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**YARMOUTH PLANNING BOARD MINUTES**

June 14, 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, 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 4-0, the minutes of the May 24, 2023, meeting were approved. (Ginsbeg, Hansen and King absent)

**IV. COMMUNICATION**

E. Zwirko gave an update.

- On 6/15 in the Community Room there is a kickoff meeting for the next phase of the Main St. Streetscape project which includes Center St. to the Village Green. This is a concept meeting which will include the scope of the project and process.
- On 6/12 the Comp Plan Steering Committee held a meeting giving highlights of their work so far. The video recording of the meeting should be available soon. For more information go to [www.planyarmouth.com](http://www.planyarmouth.com)
- The Climate Action Task Force is working on their climate action plan. For more information go to: [www.yarmouthclimateaction.org](http://www.yarmouthclimateaction.org).

**V. PUBLIC HEARING ITEMS**

**A. OLD BUSINESS:**

None

**B. NEW BUSINESS:**

1. **Action Item: Substantial Modification of a Contributing Structure in the Upper Village Historic District and the Demolition Delay Overlay Zone, 45 Center Street, Map 41 Lot 36, Jim and Sarah Gensheimer, Applicants.**

The applicant is requesting a review of the alterations to the structure that are readily visible from the public street, which are considered a substantial modification. The alterations to the bulk of the building include removal of the single-story outbuilding

and reconstruction with a two-story addition, an addition to the backbuilding with a new deck, and the addition of a new breezeway roof connecting the outbuilding to the barn. One chimney is also proposed for removal. Proposed changes to the facades include all new windows, as well as the removal and widening of windows, the in-kind replacement of the barn door, and new brick-facing foundations on the additions visible from the street. As the building is in the Upper Village Historic District and the Demolition Delay Overlay Zone, it is assumed that the structure is a Building of Value under Chapter 701, Article IX, defined as a building that has architectural, cultural, historical, or archaeological significance, contribution to an overall setting or streetscape, or otherwise of a character defining a particular area, neighborhood or streetscape. The Planning Board will determine whether the proposed design retains and respects the significant character defining features of the building. As part of its determination, the Board may apply a delay of 180 days to undertake efforts to modify the design to retain and respect the significant character defining features of the building and/or other efforts outlined in Chapter 701, Article IX. The Board may also waive any delay if it determines that the proposed design retains and respects the significant character defining features of the building. The Board may vote on this item after public comment is received.

Josef Chalot, applicant's representative, gave an overview of the project. The earliest written record of the house is 1903; but the house may be older. The existing footprint from that time is basically changed, and the garage/barn are in the same place. They are requesting to remove the small structure at the back of the house, rebuilding something larger and connecting it to the garage/barn. The current house has a brick foundation, and the new construction will use brick to match. They want to respect the historic nature of the home and build an addition that matches the existing house. They are requesting to remove 1 chimney and maintain the one which is visible to the street. They will be adding a chimney into the addition.

Chair Holden opened to public comment.

No comments.

Public comment closed.

The Board questioned if the window trim will be on all windows? They questioned the Historic Preservation Committee's process and if they use a grading system when considering properties.

E. Zwirko – The Historic Preservation Committee does not have a grading system. They are an advisory only committee with the goal of helping homeowners with design elements that respect historic buildings.

The Board had no concerns and thought the applicant is maintaining the historic character while adding the addition.

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 Memo dated June 8, 2023 regarding the

application of Chapter 701 Article IX, Historic Building Alterations and Demolitions, for the substantial modifications to 45 Center Street, Map 41 Lot 36, Jim and Sarah Gensheimer, Applicant, the Planning Board finds that the proposed design retains and respects the significant character defining features of the building, and therefore waives the delay period, and allows that the substantial modifications proceed subject to Town Planning Authority approval with the following conditions:

1. The applicant shall coordinate with the Yarmouth Water District regarding the property's connection to the municipal water main and determination of water service capacity for a fire sprinkler system, per Chapter 317, Fire Sprinkler Ordinance.
2. Any heat pump installations or radon remediation piping avoid external piping, and black PVC piping be used where the roofline is pierced.
3. Contractor parking shall be accommodated on site to the extent practicable. Any on-street contractor parking shall be restricted to one side, allowing for safe passage of vehicles, bicycles, and pedestrians.
4. Prior to the disturbance of soil, soil erosion and sedimentation controls must be in place. Sediment track out from the site is not allowed into Center Street. If concrete trucks must wash out, this material needs to be managed on site as washout water or concrete residue is prohibited from draining into the right-of-way or be discharged in the Town's drainage system.

