
YARMOUTH PLANNING BOARD MINUTES

August 9, 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, Planning Director
 Wendy Simmons, Administrative Assistant, Recording Secretary

III. APPROVAL OF MINUTES

Upon a motion duly made by Jerry King, seconded by Janet Hansen and carried by a roll call vote of 5-0, the minutes of the June 28, 2023, meeting were approved. (Schumacher abstained)

IV. COMMUNICATION

E. Zwirko gave an update.

- The Planning Department conducted several pop-up events soliciting feedback for The Comprehensive Plan. Draft inventory chapters are available for viewing on the planyarmouth.com website.
- The Planning Department scheduled a few fun activities including a Town Scavenger hunt which can be done at your own pace and a Yarmouth focused trivia night scheduled for Thursday 8/31 at Brickyard Hollow.
- The Town received both Real Estate and Affordable Housing market studies with the Comp Plan reports, which are also available on the planyarmouth.com website.
- Information regarding LD2003 was presented to the Town Council at their 8/3 meeting. Amendments are anticipated and there will be a public hearing later in August.

V. PUBLIC HEARING ITEMS

A. OLD BUSINESS:

None

B. NEW BUSINESS:

1. Action Item: Shoreland Permit, Spear Farm Estuary Preserve, 453 Bayview Street, Map 6 Lot 18, Yarmouth Community Services, Applicant.

The applicant is requesting a Shoreland Permit to renovate the existing public trail system at Spear Farm Estuary Preserve. The project involves upgrading existing bog bridging to 4-foot-

wide pipe support boardwalk in four wetland crossing locations; gravel hardening several sections of upland trail in place of existing bog bridging; and replacing wetland bog bridging on the maintenance/emergency access route with a gravel hardened crossing and a 7-foot-wide bridge. The intent of the project is to provide improved and safer access for the public, while directing them in such a way as to limit the resource impacts caused by high visitor use. The Board is scheduled to vote after public comment is received.

Erik Donohoe from Community Services gave an overview of the improvements to Spear Farm Estuary. They will improve accessibility by replacing log bridges with structures that accommodate wheelchairs. The new bridges improve safety by eliminating unlevel surfaces. They will be built higher off the ground reducing environmental impacts. Finally, this will improve the ability to perform routine maintenance and allow for emergency access in a rescue situation.

Chair Holden opened to public comment.

No comment.

Public comment closed.

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 Staff Memo dated August 3, 2023 regarding the application of Yarmouth Community Services, Applicant, for trail improvements at Spear Farm Estuary Preserve, 453 Bayview Street, Map 6 Lot 18, 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 condition of approval:

1. All erosion and sedimentation controls (ESC) best management practices (BMPs) shall be installed prior to the disturbance of site soils and vegetation. 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 perform site inspections and will review the inspection records per the Town's NPDES MS4 General Permit.

Such motion moved by Janet Hansen, seconded by Ian Cromarty, and voted 6 members in favor, 0 members opposed (Engel absent).

2. **Action Item: Substantial Modification of Structures in the Demolition Delay Overlay Zone and within the Upper Village Historic District, and Addition of an Accessory Dwelling Unit, Requiring a Waiver of the Maximum Size, 163 West Main Street, Map 46 Lot 94; Angela Garrison, Applicant.**

The applicant is requesting review of the alterations to the structure that are readily visible from the public street, which are considered a substantial modification. The alterations include the demolition of the existing barn and rear, one story addition of the main house. The rear addition is proposed to be rebuilt on an altered footprint and the barn will be rebuilt

in the same footprint. The applicant is also proposing to add a new Accessory Dwelling Unit to the new barn structure that exceeds the maximum of 900 square feet to the second floor of the new barn and requests a waiver from the Planning Board.

As the buildings are located in the Demolition Delay Overlay Zone and are older than 75 years, it is assumed that the structures are Buildings of Value under Chapter 701, Article IX, defined as a building that has architectural, cultural, historical, or archaeological significance, contributes 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 buildings. 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 buildings. The Board is scheduled to vote on this item after public comment is received.

