this is the case then we would not need an application with domestic flow changes. The meter and service line size are adequate. If there are additional fixtures in the proposed expansion, the developer would need to complete an application with the fixture count and flow requirement information.
- The application states that the fire suppression system is extending into the proposed expansion. We require a letter from the fire sprinkler company stating that the current line size is adequate for the expansion.

123 Even Keel:

• Nothing YWD related.

298 Main Application:

- According to the plan they require a 6" fire service, we would need confirmation from a sprinkler design company that this is adequate.
- The plan states that a 3" domestic water service is required. We do not allow 3" pipe in our system. We would need to understand the flow requirements for the domestic service line to determine the size of the line and the meter. This plan also assumes only one domestic service connection which means there will only be one water meter and one water account, if additional meters/accounts are required, additional service lines would need to be installed from the 8" water main.
- An 8" valve and blow-off assembly would need to be installed at the end of the 8" water main extension shown on the utility drawing.
- The 8" water main extension, domestic service connection, and fire service connection materials up to the individual service valves must be purchased through YWD. We will provide inspection of the work for the developer's contractor. We can provide an estimate for the materials and inspection when we are notified by the developer that construction is imminent. If Railroad Square is not a public ROW we require an easement solely for the YWD to own and maintain the water main and service lines up to the service valves. We can provide an easement form.

Let me know if you need anything more.

Eric Gagnon Superintendent Yarmouth Water District

Our current work schedule is Monday through Thursday 7 am to 5 pm and I typically do not check my emails regularly outside of those hours.

207.846.5821 phone 207.846.1240 fax

http://YarmouthWaterDistrict.org/

This message is intended for the use of the addressee only and may contain privileged and confidential information. If you are not the intended recipient of this message, be notified that any dissemination or use of this message is strictly prohibited. If you have received this message in error, please delete all copies of the message and its attachments and notify the sender immediately

On Thu, Nov 16, 2023 at 3:45 PM Wendy Simmons < WSimmons@yarmouth.me.us > wrote:

For your review:

https://cms5.revize.com/revize/yarmouth/government/boards_and_committees/planning_board/index.php#outer-2186sub-3123

Will – You should review 123 Even Keel Marine

Thanks. Wendy

Wendy Simmons, SHRM-CP

Administrative Assistant

Planning, Code Enforcement & Economic Development

200 Main Street, Yarmouth ME 04096

207-846-2401

207-846-2438 - Fax

www.yarmouth.me.us



TOWN OF YARMOUTH HISTORIC PRESERVATION COMMITTEE

Findings of Fact, Conclusions and Recommendation to Planning Board

Re: Property at 298 Main Street

- 1. The Committee **FINDS that**; Applicant has requested reapproval of lapsed Site Plan Review and Building and Lot Plan approvals for the 298 Main Street Property, asking for no changes from the plans and specifications (and conditions of approval) previously approved by the Planning Board. See letter of Planning Director dated August 13, 2021, notifying applicant of Planning Board Approval on August 11, 2021 a copy of which letter is attached hereto as **Exhibit A**, and see also letter of Planning Director to applicant notifying of Planning Board approval on June 8, 2022, extending and amending the prior approval, which letter is dated June 13, 2022, and a copy of which is attached hereto as **Exhibit B**.
- 2. The Committee further **FINDS** that, although at the time of the original Planning Board approvals, the Property was not subject to the newly enacted provisions of Ch.701, Article X, Historic Preservation Advisory Ordinance, now, in this application for reapproval, the Property and proposed New Construction **IS** subject to review and recommendation to the Planning Board by the Historic Preservation Committee under the provisions of Ch. 701, Art.X.
- 3. The Committee has CONCLUDED that if the New Construction is executed in accordance with the plans and specifications (with conditions of approval) as previously approved/amended, as set forth in Exhibits A and B, and with additional Conditions of Approval as set forth and explained in Exhibit C, the New Construction will be compatible with the standards of Ch.701,Art.X., and will complement the historic streetscape of Main Street and the Upper Village Historic District; and FURTHER CONCLUDES that the New Construction should be reapproved and permitted to go forward in accordance with the latest revised plans and specifications, as previously approved/amended by the Planning Board, and as modified by adoption of the Conditions of Approval set forth in Exhibit C;
- 4. Now Therefore, the Committee **RECOMMENDS** to the Planning Board that: the Planning Board adopt the findings and conclusions of the Committee, set forth in Sections 1 through 3 above and on that basis, the Application be approved, predicated upon permit issuance for the New Construction plans and specifications, all on the terms and conditions set forth above.

