



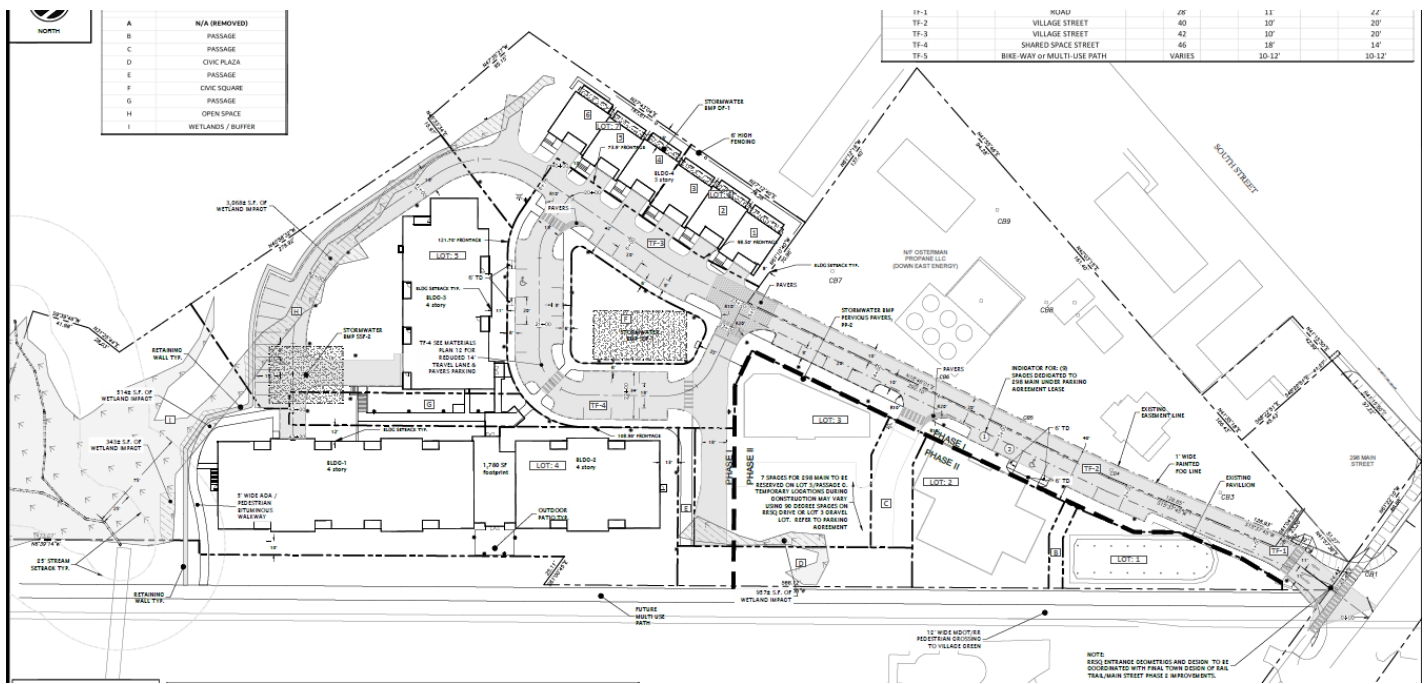
# YARMOUTH MAINE

## Planning Board Report Railroad Square Master Plan Phase 1 Preliminary Review for Major Site Plan Review and Building & Lot Plan Railroad Square of Yarmouth, LLC, Applicant Map 37 Lots 28 and 29A; CD4 Village Center Character District Prepared by Erin Zwirko, Director of Planning and Development Report Date: November 7, 2024; Planning Board Date: November 13, 2024

### I. Project Description

Railroad Square of Yarmouth, LLC, has a Purchase and Sale Agreement with Railroad Square Associates, LLC to purchase 1 and 48 Railroad Square, the 4.4-acre former Bickford Transportation site. The property is the subject of an approved Subdivision and Development Plan allowing the redevelopment of the site into a mixed-used neighborhood of residential, commercial, and community uses. The Subdivision and the Development Plan were approved by the Planning Board on September 14, 2022.

Following a concept review in June 2024, Railroad Square of Yarmouth, LLC, comes forward with the Phase 1 Preliminary Plan for Major Site Plan and Building & Lot Plan for Lots 4, 5, 6, and 7, Thoroughfares 1, 2, and 3 and 4 at Civic Area F (central green). Since the concept meeting in June, the number of residences has been reduced from 80 in Buildings 1, 2, and 3, and the townhouses to 66 residences. The Applicant still seeks waiver requests for a fourth story on Buildings 1, 2, and 3 located on Lots 4 and 5. The preliminary site plan is shown below:

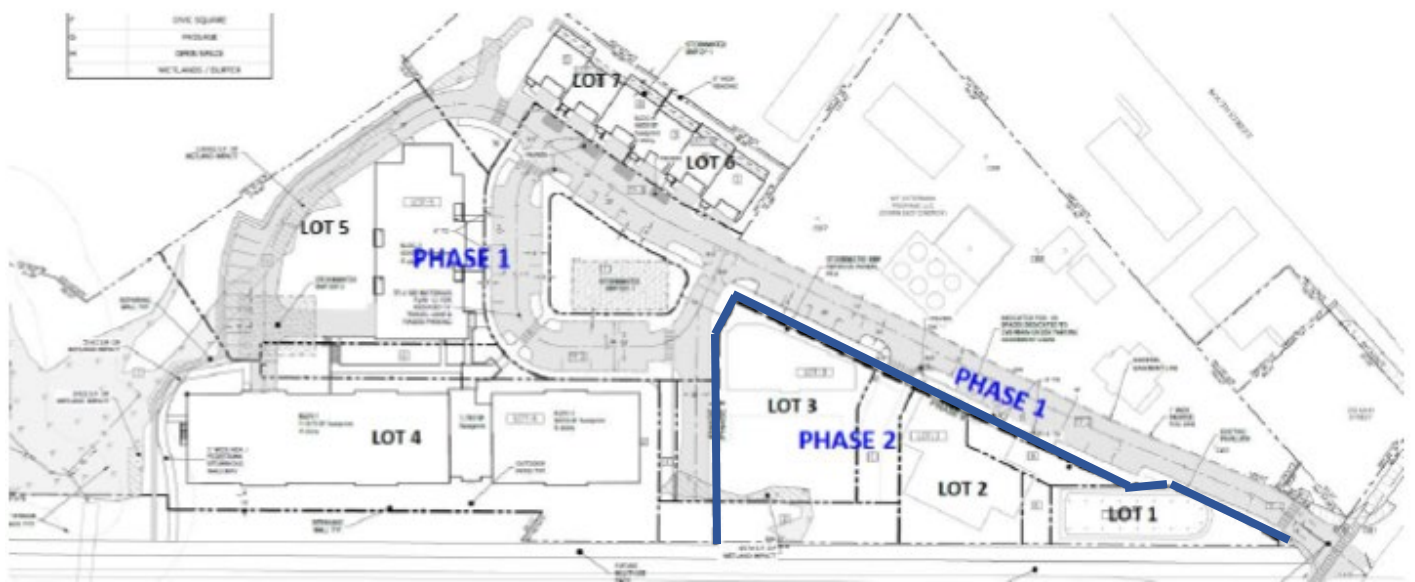


Phase 1 of Railroad Square Preliminary Site Plan

Railroad Square is still a mix of residential building types with commercial uses as well as community uses:

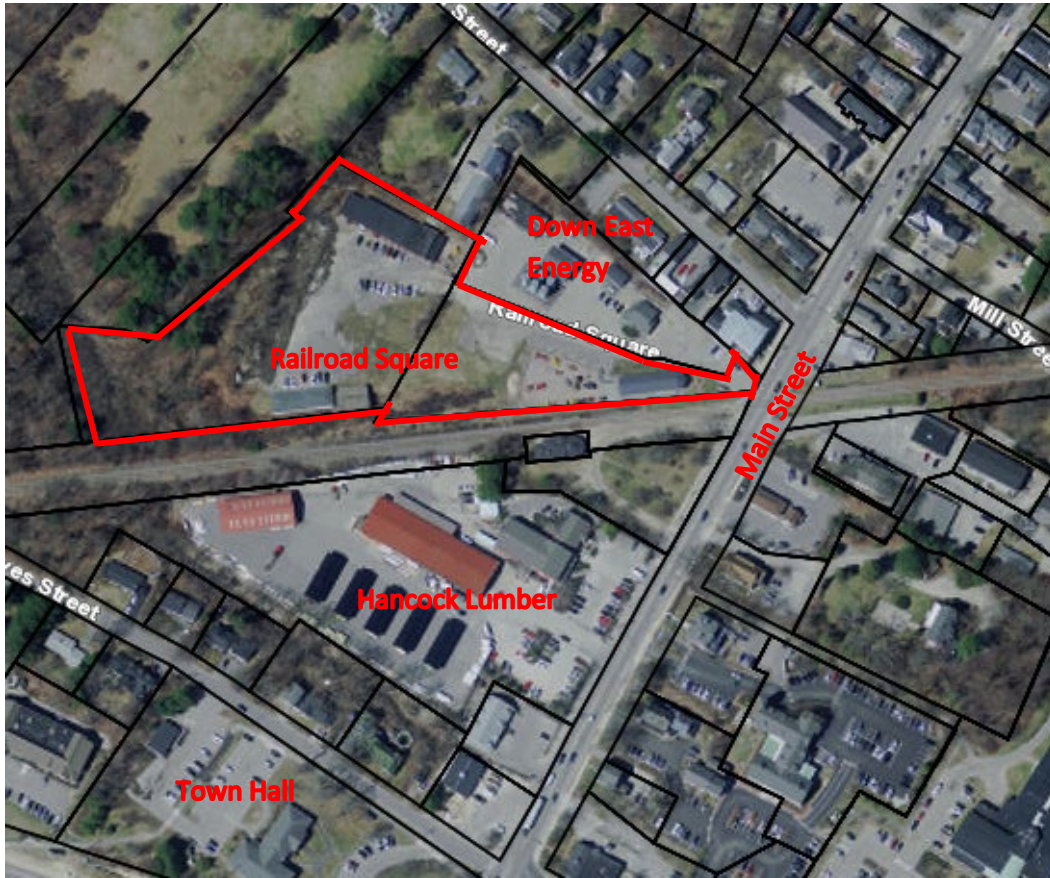
- Active Adult Residential (Ages 55+): Located at the rear of the site, the largest residential component of the Railroad Square Master Plan is an active adult community of single level living condominiums. The original Master Plan located the 45 residences in three 3-story buildings with 15 units each. As the project has evolved, there are now proposed 60 residences in three 4-story buildings in Buildings 1, 2, and 3 on Lots 4 and 5. Community space and parking in below grade garages are still proposed. The six townhomes, also for older adults, have not changed on Lots 6 and 7. These lots and buildings constitute Phase 1.
- Mixed-Use Commercial and Residential: The Master Plan includes two other new buildings, originally one 3-story and one 2-story mixed-use buildings. The current Master Plan proposes two 3-story buildings (Building 5 on Lot 3 and Building 6 on Lot 2). These buildings are planned to include office, retail, and possibly a restaurant on the ground level with residences above. Originally, 10 residences were proposed; the current Master Plan proposes twenty residences, ten of which are proposed to be affordable pending an agreement with the Town. These lots and buildings constitute Phase 2 and are not the subject of the Preliminary Review scheduled for November 13, 2024.
- Community Uses: The updated Master Plan still includes new pedestrian connections and repurposed pavilion. The existing pavilion will be enclosed so that it can be opened up for warm weather events but also used year-round and continue to be available for the farmers market and art fairs. The Master Plan continues to include connections to the future demonstration rail trail that the Casco Bay Trail Alliance has been championing with the support of the Town, Maine DOT, and the Yarmouth Pedestrian and Bicycle Committee, and other regional partners. New sidewalks, trail connections, bike racks and storage, outdoor seating and gathering areas incorporated into new hardscape and landscaped are dispersed throughout the Master Plan.

