

YARMOUTH PLANNING BOARD MINUTES

April 26, 2023

I. CALL TO ORDER

Chair 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
Hildy Ginsberg		X
Mary Lynn Engel	X	
Jerry King	X	
Ian Cromarty	X	
Matt Schumacher	X	

OTHERS

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

III. APPROVAL OF MINUTES

Upon a motion duly made by Mary Lynn Engel, seconded by Matt Schumacher and carried by a roll call vote of 5-0, the minutes of the April 12, 2023, meeting were approved.

IV. COMMUNICATION

E. Zwirko gave an update. The July Meeting scheduled for 7/12 is cancelled. She will not be available for the 6/28 meeting; but another member of the Planning Department will attend the meeting.

V. PUBLIC HEARING ITEMS

A. OLD BUSINESS:

None

B. NEW BUSINESS:

1. Action Item: Waiver Request for the CBDC Standards for a Multi-Business Sign, Amendment of the Approved Site Plan and Building & Lot Plan, 701 Route One, Patriot Insurance, Applicant.

The applicant is requesting a waiver of the sign limit for individual tenant signs due to changes in building occupancy. Although Patriot Insurance is still the primary occupant, they now lease space to several other tenants. They are requesting an increase in the maximum (of 8 square feet) for each tenant's individual signage and a reduction of the primary tenant's sign, providing two design options for the Board's consideration. The Board is scheduled to vote on this item after public comment is received.

Approved: ____/____/____

E. Zwirko gave an overview of the applicant's request to increase the size and layout of their building sign. They have 3 tenant spaces rented with a 4th coming. Their sign is too small to accommodate tenant signage. They presented 2 very similar options.

Chair Holden opened to public comment.

No public comment.

Public comment closed.

The Board didn't have any concerns about the new sign other than potential future lighting. They requested further Planning Board review if Patriot ever wanted to illuminate the sign. They added a condition for approval.

The following motion was made:

On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Board Report dated April 20, 2023 for Building & Lot Plan and Major Site Plan Amendment, Patriot Insurance, Applicant, 701 Route One, Map 38 Lot 24, regarding compliance with the applicable regulations and standards of Chapter 703, the Character Based Development Code, the Planning Board hereby finds and concludes a waiver of the size requirements for subordinate tenants in a multi-tenant sign meets the required standards and is therefore approved.

Such motion moved by Matt Schumacher, seconded by Jerry King, and voted 5 in favor, 0 opposed, Janet Hansen and 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 April 20, 2023 for Building & Lot Plan and Major Site Plan Amendment, Patriot Insurance, Applicant, 701 Route One, Map 38 Lot 24, regarding the compliance with the applicable regulations and standards of Chapter 703, the 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 and Lot Plan and Major Site Plan Amendment meets the required regulations and standards and is therefore approved subject to the following condition of approval:

- a. That the proposed sign receive a Sign Permit by the Department of Planning and Development prior to installation.
- b. That the proposed sign is restricted to the current illumination methods and any changes or additions to the illumination methods would require further review.

Such motion moved by Matt Schumacher, seconded by Mary Lynn Engel, and voted 5 in favor, 0 opposed, Janet Hansen and Hildy Ginsberg absent.

2. Workshop Item: Implementation of LD 2003, An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.

Maine cities and towns are required to implement the provisions of LD 2003 by July 1, 2023. While the law includes many different provisions, cities and towns must implement provisions for accessory dwelling units (ADUs), provisions for affordable housing development, and provisions for residential dwelling unit allowances. This workshop is the second of at least four meetings with the Planning Board, and will focus on the affordable housing development provisions. Public comment will be received, and no vote will be taken.

E. Zwirko gave an overview of affordable housing provisions. Affordable housing developments as defined by the law are required to be allowed anywhere in the growth area and anywhere multi-family is allowed. A 2.5x density bonus is required. No more than 2 parking spots for every 3 units are required. Development is allowed in designated growth areas or areas served by public water and public sewer. Yarmouth's growth areas identified in the 2010 Comprehensive Plan include: Medium Density Residential, Village 2, Village 3, CD4, CD4-C, NYA's Special District 1, Commercial, Commercial 2, Commercial 3, Water Oriented Commercial, General Development and Industrial. There are other areas currently served by public water and public sewer outside the existing growth areas.