Historic Preservation Committee

By s/ Bruce B. Butler , as of the 27th day of November, 2023

Bruce B. Butler, ChairPerson,

Architect, AIA/LEEDAP



Erin Zwirko, AICP, LEED AP Director of Planning & Development E-mail: ezwirko@yarmouth.me.us

Tel: 207-846-2401 Fax: 207-846-2438

TOWN OF YARMOUTH

200 Main Street, Yarmouth, Maine 04096 www.yarmouth.me.us

August 13, 2021

Matt Teare 298 Main Partners, LLC 67 Hillside Street Yarmouth, ME 04096

Rick Licht Licht Environmental Design, LLC 35 Fran Circle Gray, ME 04039

Dear Mr. Teare and Mr. Licht:

On August 11, 2021, the Yarmouth Planning Board voted to approve the Building and Lot Plan, Major Site Plan, and Final Subdivision for the mixed-use building located at 298 Main Street with the following motions and votes:

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 August 5, 2021 for Building & Lot Plan, 298 Main LLC, Applicant; 298 Main Street, Map 37 Lot 30, 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 required shopfront façade glazing is consistent with the Character Based Development Code and is therefore approved.

Such motion moved by Wendi Holden, seconded by Janet Hansen, and voted 5 members in favor, 0 members opposed (Andrew Bertocci and Mary Lynn Engel absent).

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

"Our Latchstring Always Out"

4.2 August 5, 2021 for Building & Lot Plan and Major Site Plan, 298 Main LLC, Applicant; 298 Main Street, Map 37 Lot 30, regarding the compliance with the applicable regulations of the Character Based Development Code Chapter 703 and the applicable regulations and standards of Chapter 702, Site Plan, the Planning Board hereby finds and concludes that the Building and 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 Wendi Holden, seconded by Jerry King, and voted 5 members in favor, 0 members opposed (Andrew Bertocci and Mary Lynn Engel absent).

Final Subdivision

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 August 5, 2021 for Major Subdivision, 298 Main LLC, Applicant; 298 Main Street, Map 37 Lot 30, regarding the compliance with the applicable regulations of Chapter 601, Subdivision Ordinance, the Planning Board hereby finds and concludes that the Final Subdivision Plan meets the required standards and is therefore approved subject to the following conditions of approval.

Such motion moved by Wendi Holden, seconded by Janet Hansen, and voted 5 members in favor, 0 members opposed (Andrew Bertocci and Mary Lynn Engel absent).

Conditions of Approval:

- 1. The applicant shall develop a standalone parking management plan for 298 Main Street. The 298 Main Street parking management plan shall include information on the owner, the purpose and goal of the parking management plan, information on the project location and area, the unit size and type of uses in the building, the traffic and vehicular access plan, management requirements, and annual analysis and reporting. In addition:
 - a. The plan shall include provisions to convert full size parking spaces to compact spaces should tenants report difficulties maneuvering in the parking lot;
 - b. The plan shall include provisions to address tenant or others use of the Downeast Energy property;
 - c. The plan shall include a provision for the scope of work of the annual analysis to be reviewed and approved by the Director of Planning and Development;
 - d. The plan shall include a provision for the annual report to be submitted to the Planning Board; and
 - e. At the time that a future Railroad Square project is advanced, the plan shall include a provision for 298 Main Street shall be integrated into an overall parking management plan for 298 Main Street and Railroad Square due to the location of remote parking.
- 2. A sewer connection permit application and fee for the building will be required prior to the issuance of any building permit. 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 all be as directed by the Town Engineer.
- 3. The applicant shall provide an adequate soils report form a Professional Engineer licensed in Maine that evaluates that in-situ site soils and provides guidance for foundation design of the proposed structure prior to a request for a building permit.
- 4. The applicant shall verify the most viable underdrain connection and coordinate any required improvements for the underdrain connection with Public Works and the Town Engineer prior to a request for a building permit.
- 5. 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. The BMP's shall be installed prior to the disturbance of site soils and vegetation.
 - 6. Prior to the required pre-construction conference with Town staff, the applicant shall provide a detailed logistics plan for construction management to the Town Engineer, Director of Public Works, and Director of Planning and Development for review and approval.
 - 7. The applicant shall provide the final disposition of the utility poles to the Town Engineer and Director of Public Works as soon as the underground electric and communications system is finalized by CMP.
 - 8. Prior to occupancy of the building, the applicant shall coordinate the location of the sidewalk to the remote parking area at and past the Railroad Square pavilion with the Town Engineer, Director of Public Works, and Director of Planning and Development.
 - 9. An irrevocable letter of credit or cash escrow and a non-refundable (2%) inspection fee will be required for the estimated cost of the infrastructure located in the public right of way as well as the site drainage, stormwater BMP's 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 is required. 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 subdivisions and site plans:

- 1. <u>Subdivision Recording Plat and Performance Guarantee:</u> 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, along with a performance guarantee for all required improvements as specified in Chapter 601, Article II. 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 release of the recording plat for recording at the Cumberland County Registry of Deeds.
- 2. <u>Subdivision Waivers:</u> 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. <u>Final Recording Plat Submission:</u> 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. <u>Develop Site According to Plan:</u> 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. <u>Separate Building Permits Are Required:</u> This approval does not constitute approval of building plans, which must be reviewed and approved by Yarmouth Code Enforcement Officer.
- 6. <u>Subdivision Expiration:</u> 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. <u>Site Plan Expiration:</u> 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.
- 8. **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.
- 9. <u>Town Record Copies:</u> 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.
- 10. <u>As-Built Drawings:</u> One mylar and one paper copy of the as-built drawings for the public streets and other public 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.
- 11. <u>Landscaping:</u> All required landscaping shall be guaranteed for a 2-year period. We are looking forward to working with you on this project within the Town of Yarmouth. Please don't hesitate to contact me if you have any need to follow up on this approval.

Sincerely,

Trin Zwirko

Erin Zwirko, AICP, LEED AP

Director of Planning & Development

CC:

Chair and Members of the Yarmouth Planning Board Nathaniel J. Tupper, Town Manager Steven S. Johnson, Town Engineer Erik S. Street, Director of Public Works Karyn MacNeill, Community Services Director Daniel Gallant, Police Chief 4.5 Michael Robitaille, Fire Chief Scott LaFlamme, Economic Development Director Nicholas Ciarimboli, Code Enforcement Officer Zachary Stoler, Assistant Code Enforcement Officer/Fire Inspector File copy



Erin Zwirko, AICP, LEED AP Director of Planning & Development E-mail: ezwirko@yarmouth.me.us

Tel: 207-846-2401 Fax: 207-846-2438

TOWN OF YARMOUTH

200 Main Street, Yarmouth, Maine 04096 www.yarmouth.me.us

June 13, 2022

Matthew Ahlberg
Barrett Made Architecture & Construction
65 Hanover Street
Portland, ME 04101

Dear Mr. Ahlberg:

On June 8, 2022, the Yarmouth Planning Board voted to extend the approval of the Building and Lot Plan and Major Site Plan to August 11, 2023 as well as approve an amendment to the Building and Lot Plan and Major Site Plan to alter the previously approved exterior façade materials for the mixed-use building located at 298 Main Street with the following motions and votes:

Building & Lot Plan and Major Site Plan Approval Extension

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).