The following graphic illustrates the proposed Phase 1 and Phase 2:



Phase 1 and Phase 2

To place the property within the context of Yarmouth Village, please review the graphic below:



Aerial photo of the location (image is rotated to mimic the layout of the Master Plan)

Town staff continue to be excited to see new energy being brought to the Railroad Square Master Plan. The location in the heart of the Yarmouth Village has the potential to be transformed through the creation of an extended village into this new neighborhood. A key element continues to be ensuring that the proposed Master Plan is integrated into the existing fabric of the community. Town staff acknowledge that the evolution of the Master Plan will require focused review of those changes and the continued integration into the community.

## II. Project Review Process and Timeline

The Planning Board is being asked to review the proposal pursuant to the following ordinances:

- Ch. 702, Site Plan Review; and
- Ch. 703, Character Based Development Code (CBDC) Building & Lot Plan, CD4 Village Center Character District.

It is also likely that the proposed evolution of the Master Plan will trigger an amendment to the previously approved Major Subdivision and the CBDC Development Plan due to the increased number of units and other adjustments. The Applicant acknowledges these changes, and will present an amendment in the future, separate from this Preliminary Review. Regardless, the conditions of approval outlined in the previous approval are still binding on this project. The Development Plan and Subdivision Plan approval is attached to this staff report.

The project received approvals from Maine Department of Environmental Protection (MaineDEP) and the US Army Corps of Engineers (USACE) under Maine's Natural Resources Protection Act and the Chapter 500 Stormwater Rules. The Applicant has submitted revised permit applications to the MaineDEP and to the



USACE for Phase 1. The Applicant has also prepared an updated traffic analysis for Phase 1 showing that, for this phase, a Maine Department of Transportation (MaineDOT) Traffic Movement Permit is not necessary.

Finally, the project is subject to a No Action Assurance Letter from the MaineDEP dated July 8, 2022, and associated conditions as a result of participation in the Voluntary Response Action Program (VRAP). The Applicant, all future lot owners, the community/homeowner’s associations, and their contractors shall incorporate the requirements of this agreement in the buildout and operation of the site and infrastructure as appropriate.

**III. Meetings and Engagement**

Most of the review history occurred in 2022, when the Planning Board held seven hearings with the previous development team on the Subdivision and Development Plan. More recently, a concept review with the current development team was held in June 2024. Materials from these meetings are still available online (listed in reverse order):

Date	Topic	Links
June 12, 2024	Concept Major Site Plan and Building & Lot Plan	<a href="#">Meeting Materials</a> <a href="#">Meeting Recording</a>
September 14, 2022	Final Development Plan and Final Subdivision Plan Approval	<a href="#">Meeting Materials</a> <a href="#">Meeting Recording</a>
July 20, 2022	Final Development Plan and Final Subdivision Plan	<a href="#">Meeting Materials</a> <a href="#">Meeting Recording</a>
June 8, 2022	Preliminary Development Plan and Final Subdivision Plan Approval	<a href="#">Meeting Materials</a> <a href="#">Meeting Recording</a>
May 25, 2022	Site Walk	n/a
April 27, 2022	Architecture, Building massing, Retail and Residential uses and Frontages, and Thoroughfare and Lot Plan	<a href="#">Meeting Materials</a> <a href="#">Meeting Recording</a>
March 23, 2022	Lots, Uses, and Thoroughfares, Landscaping, Buffers, and Open Space, and the Utility Master Plan	<a href="#">Meeting Materials</a> <a href="#">Meeting Recording</a>
March 9, 2022	Initial Trip Generation Data, Parking data, and Pedestrian Shed Illustration	<a href="#">Meeting Materials</a> <a href="#">Meeting Recording</a>
January 12, 2022	Overview of the Project	<a href="#">Meeting Materials</a> <a href="#">Meeting Recording</a>

The Planning Board also discussed the Railroad Square Master Plan in December 2020 and held a site visit on January 9, 2021. In early 2021, further consideration of the Master Plan was tabled.

**IV. Public Notice and Comment**

Notices of the concept meeting were sent to 72 property owners within 500 feet of the proposed development. At the time of writing, we received comments from one individual. Also attached to this staff report are two emails that were received after the June concept meeting for inclusion in the record.



**V. Character Based Development Code Standards Review (Chapter 703)**

As noted in the Introduction, the Railroad Square Master Plan has evolved with a new development team bringing it forward. The architectural basis for the proposed buildings has evolved, although still routed in the classic historic context of Yarmouth Village, with a new architectural team bringing their insight to the Master Plan. The Applicant writes, *“Downtown Yarmouth, specifically Main Street, is comprised of a mix of classic historic Maine commercial, civic and residential buildings and the uses remain mixed as such, although some of the residential buildings have converted to commercial uses over the years. Our proposed Phase 1 development proposes the fully residential components of the development. The siting for all the residential components is intentionally distanced from the street so as to create a node for the future residents and because the development that will later occur closer to Main Street will incorporate a commercial component to appropriately stitch the downtown together with Phase 1 being an excellent feeder into the existing and future businesses.”*

The Applicant notes that the residential buildings meet the architectural standards, including the material choices, layout of materials, and fenestration requirements. The proposed materials include clapboard, shiplap, shingle, and stone in a neutral palette with blue shades and natural wood mixed in.

According to the application materials, Buildings 1, 2, and 3 are designed to be a shared community for the residents of the buildings. The Applicant states that the distance from Main Street (over 480 feet to the nearest corner of Building 2) informed the form of the buildings, the mass, and the rooflines. The buildings themselves follow the requirements of the architectural standards closely with a distinct base, middle, and top defined through colors, bands, cornices, and window designs. The classic rhythm of the buildings is further broken up by recessed decks. The following renderings were provided in the materials:



Buildings 1 and 2: Internal Railroad Square Elevation



Buildings 1 and 2: Elevation facing St. Lawrence & Atlantic Railroad



Building 3: Internal Railroad Square Elevation

Moving to the townhomes (Building 4), each townhome is identical in form with 3 stories. In order to break up the mass of the six attached townhomes, every other unit steps forward 18 inches. Deep eaves are utilized to offer an articulated cornice, and the bays have a slightly taller height. Trims will be applied at the lower-level base and between the second and third floor between clapboards and shingles consistent with the architectural standards. Windows will receive treatments that are relevant to the styles that are seen within the Yarmouth village.





Townhomes (Building 4): Internal Railroad Square Elevation



Bird's Eye View of Building 3 and the Townhomes

The following sections review the standards for buildings and lots within the CD4 character district, and the associated requested waivers. While much more detail is provided from the concept filling in where Planning Staff previously identified gaps in the information, there are still a few items that need to be clarified.



### A. CD4 Village Center District Standards

Below is Table 5.F.2A, Character District Standards, from Chapter 703 for reference.

#### BUILDING PLACEMENT — PRINCIPAL BUILDING

Front Setback, Principal Frontage	0 ft min, 16 ft max	<b>A</b>
Front Setback, Secondary Frontage	2 ft min, 12 ft max	<b>B</b>
Side	0 ft min	<b>C</b>
Rear Setback	greater of 3 ft min or 15 ft from center line of alley, if any or from any abutting residential zone	<b>D</b>

#### YARD TYPES

	(see <b>Table 5.G.1</b> )
Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted

#### BUILDING & LOT PRINCIPAL USE

See **Table 5.J.1**

#### LOT OCCUPATION

Lot Width	18 ft min, 120 ft max	<b>E</b>
Lot Coverage	85% max	
Frontage Buildout	40% min, 100% max at front setback	

#### BUILDING FORM — PRINCIPAL BUILDING

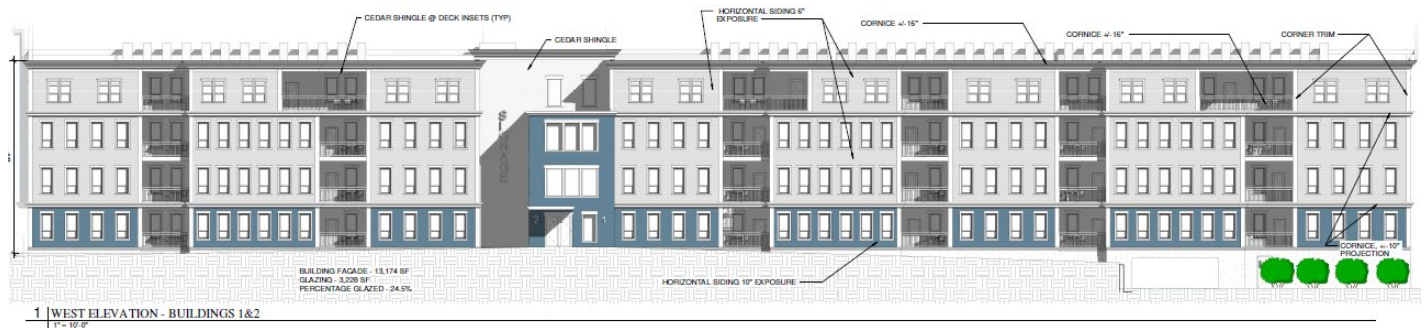
Building Height	3 stories and 35' max	<b>F</b>
First Story Height	10 ft min, 25 ft max	
Upper Story Height	10 ft min, 15 ft max	
Facade Glazing	20% min - 70% max non-shopfront, 70% min shopfront	
Roof Type	flat, hip, gambrel, gable, mansard	
Roof Pitch, if any	8:12 - 14:12	

### B. Buildings 1 and 2 on Lot 4

Buildings 1 and 2 on Lot 4 is located at the rear of the site, parallel to the St. Lawrence & Atlantic rail corridor. Buildings 1 and 2 are connected through a lobby and represent the largest structure on the property. Due to its location, the east, west, and north elevations showcase a high degree of detail.

Between the two buildings, there are 42 residences. A waiver is requested for four stories (please see the discussion at the end of this section). Parking is proposed to be located underneath the building.

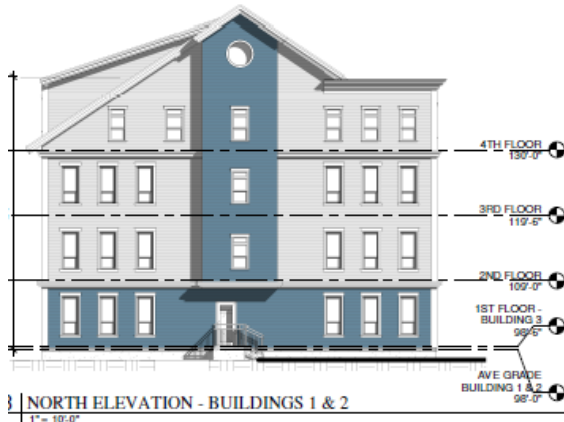
The following elevations are provided in the application materials:



West Elevation (Internal to Railroad Square)



East Elevation (Facing the Railroad Corridor)



North Elevation



Main Entry

The following tables illustrate compliance with the CDBC standards, much of which has been provided and/or updated with the preliminary submittal. Where additional information is still necessary is identified.