Amendments proposed include adding definitions to Chapters 701 and 703. Adding sections identifying performance standards and incentives for Affordable Housing Developments. Explicitly allowing Affordable Housing developments in various districts, adding to applicability in Chapter 702, and adding as a provision in effect in Chapter 703.

Current development potential in Yarmouth was discussed and how many parcels could be impacted by this legislation. Additional elements for the Board to consider: Allowing multifamily as a use, consider adjusting dimensional requirements for multiplex and consider additional incentives for Affordable Housing Development.

Chair Holden opened to public comment.

Ken Anderson, 32 Balsam Lane

LD 2003 is very important for the State and community and would have a significant impact on himself and other property owners. He owns a duplex and would like to sell 1 acre, keeping the duplex on 1 acre. He is currently not allowed to do it. He could convert the duplex to a single family and then split the lot; but would lose an additional housing unit.

Nancy Gordon, 240 West Main St.

Questioned why this needed to be accomplished by July 1 and how do these amendments align with the comprehensive planning process?

Ed Libby, 374 US Route One

Noted that all of MDR is serviced by public water and public sewer; so in the development of the Comp Plan the growth area wouldn't be allowed to be any less than it is now. There is currently a Comp Plan in place and the Town shouldn't be waiting for a new plan, they should continue to work with what they have in place. The plan is only a guideline, and the Town must implement policies in support of the Comp Plan. Questioned why the Town doesn't allow multi-family housing? The current

zoning has created sprawl in the rural areas when development should be directed towards town. There needs to be an entity to steward Affordable Housing and who would that be?

Public comment closed.

E. Zwirko – LD2003 is required by the State to be implemented by 7/1/23. The Town has some flexibility in how they implement it and can be less restrictive in their requirements. The relationship between LD 2003 and the comprehensive planning process is directing related to the identification of a growth area because much of the law focuses on growth areas. The Town has an existing growth area, and LD 2003 does not provide any leeway for towns that are in the middle of comprehensive planning. There is legislation under consideration that may delay implementation of LD 2003.

The Board questioned if development could be extended to areas not serviced by public water and public sewer? E. Zwirko, the Board can allow development in areas with only 1 service or areas serviced by wells and septic systems. If it were extended to areas with private systems, it may be cost prohibitive for developers. They questioned who would be the monitoring entity? E. Zwirko – the law does not indicate who would perform that function. The State does not have any answers to this. It could be Town staff or a private company. The Board questioned the difference between a duplex and an ADU? E. Zwirko – ADU's have a size restriction. Duplexes are attached units; but an ADU can be a separate dwelling. They questioned the difference between a multi-unit and a multi-plex? E. Zwirko – a multi-unit can be stacked unit, such as Sweetser Village or Railroad Square. Or it could be a large single family home divided into many units. A multiplex requires each unit to be side by side or front to back, such as Blueberry Cove or Riverbend.

The Board discussed the following:

Allowing multi-family as a use: It is allowed in the CBDC; but not in other zoning districts. They generally agreed they have no objections allowing multi-family units in the growth area, but desired to continue considering this change.

Adjusting dimensional requirements and reducing acreage to allow multiplexes: The Board prefers to focus on cleaning up existing zoning and where more housing can be allowed than discussing multiplexes.

Consider additional incentives: Possible incentives include density bonus, increasing height restrictions, fee reduction, financial incentives (TIF district) and expediting permitting. The public is not in favor of increasing height as seen in previous Planning Board review. The Board is not in favor of expediting permitting because they don't want the process to be shortcut. They would consider offering incentives in CD4.

ADJOURNMENT

With no objection, the meeting adjourned at 8:50 PM.

Respectfully submitted:

Approved: ____/____/____

Wendy Simmons, Administrative Assistant, Recording Secretary