Building & Lot Plan and Major Site Plan Amendment

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).

Please note that all of the conditions of approval and the standard conditions of approval outlined in the Planning Board's approval dated August 11, 2021, are still applicable.

We are looking forward to continuing to work with you on this project within the Town of Yarmouth. Please don't hesitate to contact me if you have any need to follow up on this approval.

Sincerely,

Tin Zwirko

Erin Zwirko, AICP, LEED AP

Director of Planning & Development

CC:

Chair and Members of the Yarmouth Planning Board Nathaniel J. Tupper, Town Manager Steven S. Johnson, Town Engineer Erik S. Street, Director of Public Works Karyn MacNeill, Community Services Director 4.8 Daniel Gallant, Police Chief
Michael Robitaille, Fire Chief
Scott LaFlamme, Economic Development Director
Nicholas Ciarimboli, Code Enforcement Officer
File copy

EXHIBIT "C"

CONDITIONS OF APPROVAL and explanation of suggested changes

298 Main Street

Based on Vitruvius, a Roman architect and engineer during the 1st Century BC, there are three essential criteria to create a good building. He determined that all buildings that embody good design should have these attributes: strength, utility, and beauty. This was especially important for public buildings. These same criteria are as relevant today as they were in the early days of the Roman empire.

Architecture, as an art form straddles the line between theoretical and practical. Unlike painting, sculpture, or dance, architecture is a commercial art form and it has to satisfy the basic needs of shelter and it has to work in concert with its surroundings. It represents an enormous amount of resources that are invested in the community. But unlike the other arts, where you are free to move on to the next painting or leave the concert if you're bored, it has to serve a longstanding audience. So, the sensible thing is to build well.

I think it's worthwhile to look at 298 Main through the lens of Vitruvius

Strength: it's related to science. So, it has to do with the building's structural system and the material choices made for the exterior. In today's world, the structural system is designed by a structural engineer and their expertise is relied on for economy of means and integrity of the structure to withstand natural forces such as wind, dead loads, live loads. The exterior of the building in terms of materials, is a function of weighing budget against durability and maintenance. Going from brick to clapboard siding is, hopefully not too big a trade-off between initial cost and long-term maintenance costs., i.e. painting. The key here is that the building's skin should be detailed not to leak.

The second condition, **Utility** has to do with meeting the user's needs in terms of retail space, residential space, parking, and safety. We assume that the building has been carefully designed to meet these needs.

The third attribute is **Beauty.** This is the hardest one to define. We are trained to believe that it is subjective. Vitruvius had a very different idea. He believed that proportion, the relative measurements of the members, will give the building a pleasing and elegant purpose.

For 298 Main Street, this applies to the ratio of the three primary elements of the building: a base, a middle, and a top.

The Yarmouth residents I have talked to call the current design "boring and not very distinguished". I think they feel that the building doesn't meet their expectations, but they're not sure what needs to change as they are not designers by profession. But, somehow it's less than the sum of its parts.

Observations: While the proposed building elevations make a nod toward historical design with its "base, middle and top", there is not enough attention paid to the vertical proportions and building materials, both of which have a profound impact on how the design is perceived. With the intention being to reference an older building style in order to be compatible with the rest of Main Street in Yarmouth, (which is a challenge for a three-story building) then it should be done with care and not by an ad hoc assemblage of an "historic kit of parts", which diminishes the stature of the building, one which Yarmouth residents will have to look at for many years to come. The following comments and observations are made in support of further Conditions of Approval. See attached drawing A200i showing a portion of the North Elevation on the right as proposed by Applicant and our suggestion on how it can be modified on the left. Drawings A201i and A202i show these suggestions in a larger context.