Building Placement of the Principal Building	Required	Proposed	Finding
Front Setback Principal Frontage	0' Min - 16' Max	13 feet on Passage E 8 feet on TF-4 12 feet on Passage G	OK
Front Setback Secondary Frontage	2' Min; 12' Max	10 feet on the railroad	OK
Side Setback	0' Min	18 feet	OK
Rear Setback	3' Min, or 15' from abutting residential zone	+/- 90 feet	OK

Yard Type	Required	Proposed	Finding
	Edge, Side or Rear Yard	Edge Yard	OK

<b>Lot Occupation</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Lot width	18' Min; 120' Max	85 Feet	OK
Lot Coverage (Building & Pavement)	85% Max	39.8%	OK
Frontage Buildout	40% Min 100% Max @ Front Setback	73%	OK

<b>Building Form</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Building Height	35' and 3 Stories Max	4 stories	Waiver required. See discussion.
First Story Height	10' Min, 25' Max	11 ft 6 in	OK
Upper Story Height	10' Min, 15' Max	10 ft 6 in	OK
Façade Glazing	Shopfront: 70% Min  Non Shopfront: 20% Min, 70% Max	24.5% on west elevation 26% on east elevation	OK
Roof Type	Flat, Hip, Gambrel, Gable or Mansard	Varied	OK
Roof Slope	8:12 – 14:12 (.67 – 1.16)	Unknown	A calculation of the roof slope must be provided.

<b>Building Placement of any Outbuildings</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Front Setback	Principal Bldg + 20'	N/A	N/A
Side Setback	0' Min	N/A	N/A
Rear Setback	3' Min	N/A	N/A

<b>Parking</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
<b>Third Lot Layer (5.F.1)</b>	Principal Bldg + 20'	Under Building	OK
<b>Parking (5.K.1)</b>	Residential: Min. 1 space/unit Max. 2 space/unit	For Lots 4 and 5, 77 garage and 12 surface.	There are 60 residences in Buildings 1, 2, and 3 on Lots 4 and 5. A total of 89 spaces exceeds the minimum requirement.




<b>EV Chargers (5.K.1.e)</b>	1 EV charger for every 30 parking spaces	Phase 1 requires 3 EV spaces	The Applicant notes that final locations will be determined based on demand and compliance with the CBDC requirements. The Sustainability Coordinator also encourages the Applicant to provide additional infrastructure to support additional chargers in the future.
<b>Bike Racks (5.K.1.f)</b>	1 bike rack for every 20 parking spaces	Unknown	With a total of 89 spaces assigned to Lots 4 and 5, 5 bike racks are required.

<b>Encroachments of Building Elements</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Front Setback, Principal Frontage	8' Max	N/A	N/A
Front Setback, Secondary Frontage	8' Max	N/A	N/A
Rear Setback	5' Max	N/A	N/A

### Architectural Standards (Article 5.M)

The Applicant completed the Architectural Matrix for Buildings 1, 2, and 3, which was submitted as part of the [concept materials \(see page 39\)](#).

<p>Composition</p>	<p>Buildings 1 and 2 follow the standards to have a base, middle, and top. There are transition lines between these designs, including an articulated cornice and a coordinated composition. Because of the visibility from the railroad corridor, even the back of the building is treated with a high level of care. The entries to the buildings are differentiated in the mass, creating a focal point. See the massing diagrams in the application materials that illustrate the alternating blocks of architecture:</p>  <p>The standards also require that the residential finished floor be 2 feet to 6 feet above the sidewalk or finished grade level at the front. Buildings 1 and 2 are located at grade for ADA requirements. A waiver might be necessary.</p>
<p>Walls</p>	<p>The façade materials are compatible with the Yarmouth village. The Applicant would like to utilize a 10-inch nickel gap for the siding versus the</p>

	8-inch maximum requirement due to the scale of the Buildings 1 and 2. A waiver might be necessary.
Attachments & Elements	The balconies and porches are applicable to this architectural standard group. It appears that the proposal is generally in compliance with this architectural standard group.
Roofs	Buildings 1 and 2 are dormered where the building is most visible (along the railroad corridor) and flat where less visible (internal to the site). The design is intended to screen any penetration or roof top equipment. A calculation of the roof slope must be provided to assess against the standards.
Openings Windows, & Doors	It appears that the proposal is generally in compliance with this architectural group. It appears that the façade glazing meets the standards.
Shopfront	Buildings 1 and 2 do not have shopfront frontages. This architectural standard group is not applicable.
Miscellaneous	It appears that the proposal is generally in compliance with this architectural standard group.

**Parking, Loading, Driveway Service, Storage, Drive-Through & Waste Receptacle Locations and Standards (Article 5.L)**

Chapter 5.L.1 states that All loading, storage, service, drive-through, and waste receptacle locations within Lots shall be located in the Third Lot Layer. The application materials indicate that solid waste and recycling will be stored inside the building and be removed from the site by a licensed hauler.

Chapter 5.L.2 states that Drive-throughs, Parking Areas and Parking Lots shall be screened from the Frontage by a Building or Streetscreen. The entrance to the parking garage is at the rear of the property, screened by grade and other buildings.

**Private Lot Landscape (Article 5.N)**

<b>Landscape</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
5.N.s Trees Required	1 tree per 30' frontage	16 trees are provided along the frontage	With 85 feet of frontage on Lot 4, the standard is met.
5.N.u Minimum Landscape	30% landscape in 1 <sup>st</sup> Lot Layer; 20% landscape overall	Unknown	This calculation must be provided
5.N.ee.i Parking Lots	1 island per 20 spaces	N/A	N/A. The parking is underneath.
5.N.ee.ii Parking Lots	1 tree per 2,000 sf	N/A	N/A. The parking is underneath.
5.N.ii	Pedestrian walkway of at least 5 feet through parking lot	Passage G provides a 6-foot sidewalk between Buildings 1, 2, and 3.	OK

### Signage Standards (Article 5.O)

No information is provided in the application materials about any building signage. This should be provided conceptually (i.e., location, size, lighting), but may be more important for review during Phase 2, which includes mixed-use buildings. Specific tenant or building signage can be approved via a sign permit.

### Lighting Standards (Article 5.P)

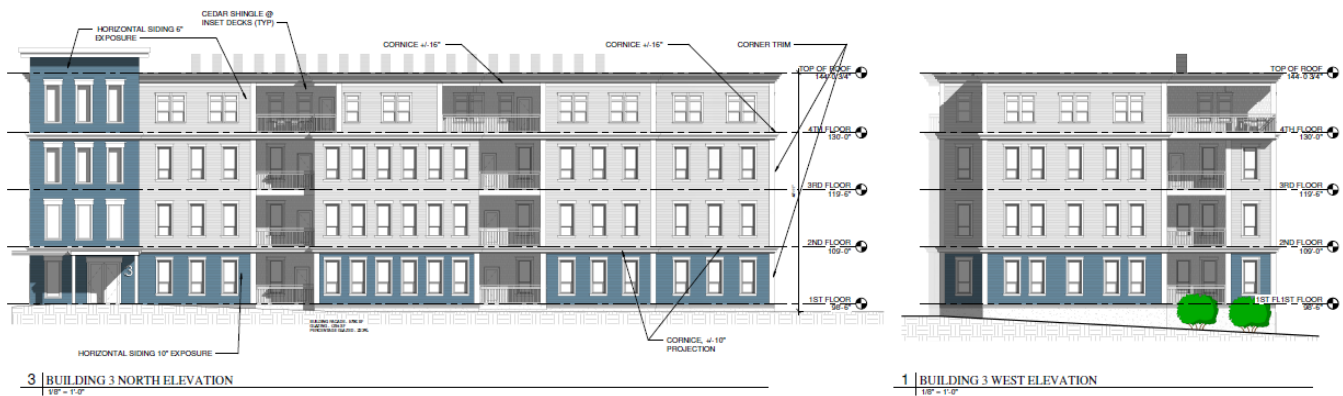
An updated photometric plan was provided, and it appears that it is in compliance with the required standards for outdoor lighting. Note that lighting inside the residences is not regulated.

### C. Building 3 on Lot 5

Building 3 on Lot 5 is located at the rear of the site, perpendicular to Buildings 1 and 2 and related to those buildings.

In Building 3, there are 18 residences. A waiver is requested for four stories (please see the discussion at the end of this section). Parking is proposed to be located underneath the building.

The following elevations are provided in the application materials:



North (left) and West (right) Elevation



South (left) and East (right) Elevation

The following tables illustrate compliance with the CDBC standards, or where additional information is necessary:

Building Placement of the Principal Building	Required	Proposed	Finding
Front Setback Principal Frontage	0' Min - 16' Max	13 feet on TF-4	OK



Front Setback Secondary Frontage	2' Min; 12' Max	3 feet	OK
Side Setback	0' Min	Varies 3 to 8 feet	OK
Rear Setback	3' Min, or 15' from abutting residential zone	+/- 32 feet	OK

	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
<b>Yard Type</b>	Edge, Side or Rear Yard	Edge Yard	OK

<b>Lot Occupation</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Lot width	18' Min; 120' Max	120 Feet	OK
Lot Coverage (Building & Pavement)	85% Max	58.5%	OK
Frontage Buildout	40% Min  100% Max @ Front Setback	98%	OK

<b>Building Form</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Building Height	35' and 3 Stories Max	4 stories	Waiver required. See discussion.
First Story Height	10' Min, 25' Max	11 ft 6 in	OK
Upper Story Height	10' Min, 15' Max	10 ft 6 in	OK
Façade Glazing	Shopfront: 70% Min  Non Shopfront: 20% Min, 70% Max	22.3%	OK
Roof Type	Flat, Hip, Gambrel, Gable or Mansard	Flat	OK
Roof Slope	8:12 – 14:12  (.67 – 1.16)	N/A	The roof is flat.

<b>Building Placement of any Outbuildings</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Front Setback	Principal Bldg + 20'	N/A	N/A

Side Setback	0' Min	N/A	N/A
Rear Setback	3' Min	N/A	N/A


<b>Parking</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
<b>Third Lot Layer (5.F.1)</b>	Principal Bldg + 20'	Under Building and Surface Parking	OK
<b>Parking (5.K.1)</b>	Residential: Min. 1 space/unit Max. 2 space/unit	For Lots 4 and 5, 77 garage and 12 surface.	There are 60 residences in Buildings 1, 2, and 3 on Lots 4 and 5. A total of 89 spaces exceeds the minimum requirement.
<b>EV Chargers (5.K.1.e)</b>	1 EV charger for every 30 parking spaces	Phase 1 requires 3 EV spaces	The Applicant notes that final locations will be determined based on demand and compliance with the CBDC requirements. The Sustainability Coordinator also encourages the Applicant to provide additional infrastructure to support additional chargers in the future.
<b>Bike Racks (5.K.1.f)</b>	1 bike rack for every 20 parking spaces	Unknown	With a total of 89 spaces assigned to Lots 4 and 5, 5 bike racks are required.