**Such motion moved by Mary Lynn Engel, seconded by Ian Cromarty, and voted 4 in favor, 0 opposed (Ginsburg, Hansen, and King absent).**

**2. Action Item: Final Ch. 702 Site Plan Review and Ch. 703 Building & Lot Plan, Modular Classroom; SD 1, NYA Campus Special District; Vicinity of 148 Main Street; Map 32 Lot 118; North Yarmouth Academy, Applicant.**

The applicant is requesting a review of a proposed temporary, modular classroom for the Lower School to expand classroom capacity on their campus. The proposed 1,821 square foot temporary modular building would be located on the southerly side of the parking lot that is located just south of the Safford Center and just northerly of the artificial turf field. The building site is currently grassed lawn area. The applicant seeks Major Site Plan approval per Chapter 702, Site Plan Review, and Building and Lot Plan approval per Chapter 703, Character Based Development Code. The Board may vote on this item after public comment is received.

Ben Jackson, NYA introduced the development team and the project. They are requesting a portable classroom to house the 3<sup>rd</sup> and 4<sup>th</sup> grade classrooms creating space in the main building for early childhood classrooms.

Will Haskell, the applicant's representative, provided more information. The location of the building will be a grassy area off the parking lot near the turf field, behind an existing building, and away from Main St. They will eliminate 1 parking space to accommodate the ramp exit from the classroom. This is a temporary structure while they do an expansion of the lower school. They are still determining the best way to install the sprinkler system. There is no foundation with the building; but will be on a gravel pad which will allow stormwater runoff to the grassy area and catch basin. After reading the staff report, the applicant requested to waive the requirement of a

photometric plan. They are only proposing the addition of 1 light. Their engineer measured the light levels and it falls below acceptable levels. 1 additional light will make little impact. There will be little impact on traffic and they will monitor student drop-offs, making changes if needed. They are requesting 3 waivers. They may install an awning over the door instead of the proposed shed roof.

The Board questioned if the ADA ramp is falling on pavement or gravel and if the loss of 1 parking space would impact their ability to accommodate staff parking? W. Holden noted a parking analysis was completed in 2020 and revisited during the ice arena expansion and they should have ample parking on their grounds. B. Jackson confirmed the area is paved.

Chair Holden opened to public comment.

No public comment.

Public comment closed.

The Board had safety concerns about students landing from the steps into a parking spot. Would they consider putting in balusters, a jersey barrier, boulders or find other safety measures to prevent cars from accidentally running into the building? Suggested eliminating the stairs and using the ramp only.

The Board questioned if they could require NYA to come back to ensure they remove the building, and it doesn't gradually become a permanent structure. E. Zwirko – the Board does not have the authority to require them to remove the building. B. Jackson – the school has a master plan including a 2-story addition. Once that's complete, they will remove the building. They value the historic nature and feel of campus and will not leave the building.

The following motions were made:

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated June 8, 2023 for a Building and Lot Plan and Major Site Plan, North Yarmouth Academy, Applicant; 148 Main Street, Map 32 Lot 111, regarding the compliance with the applicable regulations of Chapter 702, Site Plan, the Planning Board hereby finds and concludes that the waiver of the requirement to submit a high intensity soils report and a photometric plan is consistent with the Site Plan Review Ordinance and is therefore approved.

**Such motion moved by Matt Schumacher, seconded by Mary Lynn Engel, and voted 4 in favor, none opposed (Ginsburg, Hansen, and King absent).**

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated June 8, 2023 for a Building and Lot Plan and Major Site Plan, North Yarmouth Academy, Applicant; 148 Main Street, Map 32 Lot 111, regarding the compliance with the applicable

regulations of Chapter 703, Character Based Development Code, the Planning Board hereby finds and concludes that the waiver to allow less than the required façade glazing is consistent with the Character Based Development Code and is therefore approved.