Building Proportion

The modified version on the left does a number of things: it increases the building height with a parapet. The increase in height is used to improve the scale and proportion of the building cornice, while reducing the number of brackets. The pilasters support a beam" that runs continuously below the cornice, much like a real column would support a lintel. This beam" or lintel is absent from the Applicant's original proposed north elevation and makes the facade look like an assemblage of parts with no clear relationship or hierarchy. The brackets in the cornice look busy due to their diminutive scale and close spacing.

Building Materials

The modified version on the left has a base" that is made up of bays marked by beams and columns that simulate stone. The infill between the beams and columns is differentiated as either painted wood panels or storefront glass. The proposed north elevation on the right is visually confusing: there appears to be more stone in-fill within the bays and an undetermined material below the main level windows, which should be simulated stone or wood-paneled..

Set forth below are our recommended additional Conditions of Approval. See attached A200i, A201i, and A202i, dated 11/28/23 as an illustration of these Conditions.

Respectfully submitted,

Bruce B. Butler, Architect, AIA Chairman, Yarmouth Historic Preservation Committee

CONDITIONS OF APPROVAL

1. Continue the idea of "base, middle, and top" as a strong theme on all four sides of the building, not just the Main Street side, by adding a higher parapet as shown, all around. This will also help screen the rooftop mechanicals. (See Condition of Approval #5 in Exhibit "B", the June 8, 2022 Extension Approval and Amendment, which states "All rooftop machinery and equipment shall be located and/or screened appropriately so as not to be visible from the ground.")

- 2. Increase the articulation/projection of the parapet to the extent possible taking any applicable setback or other legal requirements into account.
- 3. Make the building top equivalent in visual weight and impact to its bottom with the larger, higher parapet which is supported by a "beam" that links (and, in turn, is visually supported by) the pilasters.
- 4. Have the windows express what's going on behind them: retail as storefront and residential as double hung, with the sole exception of the rear ground floor windows enfronting South Street, which may be double hung. (This is already a Condition of Approval in the Exhibit "B" approval, being Condition #6, "The shopfront windows shall include a three paned transom over the single pane of glass." This had not yet been reflected in Applicant's North elevation drawing, but is shown on the Committee's north elevation).
- 5. Differentiate the infill from the beams and columns that define the base of the building: i.e. the storefront windows and wood paneled walls are surrounded by stone structure.
- 6. Building Lighting: emulate the style of the adjacent street lighting, making both consistently traditional in design. This would be in addition to existing Condition of Approval #3 of the June 8, 2022 Extension Approval and Amendment.
- 7, Replace the small evenly spaced brackets of the cornice with larger more widely spaced brackets, doubled on the pilasters and at all corners, as shown on the attached elevation, with small dentil work applied as shown



298 MAIN STREET

Yarmouth, Maine

SCALE 1/2" = 1' - 0"

DRAWN BY: BBB

Principle 11/28/23

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ELEVATION STUDY

A200i



298 MAIN STREET

SCALE 1/4'' = 1' - 0''

DRAWN BY: BBB 11/28/23 DATE:

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By Bruce B.
Butler
Architect

NORTH LEVATION STUDY



Wendy Simmons

Wendy Similions	3
Sent:	Mike Tremblay <mtrem225@gmail.com> Friday, November 17, 2023 1:47 PM Wendy Simmons; Erin Zwirko Re: Request for Comment - 298 Main, VIP, 123 Even Keel Marine - DUE 12/1</mtrem225@gmail.com>
Wendy and Erin,	
YBPC has reviewed t	hese projects and have no additional comments.
-Mike	
On Thu, Nov 16, 202	23 at 3:45 PM Wendy Simmons < <u>WSimmons@yarmouth.me.us</u> > wrote:
For your review:	
2186sub-3123	e.com/revize/yarmouth/government/boards and committees/planning board/index.php#outer-eview 123 Even Keel Marine
Wendy Simmor	ns, SHRM-CP
Administrative Assis	stant
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207-846-2401	
207-846-2438 - Fax	

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Mike Tremblay