<b>Encroachments of Building Elements</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Front Setback, Principal Frontage	8' Max	N/A	N/A
Front Setback, Secondary Frontage	8' Max	N/A	N/A
Rear Setback	5' Max	N/A	N/A

### **Architectural Standards (Article 5.M)**

The Applicant completed the Architectural Matrix for Buildings 1, 2, and 3, which was submitted as part of the [concept materials \(see page 39\)](#).

Composition	<p>Building 3 follows the standards to have a base, middle, and top. There are transition lines between these designs, including an articulated cornice and a coordinated composition. The entry to the building is differentiated in the mass, creating a focal point.</p> <p>The standards also require that the residential finished floor be 2 feet to 6 feet above the sidewalk or finished grade level at the front. Building 3 is located at grade for ADA requirements. A waiver might be necessary.</p>
Walls	<p>The façade materials are compatible with the Yarmouth village. The Applicant would like to utilize a 10-inch nickel gap for the siding versus the 8-inch maximum requirement due to the scale of Building 3. A waiver might be necessary.</p>

Attachments & Elements	The balconies and porches are applicable to this architectural standard group. It appears that the proposal is generally in compliance with this architectural standard group.
Roofs	Building 3 has a flat roof. The design is intended to screen any penetration or roof top equipment, and the Applicant may need to demonstrate that any equipment on the roof is appropriately screened. The application materials included renderings that illustrate that, depending on your perspective, you are unlikely to see the rooftop equipment:  
Openings Windows, & Doors	It appears that the proposal is generally in compliance with this architectural group. It appears that the façade glazing meets the standards.
Shopfront	Building 3 does not have shopfront frontages. This architectural standard group is not applicable.
Miscellaneous	It appears that the proposal is generally in compliance with this architectural standard group.

**Parking, Loading, Driveway Service, Storage, Drive-Through & Waste Receptacle Locations and Standards (Article 5.L)**

Chapter 5.L.1 states that All loading, storage, service, drive-through, and waste receptacle locations within Lots shall be located in the Third Lot Layer. The application materials indicate that solid waste and recycling will be stored inside the building and be removed from the site by a licensed hauler.

Chapter 5.L.2 states that Drive-throughs, Parking Areas and Parking Lots shall be screened from the Frontage by a Building or Streetscreen. The entrance to the parking garage is at the rear of the property, screened by grade and the building. Surface parking is also screened by grade and the building.

**Private Lot Landscape (Article 5.N)**

<b>Landscape</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
5.N.s Trees Required	1 tree per 30' frontage	6 trees are provided along the frontage	With 120 feet of frontage on Lot 5, the standard is met.
5.N.u Minimum Landscape	30% landscape in 1 <sup>st</sup> Lot Layer;	Unknown	This calculation must be provided.

	20% landscape overall		
5.N.ii.i Parking Lots	1 island per 20 spaces	N/A	N/A. The surface parking contains 10 spaces.
5.N.ii.ii Parking Lots	1 tree per 2,000 sf	Unknown	This calculation must be provided.
5.N.ii	Pedestrian walkway of at least 5 feet through parking lot	Passage G provides a 6-foot sidewalk between Buildings 1, 2, and 3.	OK

**Signage Standards (Article 5.O)**

No information is provided in the application materials about any building signage. This should be provided conceptually (i.e., location, size, lighting), but may be more important for review during Phase 2, which includes mixed-use buildings. Specific tenant or building signage can be approved via a sign permit.

**Lighting Standards (Article 5.P)**

An updated photometric plan was provided, and it appears that it is in compliance with the required standards for outdoor lighting. Note that lighting inside the residences is not regulated.

**D. Townhouses on Lots 6 and 7**

The six Townhouses on Lots 6 and 7 are located at the rear of the site, adjacent to residential properties on South Street. Each of the six townhouses are individual residences, and the associated parking is located on the ground floor of the townhouse.

The following elevations are provided in the application materials:



Front Elevation (internal to Railroad Square)



Rear Elevation

The following tables illustrate compliance with the CDBC standards, or where additional information is necessary:

<b>Building Placement of the Principal Building</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Front Setback Principal Frontage	0' Min - 16' Max	5 to 10 feet on TF-3	OK
Front Setback Secondary Frontage	2' Min; 12' Max	N/A	There is no secondary frontage.
Side Setback	0' Min	0 to 9 feet on Lot 6; 0 to 54 feet on Lot 7	OK
Rear Setback	3' Min, or 15' from abutting residential zone	16 feet on Lot 6; 16 feet on Lot 7	OK

	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
<b>Yard Type</b>	Edge, Side or Rear Yard	Rear Yard	OK

<b>Lot Occupation</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Lot width	18' Min; 120' Max	98 feet on Lot 6; 75 feet on Lot 7	OK
Lot Coverage (Building & Pavement)	85% Max	71.3% on Lot 6; 47.6% on Lot 7	OK
Frontage Buildout	40% Min 100% Max @ Front Setback	92% on Lot 6; 100% on Lot 7	OK

<b>Building Form</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Building Height	35' and 3 Stories Max	3 stories	OK
First Story Height	10' Min, 25' Max	11 ft 6 in	OK
Upper Story Height	10' Min, 15' Max	10 ft (2 <sup>nd</sup> ) and 15 ft 7 in (3 <sup>rd</sup> )	OK
Façade Glazing	Shopfront: 70% Min  Non Shopfront: 20% Min, 70% Max	21.9%	OK



Roof Type	Flat, Hip, Gambrel, Gable or Mansard	Flat	OK
Roof Slope	8:12 – 14:12 (.67 – 1.16)	N/A	The roof is flat.

Building Placement of any Outbuildings	Required	Proposed	Finding
Front Setback	Principal Bldg + 20'	N/A	N/A
Side Setback	0' Min	N/A	N/A
Rear Setback	3' Min	N/A	N/A

Parking	Required	Proposed	Finding
<b>Third Lot Layer (5.F.1)</b>	Principal Bldg + 20'	Parking is in garages.	OK
<b>Parking (5.K.1)</b>	Residential: Min. 1 space/unit Max. 2 space/unit	Each townhouse has 2 garage spaces	There are 6 residences in the townhouses. A total of 12 spaces meets the requirement.
<b>EV Chargers (5.K.1.e)</b>	1 EV charger for every 30 parking spaces	Phase 1 requires 3 EV spaces	The Applicant notes that final locations will be determined based on demand and compliance with the CBDC requirements. The Sustainability Coordinator also encourages the Applicant to provide additional infrastructure to support additional chargers in the future. Presumably the owners of the townhouses could also install EV chargers in their garages in the future.
<b>Bike Racks (5.K.1.f)</b>	1 bike rack for every 20 parking spaces	N/A	With private garages representing the parking on Lots 6 and 7, presumably the owners of the townhouses could store bicycles in their homes.

Encroachments of Building Elements	Required	Proposed	Finding
Front Setback, Principal Frontage	8' Max	N/A	N/A
Front Setback, Secondary Frontage	8' Max	N/A	N/A
Rear Setback	5' Max	N/A	N/A

**Architectural Standards (Article 5.M)**

The Applicant completed the Architectural Matrix for the Townhouses, which was submitted as part of the [concept materials \(see page 82\)](#).

Composition	<p>The Townhouses follow the standards to have a base, middle, and top. There are transition lines between these designs, including an articulated cornice and a coordinated composition. The entry to the building is differentiated in the mass, creating a focal point, and meeting the requirement for a long continuous façade.</p> <p>The standards also require that the residential finished floor be 2 feet above the sidewalk or finished grade level at the front. The Townhouses meet this requirement unlike Buildings 1, 2, and 3.</p>
Walls	The façade materials are compatible with the Yarmouth village. It appears that the Townhouses are generally in compliance with this architectural standard group.
Attachments & Elements	The stoops are 3 feet deep to match other design features. There are also rear stairs that are not visible from the Thoroughfare. It appears that the proposal is generally in compliance with this architectural standard group.
Roofs	The Townhouses have a flat roof. The design is intended to screen any penetration or roof top equipment, and the Applicant may need to demonstrate that any equipment on the roof is appropriately screened.
Openings Windows, & Doors	It appears that the proposal is generally in compliance with this architectural group. It appears that the façade glazing meets the standards.
Shopfront	The Townhouses do not have shopfront frontages. This architectural standard group is not applicable.
Miscellaneous	A six-foot fence is located along the property line with the adjacent South Street residences. The Applicant also proposes trees and vegetative buffers to soften the view of the townhouses from the South Street properties. It appears that the proposal is generally in compliance with this architectural standard group.

**Parking, Loading, Driveway Service, Storage, Drive-Through & Waste Receptacle Locations and Standards (Article 5.L)**

Chapter 5.L.1 states that All loading, storage, service, drive-through, and waste receptacle locations within Lots shall be located in the Third Lot Layer. The application materials indicate that solid waste and recycling will be stored inside the Townhouses and be removed from the site by a licensed hauler.

Chapter 5.L.2 states that Drive-throughs, Parking Areas and Parking Lots shall be screened from the Frontage by a Building or Streetscreen. Each Townhouse has a private garage, accessed directly from the Thoroughfare.

**Private Lot Landscape (Article 5.N)**

Landscape	Required	Proposed	Finding
5.N.s Trees Required	1 tree per 30' frontage	7 trees are provided along the frontage	With a total of 173 feet of frontage on Lots 6 and 7, the standard is met.

5.N.u Minimum Landscape	30% landscape in 1 <sup>st</sup> Lot Layer; 20% landscape overall	Unknown	This calculation must be provided.
5.N.ee.i Parking Lots	1 island per 20 spaces	N/A	N/A. Each Townhouse has private garage parking.
5.N.ee.ii Parking Lots	1 tree per 2,000 sf	Unknown	N/A. Each Townhouse has private garage parking.
5.N.ii	Pedestrian walkway of at least 5 feet through parking lot	N/A	N/A. Each Townhouse has private garage parking.

**Signage Standards (Article 5.O)**

Since each townhouse would be individually owned, it is unlikely that any signage beyond a street address would be required.

**Lighting Standards (Article 5.P)**

An updated photometric plan was provided, and it appears that it is in compliance with the required standards for outdoor lighting. Note that lighting inside the residences is not regulated.

**E. Character Based Development Code Waivers**

The following is a preliminary list of the potential waivers needed for Phase 1:

- Buildings 1, 2, and 3: A waiver of 3 stories and 35 feet to accommodate the additional height of the buildings.
- Buildings 1, 2, and 3: A waiver of the minimum of 2 feet above the sidewalk for the residential finished floor to accommodate ADA access.
- Buildings 1, 2, and 3; A waiver of the 8-inch exposure for siding application to allow a 10-inch exposure due to the scale of the buildings.
- Lot 3: The lack of a parking lot island may require a waiver.