Denis O'Brien, applicant representative gave an overview of the application. They are requesting to tear down the barn which is beyond repair and cannot be salvaged. They want to rebuild a new barn on the existing footprint with an Accessory Dwelling Unit (ADU) on the second floor. They are requesting a waiver of the 900sf size limit for ADU's. By rebuilding the barn on the existing footprint the floor area is larger than 900sf. They've eliminated as much space as possible reducing it to just over 1000sf. They are also requesting a 1 story addition to the main house. They implemented recommendations from the Historic Preservation Committee, including different windows, front door, and realignment of the roofline.

The Board questioned if any of the existing beams or timbers from the barn would be salvageable. They also questioned if the requirement for a sprinkler system could be eliminated.

Chair Holden opened to public comment.

Merrill Chapin, 233 West Main St.

Questioned if the house can be recommended for the National Historic Register?

Public comment closed.

E. Zwirko – The barn and the home were previously deemed eligible for the National Historic Register and alterations may change eligibility. The sprinkler systems are a requirement in all new construction and cannot be eliminated.

D.O'Brien – The barn must be pushed down and cannot be de-constructed which may damage some of the wood; but anything that can be salvaged will be. There are businesses that specialize in reselling historic beams or repurposing them.

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 August 3, 2023 regarding the application of Chapter 701 Article IX, Historic Building Alterations and Demolitions, for the substantial modifications to 163 West Main Street, Map 46 Lot 94, Angela Garrison, 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 condition:

1. The applicant shall install a 12- or 15-light door at the rear of the second story of the new addition.

Such motion moved by Janet Hansen, seconded by Matt Schumacher, and voted 6 in favor, 0 opposed (Engel absent).

On the request to waive the maximum size of the ADU and the request to approve the ADU, the Planning Board made the following motions and votes:

On the basis of 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 3, 2023 for an approval of a request for a Waiver of the Technical Standards for Accessory Dwelling Units, at 163 West Main Street, Map 46 Lot 94, Angela Garrison, Applicant, regarding the applicable regulations and standards of Chapter 702, Site Plan Review, the Planning Board hereby finds and concludes that although it exceeds the maximum of 900 square feet for an Accessory Dwelling Units, that the structure still meets the required standards and is therefore approved.

Such motion moved by Janet Hansen, seconded by Ian Cromarty, and voted 6 in favor, 0 opposed (Engel absent).

On the basis of 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 3, 2023 for an approval of an Accessory Dwelling Unit at 163 West Main Street, Map 46 Lot 94, Angela Garrison, Applicant, regarding the applicable regulations and standards of Chapter 702, Site Plan Review, the Planning Board hereby finds and concludes that the Accessory Dwelling Unit 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 submit a utility plan for review and approval by the Yarmouth Town Engineer and the Yarmouth Water District.
2. Prior to the issuance of a building permit, the applicant shall submit a capacity to serve letter from the Yarmouth Water District to the Department of Planning and Development.
3. Prior to the issuance of a building permit, the applicant shall receive approval from the Yarmouth Fire Chief.
4. Prior to the issuance of a Certificate of Occupancy, the applicant shall file with the Cumberland County Registry of Deeds a declaration of restrictions containing

a reference to the deed under which the property was acquired by the present owner and stating that:

- a. The accessory unit shall not be sold separately.
 - b. The unit is restricted to the approved size.
 - c. The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence.
 - d. The above declarations are binding upon any successor in ownership of the property;
 - e. The deed restrictions shall lapse upon removal of the accessory unit.
5. Prior to the issuance of a Certificate of Occupancy, proof of primary residence shall be submitted to the Code Enforcement Office and shall include a copy of Driver's License or other recognized form of state or federal ID and a copy of a utility bill.

Such motion moved by Matt Schumacher, seconded by Ian Cromarty, and voted 6 in favor, 0 opposed (Engel absent).

ADJOURNMENT

With no objection, the meeting adjourned at 7:35 PM.

Respectfully submitted:

Wendy Simmons, Administrative Assistant, Recording Secretary