**Such motion moved by Matt Schumacher, seconded by Mary Lynn Engel, and voted 4 in favor, none opposed (Ginsburg, Hansen, and King absent).**

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated June 8, 2023 for a Building and Lot Plan and Major Site Plan, North Yarmouth Academy, Applicant; 148 Main Street, Map 32 Lot 111, regarding the compliance with the applicable regulations and standards 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 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 Matt Schumacher, seconded by Mary Lynn Engel, and voted 4 in favor, none opposed (Ginsburg, Hansen, and King absent).**

**3. Action 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. The Planning Board held three workshops on the different provisions of LD 2003 and are considering recommendations to the Town Council. Public comment will be received, and a vote may be taken on proposed amendments to implement the dwelling unit allowances. The Planning Board previously voted to recommend amendments to implement the ADU and affordable housing development provisions.

E. Zwirko reviewed the proposed amendments and recommended language changes. The State has extended the implementation deadline to 1/1/2024 which allows more time to prepare and present to Town Council the Planning Board recommendations. There are other minor clarifications including to definitions and references to July 1 that need to be removed. Based on her assessment, the proposed amendments are still consistent with the law.

E. Zwirko reviewed the changes recommended for properties inside and outside the growth area. She reminded the Board that they can simply adopt the minimum requirements if desired, but the goal is to make a recommendation to the Town Council during the hearing this evening.

Chair Holden opened to public comment.

Ed Libby

Requested they eliminate barriers to more housing development. Including allowing additional density without requiring additional lot area. Asked the Board to reconsider the revisions for vacant lots as requiring 4 acres for 4 units in MDR is not reasonable. Supports allowing 4 units to be built on lots with tear downs. Allowing stacked multi-family housing which is more efficient, less costly and environmentally friendly. Financing additional housing is difficult and removing barriers will encourage more growth. Told the Board to take the time allowed from the state and continue to consider the amendments.

Public comment closed.

The Board discussed development outside the growth area. There were concerns about allowing additional density and not requiring additional lot area. There should be more public process and feedback before making changes outside the growth area. Increasing density in these areas would make it more dense than Medium Density Residential (MDR). The Board directed the staff to require the minimum lot size for a single-family home for all allowed dwelling units on vacant lots and on lots with 1 existing dwelling unit.

They discussed increased density within the growth area. At a previous meeting the Board supported allowing 4 units on existing vacant lots regardless of the lot size understanding that the impact would be limited. They supported implementing the recommended language from the Town attorney.

The Board noted that the chief question to consider is what to do with lots that have 1 dwelling unit. The Board discussed whether it would be appropriate to require each additional unit have the existing minimum lot area and whether that would encourage infill at all. The Board did not want to go as far as allowing the additional dwelling units without any additional lot area. E. Zwirko noted that the Board may want to consider that the first two dwelling units require the minimum lot area, and the third allowed dwelling unit not require any additional lot area. She noted that the additional dwelling units have to be attached or created within the existing structure, or as a detached structure, or one of each. As such, you would only ever get 2 detached structures. By requiring that the first two units have the minimum lot area, the visual appearance does not differ from what is currently required but allows gentle infill. The Board agreed with this approach.

On lots where an existing unit would be demolished to create a vacant lot for the purposes of the LD 2003, the Board was not comfortable with the previous language that indicated that these lots would be treated as vacant lots. The Board was more comfortable with requiring each allowed unit the minimum lot size as recommended in the draft amendment.

Chair Holden reopened to public comment.

Ed Libby

Indicated that the Board should make the requirements for lots where a tear down occurs consistent with the requirements for vacant lots.

Public comment was closed again.

E. Zwirko indicated that the standards are purposefully different, but she would discuss with the Town attorney to make sure there is not a legal issue.

The following motion was made:

On the basis of the application, plans, reports and other information submitted, and the findings and recommendations contained in Planning Board Report dated June 8, 2023, for various amendments to implement the Dwelling Unit Allowance provisions of LD 2003 applicable to Chapter 701, Zoning, Chapter 702, Site Plan Review, and Chapter 703, Character Based Development Code, Town of Yarmouth, Applicant, the Planning Board finds that the amendment is in conformance with the Yarmouth Comprehensive Plan, and therefore recommends that the Town Council adopt the proposed zoning text amendment, as revised during the June 14th Public Hearing and conferring with Legal Counsel.

**Such motion moved by Matt Schumacher, seconded by Mary Lynn Engel, and voted 4 in favor, none opposed (Ginsburg, Hansen, and King absent).**

#### ADJOURNMENT

With no objection, the meeting adjourned at 9:35 PM.

Respectfully submitted:

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Wendy Simmons, Administrative Assistant, Recording Secretary