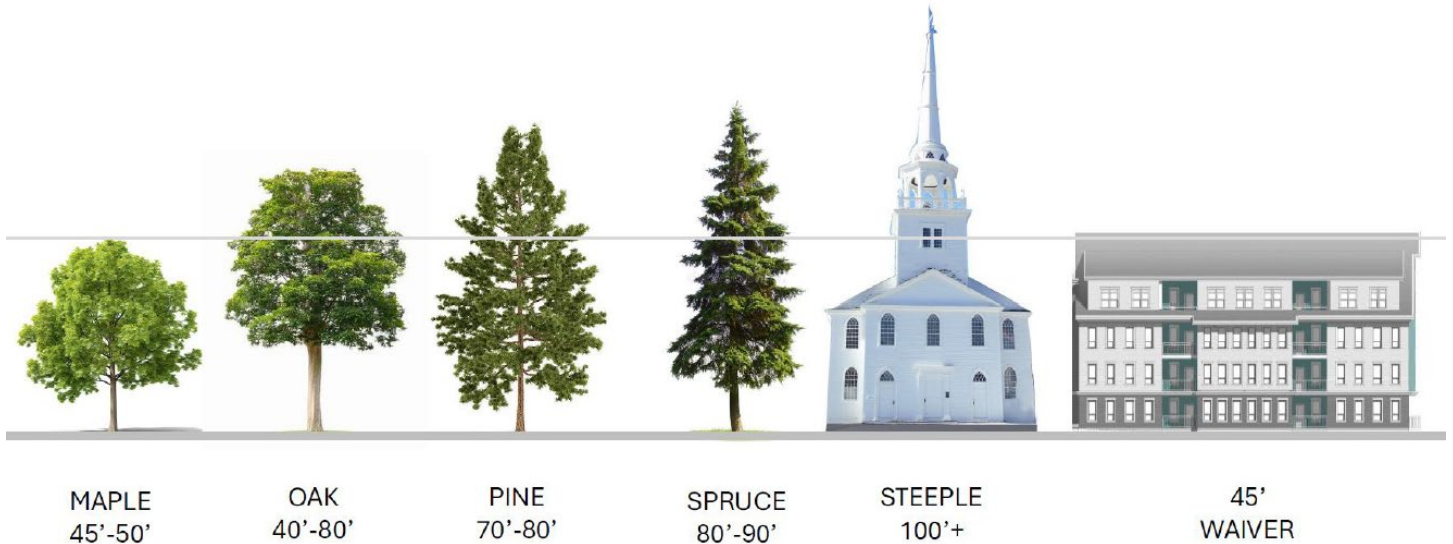
At the concept meeting in June, the Planning Board discussed some of the architectural standards that require waivers as noted above, but the main discussion was the request for a height waiver for Buildings 1, 2, and 3.

The Applicant has provided more detailed information regarding the height waiver as requested by the Planning Board. Specifically, a waiver may be granted if the request does not exceed 35% of the established metric. In this case, the additional height to 45 feet is a waiver of 28.6% increase and the addition story to 4 stories is a waiver of 33.3%. These waivers may be granted by the Planning Board pending review of the Applicant's justification.

The Applicant notes that the additional height is sited in a way that it does not negatively impact Main Street and the nearby historic fabric. The distance from Main Street and the various plantings in Phase 1 and Phase 2, the views of the buildings will be obscured from view and the sense of height is diminished by perspective as seen in this rendering:



The Applicant also studied other Yarmouth precedents and note that steeples are the architectural features that break the tree line in this community. The Applicant designed the buildings to not break the tree line, and provided an exhibit to illustrate this:



Further, in reviewing existing buildings in town, the Applicant noted that other four-story buildings along Main Street do not site directly on Main Street. Buildings 1, 2, and 3 are located no less than 240 feet from Main Street.

Finally, the Applicant notes that the South Street neighbors expressed concern, and they are working with the neighbors to mitigate the visuals through additional plantings. Exhibits will be presented during the upcoming Planning Board meeting.

## VI. Site Plan Standards Review (Chapter 702)

Each building and lot or group of buildings and lots will need to receive Site Plan Approval as well. The Applicant provided a response to the review criteria, which was submitted as part of the [concept materials \(see page 501\)](#).

- 1. Conformance with Comprehensive Plan: The proposed development is located and designed in such a way as to be in conformance with the Town's Comprehensive Plan.**

Staff Comments: The Town Council adopted a new Comprehensive Plan for Yarmouth in June. Two of the local goals of the plan include:

- Create, expand, and protect housing options throughout Yarmouth; and
- Enliven Yarmouth’s economic centers, through increased amenities, jobs, and local business opportunities.

The newly adopted Comprehensive Plan calls for the Village to be enhanced to support housing diversity in town and help businesses success on Main Street, while preserving the area’s historic resources. Further, the creation of a new infill neighborhood, highlighting the Character Based Development Code, will contribute to a more sustainable community.

The Climate Action Plan, which was also adopted by the Town Council earlier this year, is another important long range planning document that can be assessed for compliance, although not strictly required as part of this standard. The Sustainability Coordinator, who works with the Climate Action Board, reviewed the project for consistency with themes, and recommends that the Applicant consider additional measures to achieve energy efficiency and renewable energy integration, sustainable landscaping and stormwater management, low-carbon building operations, and waste management and recycling infrastructure. Integrating these elements now, during the planning stage, will ensure that the development will be a model of climate-conscious, resilient urban design.

**2. Traffic: The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways, public road or pedestrian walkways existing or proposed. The Planning Board may require mitigation when the proposed development is anticipated to result in a decline in service, below level of service “c”, of nearby roadways of intersections. Levels of service are defined by the 1985 Highway Capacity manual published by the Highway Research Board.**

Staff Comments: The Applicant submitted an updated traffic report for Phase 1 based on traffic counts taken in September. The proposed residences, which are age restricted at 55+, were found to not create conditions that would impact the existing transportation network:

- Phase 1 is expected to generate between 13 and 22 one-way trips during peak hours. This level of traffic typically does not have any significant impact beyond the site drive.
- In terms of capacity, both signalized study area intersections function at good levels of service during both the AM and PM analysis hours. All lanes will operate at LOS “C” or better, with most at LOS “B” or “A”, under 2027 Build volumes.
- Similarly, all lanes at the unsignalized intersections are projected to operate at LOS “C” or better under 2027 Build volumes, demonstrating no capacity concerns, during both peak hours.
- Sight distance from the proposed drive is adequate to meet standards. It is important that no signage or landscaping be located in the driveway sight triangles which could obscure or limit sight distances in the future.

The Town’s Traffic Peer Reviewer, Tom Errico of TY Lin, reviewed the traffic report as he has done for all significant projects over the last four years. He found that the analysis and conclusions are appropriate and consistent with best practices. However, he does note that the land use code used for the analysis assumes that there is a share of residents that will be retired, so he reviewed the analysis using a standard multifamily housing land use code. Mr. Errico found that recategorizing the land use will generate 31 AM peak hour trips and 38 PM peak hour trips but would not alter the conclusions of the study.

Phase 1 will not require a Traffic Movement Permit from MaineDOT.



**3. Parking and Vehicle Circulation: The proposed plan provides for adequate parking and vehicle circulation. The amount of dedicated parking provided on-site or within a reasonable walking distance from the site meets the requirements of ARTICLE II.H of the Zoning Ordinance (Off Street Parking and Loading), the size of the parking spaces, vehicle aisle dimensions and access points are in conformance with the Technical Standards of Section J of this document.**

This Standard is superseded by the Character Based Development Code as per Article 1.c.3.

Staff Comments: The number of parking spaces on the property has increased to 152, from the previously approved 116. The Master Plan now includes 86 residences and about 7,810 square feet of commercial space. The Applicant submitted an updated analysis for both Phase 1 and Phase 2 and considering the shared parking with 298 Main Street:

<b>Use</b>	<b>Requirement</b>	<b>Total Needed</b>
Residential: 86 residences	Minimum: 1 space per unit Maximum: 2 spaces per unit	Minimum: 86 spaces Maximum 172 spaces
Commercial (Office/Retail): 7,810 square feet	Minimum: 2 spaces per 1000 sf Maximum: 4 spaces per 1000 sf	Minimum: 16 spaces Maximum: 32 spaces
298 Main Street Shared Parking	9 spaces	9 spaces
<b>Total</b>		Minimum: 102 spaces Maximum: 204 spaces

With 152 spaces proposed onsite, the proposed amount of parking exceeds the minimum requirement.

For Phase 1 specifically, with 66 residences and no commercial space, 101 parking spaces are proposed, exceeding the requirement for this phase. This number does not include the nine parking spaces for 298 Main Street which will be accommodated with Phase 1 elsewhere on the property as depicted on the site plans. As noted by Mr. Errico, a parking management plan may be necessary to appropriately regulate the parking on the site, including identifying ADA parking spaces. Executing the parking agreement with 298 Main Street was a condition of approval of the Development Plan/Subdivision Plan approval and is still required.

As noted throughout the CBDC review, the Applicant identified the requirement for 3 EV chargers. The Applicant notes that final locations will be determined based on demand and compliance with the CBDC requirements. The Sustainability Coordinator also encourages the Applicant to provide additional infrastructure to support additional chargers in the future. Presumably the owners of the townhouses could also install EV chargers in their garages in the future.

A review of the Landscape Plan shows 5 bike racks within Phase 1 (a single rack at the center green and three racks between Buildings 1 and 3, which meets the requirements of the CBDC (1 rack per 20 parking spaces). The Applicant notes that additional bike parking will be available in the underground garage and the owners of the Townhomes can bring their bikes into their garages. The Bike and Pedestrian Advisory Committee recommends that additional clarity be provided for interior bike parking and that the outdoor locations should have three to five racks per location.

Additional comments regarding circulation on the project site that may need to be addressed by the Applicant for Phase 1 include:

- The intersection of Railroad Square and Main Street needs to be coordinated with the Main Street Streetscape Phase 2 project that is advancing to 60% design plans. This is echoed by the Bike and Pedestrian Committee, which called out this critical safety improvement.
- The raised table at the intersection of TF-2, TF-3, and TF-4 has been eliminated in favor of a flush paver treatment due to the placement of the driveway of the first Townhome. While there was much discussion about the convergence of traffic at this intersection, the flush treatment will continue to call attention to the need for greater attention when navigating this intersection by vehicles, pedestrians, and bicyclists.
- The Applicant should consider providing better pedestrian facilities around Building 3 understanding pedestrian walking desire lines.
- Parking plans for the underground garage should be provided to ensure that vehicles can maneuver safely in those spaces.
- The Planning Board will recall the lengthy conversations that we had about the shared property line with Downeast Energy. The approved Development Plan/Subdivision Plan included a painted shadow line or flush paver edging subject to approval from DEE on that shared access and utility corridor which is maintained with the current Phase 1 plans. The Applicant will continue to work with DEE to encourage some form of travel way edge buffer treatment. Mr. Errico reiterates the need for continued conversations about this shared property line as required by the Development Plan/Subdivision Plan approval.
- The Town Staff continue to coordinate with MaineDOT regarding a trail within the St. Lawrence & Atlantic right-of-way. MaineDOT staff have indicated that they will not approve a demonstration trail until the Commissioner makes a recommendation to the Legislature, and the Legislature acts on that recommendation. Town Staff continue to push this question, but it will take time for a realization of the trail within this right-of-way.

**4. Sanitary Sewerage: The proposed development will not cause an unreasonable adverse effect to the Municipal sewerage treatment facilities and will not aggravate and existing unhealthy situation such as the bypassing of untreated sewerage into Casco Bay, the Royal River, or its tributaries. If a subsurface wastewater disposal system is to be used, the system conforms to the requirements of the State Plumbing Code.**

Staff Comments: The Town Engineer, Steve Johnson, reviewed the updated wastewater calculations and noted that Phase 1 is estimated to generate 18,072 gallons per day (GPD) of sewage from the new buildings. The Applicant is also proposing to utilize a gravity sewer main extension from Main Street. Changes in grading allow the Applicant to use a gravity sewer main extension instead of a sewer pump station as originally approved. Utilizing a gravity sewer main is a much simpler system and has fewer requirements than a sewer pump station; however, the sewer system internal to Railroad Square will remain private, will require the submittal of an Operations and Maintenance Plan that is the responsibility of the future HOA, and will require regular maintenance generally consisting of flushing.

The Town Engineer continues to be concerned about the ability of the existing collection system to convey the peak flow to the Royal River pump station downstream of the project site. The reach that serves this area of Main Street is limited by a twelve (12) inch diameter main just upgradient of the pump station. This main receives a significant portion of the sewer flow from Town and during peak periods there is a possibility this sewer reach could be hydraulically limited. As such the Applicant and the Town are working collaboratively to ascertain the impact on the system of the additional flow to determine what improvements, if any, may need to be implemented to support the new project. The Town anticipates commencing this work shortly.

Depending on the results of the analysis, the Town Staff expect that the town and the Applicant will mutually collaborate on any required improvements. This should be a condition of approval.

Additionally, the Town Engineer notes:

- A sewer connection permit application and fee for the building will be required before the issuance of the building permit.
- It should be noted that 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. A note to this effect shall be placed on the Utility drawings.
- All sewer infrastructure to be abandoned shall be as directed by the Town Engineer and a note to this effect has been placed on the Utility Plan.
- The Applicant shall submit a sewer system Operations and Maintenance plan for the sewer infrastructure that will help guide the community's association (homeowner's association and/or condominium association) to manage the gravity system.
- The site irrigation is recommended to be isolated and sub-metered after the Yarmouth Water District meter allowing the volume of irrigation water to be extracted from the sewer fee billing. The Town Engineer is happy to consult further on this matter.

**5. Water: The proposed development will not cause the depletion of local water resources or be inconsistent with the service plan of the Yarmouth Water District.**

Staff Comments: Previously, the Yarmouth Water District Superintendent indicated that there is capacity to serve the project in comments dated May 27, 2022. At the time, the Superintendent consulted with the Applicant and indicated that the system has the capacity. At the time, he found that there was generally proper separation between the proposed water system and other utilities, the hydrant locations would need approval from the Fire Chief, and there needs to be separate domestic service from the proposed eight-inch main for each meter as the Water District does not submeter. Fire service connections are billed by the size tapped into the eight-inch main and one bill is issued for the building. The Superintendent made these comments to point out that the developer must be prepared to determine how the community's association (homeowner's association and/or condominium association) will define roles and responsibilities, both operationally and financially, for domestic service, fire service, and hydrants. Easements for the Water District infrastructure will also be necessary, and the Applicant plans to submit an easement plan.

The Superintendent also noted that a phased project will require a series of valves to allow service to flow to occupied buildings as other buildings are under construction.

Due to the increase in the number of units from the original Development Plan and Subdivision Plan approval, the Applicant must provide an updated capacity to serve letter from the Yarmouth Water District. The Applicant reports that they are coordinating with the District. This is also a requirement of the Development Plan/Subdivision Plan approval.

**6. Fire Safety: The proposed development is located and designed in such a way as to provide adequate access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate fire safety features such as but not limited to fire lanes, smoke and fire alarms and sprinkler systems, as part of the proposed development.**

Staff Comments: A sprinkler system will be required in each of the buildings, and the sprinkler system design must be reviewed with the Yarmouth Water District to determine whether a separate fire sprinkler service is needed. There are two proposed hydrant locations that will require approval from the Fire Chief.

**7. Buffering: The proposal provides for adequate on-site buffering in the vicinity of property boundaries, when required by this subsection. On-site buffering is required wherever commercial, industrial or mixed use developments are proposed adjacent to or across a street from residential districts or agricultural uses, where multi-family buildings are to be located adjacent to single family**

uses or districts, and when required by ARTICLE IV.S.3 of the Yarmouth Zoning Ordinance (Mobile Home Park Performance Standards). Buffer areas shall consist of an area ranging from a minimum of five feet to a maximum of twenty-five feet in width, adjacent to the property boundary, in which no paving, parking or structures may be located. The Planning Board may allow a buffer area of less width when site conditions, such as a natural features, vegetation, topography, or site improvements, such as additional landscaping, beaming, fencing or low walls, make a lesser area adequate to achieve the purposes of this Section. Landscaping and screening, such as plantings, fences or hedges, are to be located in buffer areas to minimize the adverse impacts on neighboring properties from parking and vehicle circulation areas, outdoor storage areas, exterior lighting and buildings.

This Standard is superseded by the Character Based Development Code as per Article 1.c.3.

Staff Comments: The proposed site plan meets all of the buffer and setback requirements of the CBDC. In particular, the Townhouses located on Lots 6 and 7 are setback in compliance with the requirement from an abutting residential zoning district. A fence will be used at the rear of the properties to provide additional screening. The Applicant also proposes trees and vegetative buffers to soften the view of the townhouses from the South Street properties as discussed with the South Street neighbors.

- 8. Natural Areas: The proposal does not cause significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife and marine habitats and natural fisheries. The proposal is consistent with the recommendations of the Maine Department of Inland Fisheries and Wildlife as found in the document titled “The Identification and Management of Significant Fish and Wildlife Resources in Southern Coastal Maine,” February 1988.**

Staff Comments: The property is almost entirely impervious and received approvals from Maine Department of Environmental Protection and the US Army Corps of Engineers under Maine’s Natural Resources Protection Act and the Chapter 500 Stormwater Rules. The Applicant has submitted revised permit applications to those agencies for the proposed development.

The Maine Beginning with Habitat Maps do not call out any significant geographic features, significant wildlife, and marine habitats or natural fisheries at the property. However, the Parks and Lands Committee notes the importance of the drainage system located at the rear of this property and the potential downstream impacts on the Royal River due to stormwater management. Please see the further discussion under stormwater management.

- 9. Lighting: The proposal shall provide exterior lighting sufficient for the safety and welfare of the general public while not creating an unsafe situation or nuisance to neighboring properties or motorists traveling nearby roadways.**

Staff Comments: A photometric plan was submitted for review. The lighting levels meet the requirements for roadway and public space and around the proposed buildings.

- 10. Storm Water Management: The plan provides for adequate storm water management facilities so that the post development runoff rate will be no greater than the predevelopment rate or that there is no adverse downstream impact. Proposed storm water detention facilities shall provide for the control of two year and twenty-five year storm frequency rates. The design, construction and maintenance of private facilities are maintenance of private storm water management facilities.**

Staff Comments: An updated stormwater analysis was submitted as part of the application materials. As noted in the report, there is an anticipated increase of 0.23-acre of impervious surface area of the site to approximately 2.45 acres. As part of the MaineDEP permitting, the project will be required to provide

treatment for 60% of the site's developed area. As indicated in the report, the project will provide treatment for 80.6% of the project's developed area.

Acorn Engineering provided peer review services for the review of the Stormwater Management Report, as this firm provided peer review services on the same topic when the Development Plan and Subdivision Plan was under review. There are a number of technical comments provided by Aubrey Strauss in a memo dated October 29, 2024, must be addressed in future submissions, to ensure that the analysis accurately reflects the proposed development scheme.

New stormwater best management practices (BMPs) have been designed to effectively capture, detain, and treat runoff from the new impervious area associated with the new development at the site, before allowing it to discharge in a non-erosive manner to downstream areas. The BMPs proposed for the project include filtering drip strips, subsurface sand filter, and pervious paver parking. The Parks and Lands Committee recommends increasing the use of pervious pavers within the project site to reduce the volume of stormwater runoff.

Further, as noted by the Parks and Lands Committee and the Sustainability Coordinator, the incorporation of low impact development and green infrastructure utilizing native vegetation would be a benefit to the stormwater management plan. These recommendations should be reviewed by the Applicant for incorporation into the project plans.

The Applicant also submitted a site-specific Operations and Maintenance Manual (O&M Manual) for the stormwater BMPs used on this project; however, it is recommended by Acorn Engineering that there be lot-specific O&M Manuals, including inspection requirements, for simplicity and ease of understanding the specific lot requirements. All stormwater BMPs and the maintenance shall remain the responsibility of the Applicant and thought should be given to future maintenance of the BMPs per Town of Yarmouth Ordinance Chapter 330, Post Construction Stormwater Management Ordinance. This responsibility must be incorporated into the Homeowner's Association (HOA) documents. HOA documents have not been provided and will need to be included in a future submission.

Finally, the Town Engineer notes that the project discharges all stormwater flow to an existing stone culvert on the southeasterly corner of the property. Currently the culvert is completely buried in debris and sediment. As part of the first phase of the project the Applicant shall be required to remove the debris and sediment from the inlet area to provide full inlet hydraulic capacity and revegetate the area as required. This is also a requirement of the Development Plan and Subdivision Plan approval.

**11. Erosion and Sedimentation Control: The proposed development includes adequate measures to control erosion and sedimentation and will not contribute to the degradation of nearby streams, watercourses or coastal lowlands by virtue of soil erosion or sedimentation. The erosion control measures are to be in conformance with the most current edition of the "Environmental Quality handbook, Erosion and Sedimentation Control", prepared by the Maine Soil and Water Conservation Commission.**

Staff Comments: The required erosion and sedimentation control (ESC) Best Management Practices for the project have been included in the drawings and shall meet MaineDEP standards. As with the stormwater management plan, Acorn Engineering provided peer review services and commented on the ESC plan included in the application materials. Ms. Strauss, in her comments dated October 29, 2024, found that the ESC controls are appropriate for the site conditions and following MaineDEP standards, with the exception of complying with the VRAP requirements where groundwater may not be discharged.

The Town expects that during construction the Applicant and their construction manager/contractor perform the required inspections and enforcement of the ESC plan per MaineDEP 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. It is also very important that the BMPs be installed prior to the disturbance of site soils and vegetation.

Additionally, the project may require coverage under the Maine Construction General Permit and should be assessed by the Applicant.

On soils, as part of the final submissions, the Applicant shall provide an adequate soils report from a Professional Engineer licensed in the State of Maine that evaluates the in-situ site soils and provides guidance for foundation design of the proposed structures. This could be a condition of approval.

- 12. Buildings:** The bulk, location and height of proposed buildings or structures will not cause health or safety problems to existing uses in the neighborhood, including without limitation those resulting from any substantial reduction to light and air or any significant wind impact. To preserve the scale, character, and economy of the Town in accordance with the Comprehensive Plan no Individual Retail use with a Footprint greater than 55,000 square feet shall be permitted. Structures defined as Shopping Centers shall be limited to a Footprint of 75,000 square feet. When necessary to accommodate larger projects, several Individual Retail Structures with Footprints of not more than 55,000 square feet each may be placed on the same lot, provided that all other standards are met. No less than 40 feet shall be allowed as separation distance between buildings. Efforts to save and plant native trees between and among structures shall be encouraged.

Staff Comments: In general, the proposed new buildings meet many of the architectural standards of the CBDC. While not explicitly noted in this standard, the Applicant has requested a waiver for the height of Buildings 1, 2, and 3 to allow a fourth story, and the Planning Board will need to assess whether the height of these buildings is consistent with the context of the area. At the concept review, the Planning Board requested that the Applicant review the sight lines from Main Street and provide additional illustrations of the sight lines:



As seen in these illustrations, the mixed-use buildings proposed in Phase 2 will obscure most of the view of Buildings 1 & 2 and may appear to be only slightly taller than a 35-foot building.

The Tree Advisory Committee commented on whether the increased height will impact the survival of the proposed street trees and other landscaping features as it relates to any potential reduction in light or air. The proposed streetscape in Phase 1 is not unlike the traditional Main Street streetscape or in many of Yarmouth's historic neighborhoods where residences and other buildings are located close to the street and trees are planted within 15 feet of the building. The street trees that are planted by Community Services within the town's rights-of-way have been doing well, as well as the street trees planted in structural soil (a requirement for this project site) along Main Street.

The Phase 1 development maintains similar buffers to adjacent properties on South Street. The Applicant has met with residents along South Street who reside along the common boundary with the Townhomes on Lots 6 and 7. The rear of those units will contain small private spaces for each unit, landscape plantings and a continuous fence to provide screening. The upper two floors will be visible but partially softened by existing trees or vegetation.

At the concept meeting, there was discussion about building lighting and other site lighting. A photometric plan was submitted with this submission. The lighting levels meet the requirements for roadway and public space and around the proposed buildings. Please note that the ordinances do not regulate lighting inside any residence or building.

**13. Existing Landscape: The site plan minimizes to the extent feasible any disturbance or destruction of significant existing vegetation, including mature trees over four (4) inches in diameter and significant vegetation buffers.**

Staff Comments: A detailed landscape plan has been developed for the project site as it was a requirement of the Development Plan and Subdivision Plan review. During the 2022 review, the Applicant worked closely with Town staff and advisory boards to select species that would do well in this location. The Tree Advisory Committee and the Parks and Lands Committee have made recommendations to approve upon the previously selected species including:

- Replacing the tulip tree at the entrance to Railroad Square with a maple tree that has vibrant and long-lasting fall colors would be an excellent addition to Main Street.
- Selectively using wider canopy maples instead of the columnar Kalprick maples where there is more generous space between the planting location and an adjacent building.
- Incorporating eastern white cedar into the landscape plan, especially replacing the shadbush at the townhomes.
- Replacing the Kousa dogwoods with Redbuds as the dogwoods have recently been determined to be invasive by the state.

These recommendations should be incorporated into the landscape plan as part of a future submission.

**14. Infrastructure: The proposed development is designed so as to be consistent with off premises infrastructure, such as but not limited to sanitary and storm sewers, waste water treatment facilities, roadways, sidewalks, trail systems and street lights, existing or planned by the Town.**

Staff Comments: The Applicant acknowledges that there are number of infrastructure items that need to be coordinated with the town and other agencies that are also identified by the Town staff and other commenters including:

- Cooperatively working with the Sewer Department to review the wastewater infrastructure capacity as a result of the increased flows from the proposed project, and then mutually collaborate on any required improvements.

- Coordinating with the Yarmouth Water District for an updated capacity to serve letter based on the project water flows and phasing considerations.
- Coordinating electric service to the property with 298 Main Street project developers and Central Maine Power (CMP). Pending approval for a change in the electric service to 298 Main Street, the large aboveground transformer that is sited in front of the pavilion may be downsized or moved to a less prominent location.
- Coordinating the Railroad Square and Main Street intersection with the Main Street Streetscape Phase 2 project which has advanced 60% drawings.
- Continuing to work with the town to advance the rail trail within the Saint Lawrence & Atlantic right-of-way pending action of the Legislature.
- Improving the culvert at the rear of property where drainage is proposed to be directed.

While some of these are already conditions of approval related to the Development Plan/Subdivision Plan approval, other items should be incorporated into a future submission.

**15. Advertising Features: The size, location, design, color, texture, material and lighting of all permanent signs and outdoor lighting fixtures are provided with a common design theme and will not detract from the design of proposed buildings or neighboring properties.**

Staff Comments: No information is provided in the application materials about any building signage. This should be provided conceptually (i.e., location, size, lighting), but this topic may be more important for review during Phase 2, which includes mixed-use buildings. Specific tenant or building signage can be approved via a sign permit.

**16. Design Relationship to Site and Surrounding Properties: The proposed development provides a reasonably unified response to the design constraints of the site and is sensitive to nearby developments by virtue of the location, size, design, and landscaping of buildings, driveways, parking areas, storm water management facilities, utilities storage areas and advertising features.**

Staff Comments: This review is the next phase of permitting for a site that underwent a rigorous and detailed review for the Development Plan/Subdivision Plan approval that took into consideration the relationship of this large project site to the Yarmouth Village and the requirements of the Character Based Development Code.

The revisions proposed here by a new development team is generally consistent with the village aesthetic identified in Character Based Development Code. While not explicitly noted in this standard, the Applicant has requested a waiver for the height of Buildings 1, 2, and 3 to allow a fourth story, and the Planning Board will need to assess whether the height of these buildings is consistent with the context of the area. See the discussion above under Buildings and elsewhere in this report.

**17. Scenic Vistas and Areas: The proposed development will not result in the loss of scenic vistas or visual connection to scenic areas as identified in the Town's Comprehensive Plan.**

Staff Comments: There are no scenic vistas or areas. There are no further comments.

**18. Utilities: Utilities such as electric, telephone and cable TV services to proposed buildings are located underground except when extraordinary circumstances warrant overhead service. Propane or natural gas tanks are located in safe and accessible areas, which are properly screened.**

Staff Comments: The Applicant is proposing to locate utilities underground. A temporary CMP utility pole has been installed adjacent to the pavilion to provide temporary service to the existing Railroad Square

buildings while 298 Main Street is undergoing construction. This pole will be removed when the Railroad Square project underground services are installed.

There are additional comments on infrastructure noted elsewhere in this staff report.

**19. Technical Standards: The proposed development meets the requirements of ARTICLE I.J (Technical Standards) of this Ordinance, except as waived by the Planning Board.**

Staff Comments: No waivers of the Site Plan Review Technical Standards have been requested. However, the Planning staff have assessed whether there are additional waivers necessary from the CBDC standards in the previous section.

Additionally, there are a series of site plan comments provided by the Town Engineer, Acorn Engineering, and Parks and Lands Committee that must be reviewed and incorporated into future submissions.

**20. Route One Corridor Design Guidelines: Notwithstanding the technical standards of this ordinance and the requirements of Article II, General provisions of the Zoning Ordinance, development and redevelopment within the “C”, Commercial and “C-III”, Commercial II districts shall be consistent with the Route One Corridor Design Guidelines, as approved August 19, 1999.**

This Standard is superseded by the Character Based Development Code as per Article 1.c.3.

Staff Comments: There are no further comments.

**21. Right, Title and Interest: The Applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.**

Staff Comments: The Applicant has submitted adequate evidence of right, title, and interest in the parcel.

**22. Technical and Financial Capacity: The Applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the Board pursuant to ARTICLE I.I**

Staff Comments: The application materials included a list of consultants providing technical expertise for the project. The Applicant has provided evidence of financial capacity to perform the project.

**23. Special Exception Standards:**

- a. **The proposed use will not create unsanitary or unhealthful conditions by reason of emissions to the air, or other aspects of its design or operation.**
- b. **The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree of municipal police protection than existing uses in the neighborhood.**
- c. **The proposed use will be compatible with existing uses in the neighborhood, with respect to visual impact, intensity of use, proximity to other structures and density of development.**
- d. **If located in a Resource Protection District or Shoreland Overlay Zone, the proposed use (1) will conserve visual points or access to water as viewed from public facilities; (2) will conserve natural beauty; and (3) will comply with performance standards of Article II of Chapter 701, Zoning Ordinance.**

Staff Comments: This is not a special exception use.

## **VII. Development Plan (Chapter 703) and Subdivision Plan (Chapter 601) Amendments**

The Planning staff previously assessed the updated Master Plan and noted that there may be some areas that require amendments to the Development Plan and the Subdivision Plan. The Character Based Development Code does not describe the process to amend a Development Plan, although an amendment would likely require a new assessment of the standards, in particular the lot width. The Subdivision Ordinance provides clear information on amending subdivision plans (Chapter 601, Article III.D.2.):

### **2. Plan Revisions after Approval**

- a. The planning authority may approve alterations to an approved recording plat when all of the following conditions are met; otherwise, a new subdivision plat must be submitted to the Planning Board:
  1. The rearrangement of lot lines does not increase the number of lots within a block or subdivision unit or area;
  2. The alteration will not substantially affect any street, alley, utility easement or drainage easement;
  3. The alteration meets all of the minimum requirements of this Chapter, Chapter 701 (Zoning) of this code and other applicable state and local codes;
  4. The alteration is approved by the Public Works Director, the Fire Chief, Town Engineer and Planning Director. Such approved alterations shall be properly recorded in the registry within thirty (30) days thereof or they shall be null and void. Recording of approved alterations also shall be in accordance with the requirements of 30-A M.R.S.A. Section 4407.

The Applicant acknowledges that an amendment to the Development Plan/Subdivision Plan will need to be submitted for review by the Planning Board and acknowledges that it would be presented separately from this Phase 1 review. In addition to the increased density, the following adjustments have been noted on the site plans that would require, the Planning staff noted two items that may need to be addressed on the subdivision plan:

1. The shared lot line between Lot 6 and Lot 7 has been updated so that it no longer goes through one of the Townhomes. This alteration would not impact the frontage required by the Character Based Development Code.
2. Due to the change of Building 6's shape, it overlaps Lot 2, Civic Space A, and Passage B (all individual lots on the Development Plan and Subdivision Plan). It is likely that Civic Space A would be eliminated. To address this, the shape of the lots has been altered, although Planning staff do not believe that it would impact the frontage calculations.

It is expected that the Applicant will assess these amendments and update their request for an Amendment to the Development Plan and Subdivision Plan.

## **VIII. Recommendations**

The Applicant has responded to many of the items that were discussed at the concept meeting with the Planning Board in June and refined the preliminary submittal for Phase 1. There are still a number of items that need to be addressed and coordinated before a final submission is made including, but not limited to:



1. Calculations to assist the Planning staff in assessing compliance with the CBDC standards, including the minimum landscaping in the First Lot Layer and conceptual layout of signage;
2. Addressing the comments from TY Lin on vehicular circulation, including providing parking plans for the garages, refinements on bike parking and ADA spaces, and pedestrian facilities behind Building 3;
3. Coordinating with the Town Engineer to kick off the wastewater capacity analysis;
4. Coordinating with the Town Engineer regarding the intersection of Railroad Square Drive and Main Street;
5. Completing an updated review with the Yarmouth Water District;
6. Refinements to the Stormwater Analysis in response to the Town Engineer's and Acorn Engineering's technical comments;
7. Refinements to the Landscape Plan as recommended by the Tree Advisory Committee and Parks and Lands Committee;
8. Submission of HOA and other condominium documents; and
9. Reviewing and addressing plan review comments, as appropriate, that were provided by the Town Engineer, Acorn Engineering, and Parks and Lands Committee.

There may be other items that come up during this initial review from Planning Board members or the public that also require consideration before a final submission for Phase 1.

## **IX. Attachments**

1. Development Plan and Subdivision Plan Approval, September 14, 2022
2. Steve Johnson, Town Engineer – Memo dated November 1, 2024
3. Erik Street, DPW Director – Memo dated November 4, 2024
4. Meddy Smith, Sustainability Coordinator – Memo dated October 31, 2024
5. Acorn Engineering, Peer Review – Memo dated October 29, 2024
6. TY Lin, Peer Review – Memo dated November 1, 2024
7. Parks and Lands Committee – Email dated November 1, 2024
8. Tree Advisory Committee – Memo dated November 1, 2024
9. Bicycle and Pedestrian Advisory Committee – Memo dated November 4, 2024
10. Public Comment – Gordon and Laurie Oliver, October 31, 2024
11. Public Comment – Katherine Ahrens, June 27, 2024
12. Public Comment – Meghan Casey, June 22, 2024



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

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

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**TOWN OF YARMOUTH**

200 Main Street, Yarmouth, Maine 04096

[www.yarmouth.me.us](http://www.yarmouth.me.us)

October 5, 2022

Matt Teare  
Railroad Square Associates, 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 September 14, 2022, the Yarmouth Planning Board voted to approve the final Development Plan and Subdivision Plan for the Railroad Square Master Plan with the following motions and votes:

**Final Development Plan**

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearings, information and the findings and recommendations contained in Planning Board Report dated September 8, 2022, for a Final Development Plan and Major Subdivision, Railroad Square Associates, LLC, Applicant; Railroad Square, Map 37 Lots 28 and 29A, regarding the compliance with the applicable standards and regulations of Chapter 703, Character Based Development Code, the Planning Board hereby finds and concludes that the Final Development Plan meets the required standards and regulations and is therefore approved subject to the following conditions of approval.

**Such motion moved by Janet Hansen, seconded by Mary Lynn Engel, and voted 6 in favor, zero opposed (one vacancy).**

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### **Final Subdivision 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 September 8, 2022, for a Final Development Plan and Major Subdivision, Railroad Square Associates, LLC, Applicant; Railroad Square, Map 37 Lots 28 and 29A, regarding the compliance with the applicable standards and regulations of Chapter 601, Subdivision, the Planning Board hereby finds and concludes that the Final Subdivision Plan meets the required standards and regulations and is therefore approved subject to the following conditions of approval.

**Such motion moved by Janet Hansen, seconded by Mary Lynn Engel, and voted 6 in favor, zero opposed (one vacancy).**

### **Conditions of Approval**

1. Prior to the start of any site work, the applicant shall submit the final construction plans and receive approval from the Yarmouth Water District regarding the layout and installation of any water infrastructure for any required mains, domestic services, and fire services. The applicant shall also execute an easement with the Yarmouth Water District.
2. Prior to the start of any site work, the applicant shall receive the necessary permitting from the Maine Department of Environmental Protection and the U.S. Army Corps of Engineers. In addition, the applicant shall provide confirmation from the Maine Department of Transportation that a Traffic Movement Permit is not necessary prior to the start of any site work.
3. Prior to the start of any site work, the applicant shall address the comments outlined in Peer Reviewer Aubrey Strause's comments dated August 29, 2022, and Town Engineer Steven Johnson's comments dated August 31, 2022, to the satisfaction of the Yarmouth Town Engineer.
4. Prior to the start of any site work, the applicant shall submit to the Town Engineer a Sewer Infrastructure Operations and Maintenance Plan for the gravity sewer system for review and approval. Prior to the issuance of any Planning Board approval for Lot 4 and Lot 5, the applicant shall submit to the Town Engineer a second Sewer Infrastructure Operations and Maintenance Plan for the private sewer pump station and sewer force main for review and approval.
5. Prior to the start of any site work, the applicant shall submit to the Town Engineer and the Director of Planning and Development final Homeowner Association (HOA) documents for review and approval. The HOA documents must be updated to include the following elements:
  - a. Reference to the Sewer Infrastructure Operations and Maintenance Plan, which will be the responsibility of the HOA to implement,
  - b. A prohibition on plowing snow into and storing snow on the BMPs, and
  - c. The items identified by Steven Johnson in his final memorandum dated August 30, 2022.
6. Prior to the start of any site work, the applicant shall execute the parking lease agreement with the owner, its successor, or assigns of 298 Main Street. The parking lease agreement shall be recorded at the Cumberland County Registry of Deeds.
7. Prior to the start of any site work, the applicant shall execute the unsigned Limited Use License Agreement with Maine Department of Transportation.
8. Prior to the start of any site work, the applicant shall execute the easement for a portion of the sidewalk to be located under the pavilion.
9. Prior to the start of any site work, the applicant shall receive approval from the Yarmouth Water District and the Yarmouth Fire Department regarding the location of any hydrants.

10. Prior to the start of any site work, the applicant shall prepare and submit a construction phasing plan for the roadway and infrastructure for review by the Town Engineer and the Director of Planning & Development.
11. During construction of the roadway and utility infrastructure, the applicant shall remove the debris and sediment from the inlet area of existing stone culvert on the southeasterly corner of the property to provide for full inlet hydraulic capacity and revegetate the area as necessary. If necessary, the applicant shall secure the appropriate Maine Department of Environmental Protection permits prior to completing this work.
12. 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 shall be as directed by the Town Engineer.
13. During construction, the applicant shall make reasonable attempts to engage with the adjacent property owner to develop a more robust edge treatment for TF-2. The applicant shall report any progress to the Director of Planning & Development on a quarterly basis.
14. Prior to the installation of street trees, the applicant shall coordinate with the Tree Warden to ensure that each planter has adequate depth and width of quality soil and drainage to withstand root zone growth of the mature trees.
15. The applicant shall comply with the required conditions outlined in the No Action Assurance Letter issued by the Maine Department of Environmental Protection dated July 8, 2022. The applicant, all future lot owners, the HOA, and their contractors shall incorporate the requirements of this letter in the buildout and operation of the site and infrastructure as appropriate.
16. Erosion and Sedimentation Control (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 be performing site inspections and will be reviewing the inspection records per the Town's NPDES MS4 General Permit.
17. All storm drain infrastructure shall conform to Yarmouth Town Standards. All connections to Town infrastructure shall be per Town requirements.
18. The roads and infrastructure shall remain private. Nothing herein obligates the Town of Yarmouth to accept ownership of the roads and infrastructure in the future.
19. The applicant shall be required to construct the easterly entrance radius and sidewalk improvements as shown generally in the "Base Design Concept" drawing by Toole Design dated June 27, 2022 and yet to be approved final Main Street Phase 2 Construction Plans. The applicant shall coordinate any required entrance design revisions with the Town Engineer.
20. The applicant shall be required to make a contribution of \$100,000 toward the construction of the proposed multiuse rail trail (rail trail) project planned between Cleaves Street and Main Street. The contribution is required to be made by December 31, 2023 and shall be placed in a non-interest bearing escrow account. The contribution is to be used for the construction of the rail trail, unless the Town of Yarmouth and Railroad Square Associates, LLC, its successors, or assigns, mutually agree in advance to use the funds toward another soft or hard cost for the development of the rail trail. If construction of the trail does not commence prior to December 31, 2027, the contribution shall be returned to Railroad Square Associates, LLC, its successors, or assigns. The Town of Yarmouth and Railroad Square Associates, LLC, its successors, and assigns, shall work cooperatively to advance the construction of the rail trail within the time period indicated.
21. 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 roads and utility infrastructure as well as the site drainage including curb and pavement, stormwater BMPs, erosion and sedimentation control, lighting, public or common amenities within the public frontages, and landscaping as informed by the construction

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phasing plan. Prior to the issuance of any building permits or the commencement of site work, the applicant and their selected construction contractor shall attend a pre-construction conference with Town staff at a mutually agreeable date and time. Additionally, prior to the issuance of any building permits or the commencement of site work, 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 or commencement of site work.

### **Standard Conditions of Approval**

1. Subdivision Recording Plat and Performance Guarantee: 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. 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 start of any site work, building construction, or sales of lots or units, whichever comes first, by Railroad Square Associates, LLC, its successors, or assigns.
2. Subdivision Waivers: 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. Final Recording Plat Submission: 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. Develop Site According to Plan: 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. Separate Site Plan Approval, Building & Lot Plan Approval, and Building Permits Are Required: This approval does not constitute approval of any Major Site Plan or Building & Lot Plan, which must be reviewed and approved by the Yarmouth Planning Board. This approval also does not constitute approval of any building permit, which must be reviewed and approved by Yarmouth Code Enforcement Officer.
6. Subdivision Expiration: 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. Preconstruction Meeting: Prior to the release of a building permit or start of 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.
8. As-Built Drawings: One mylar and one paper copy of the as-built drawings for the approved Thoroughfares/streets and other 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.
9. Landscaping: All required public frontage landscaping shall be guaranteed for a 2-year period.



The Town of Yarmouth looks forward to continuing to work with Railroad Square Associates, LLC, on this exciting project in the Yarmouth Village through the next permitting stages. Please let me know if you have any questions about this approval and next steps.

Sincerely,



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

Michael Robitaille, Fire Chief

Scott LaFlamme, Economic Development Director

Nicholas Ciarimboli, Code Enforcement Officer

Scott Couture, Tree Warden

Ben Thompson, Assessor

File copy

## Memo

To: Erin Zwirko, AICP, Director of Planning and Development  
From: Steven Johnson, P.E., Town Engineer  
CC: Erik Street, Nick Ciarimboli, Chris Cline, Wendy Simmons, Karen Stover  
Date: November 1, 2024  
Re: Preliminary Major Site Plan Application: 1 and 48 Railroad Square

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Erin:

I have reviewed the subject application from Rick Licht of Licht Environmental Design, LLC on behalf of Railroad Square of Yarmouth, LLC for redevelopment of 1 and 48 Railroad Square dated October 16, 2024. I have the following comments on the application:

1. **General:** As you know, this application follows the master plan and subdivision approval process that was completed in the fall of 2022. I have reviewed this application in conjunction with your approval letter to Matt Teare and Rick Licht dated October 5<sup>th</sup>, 2022, for the final Development Plan and Subdivision Plan, as well as my memorandum to you dated August 31, 2022. The applicant is proposing to develop Phase I of the project which will include Lots 4, 5, 6 and 7 as well as the roadway and utility infrastructure to serve the new buildings. Phase I includes residential senior condominiums and residential senior townhouses, (55+) for a total of 66 units. The project is located in the Village Center (CD4) District. The remaining lots, 1 through 3, will be developed in future phases. The project is not located in a flood zone. Additionally, the applicant should satisfy all conditions of approval noted in your Approval letter dated October 5, 2022.
2. **Rights, Title:** The applicant has submitted evidence of adequate right, title, and interest in the property to perform the project in the form of a purchase and sale agreement. Please note that there are several easements encumbered on the property, but none appear to preclude the development as proposed.
3. **Solid Waste:** The applicant has provided a solid waste management plan that appears appropriate which includes service by contracted waste hauler and private use of the Town Transfer Station. I anticipate that Erik Street, Public Works Director, will also weigh in on the plan.
4. **Water:** Domestic and fire suppression water services for the new development will be served by a proposed new 8" water main extension from Main Street. The applicant has indicated that the project is being reviewed by the Yarmouth Water District (District) and its Superintendent, Eric Gagnon, will be providing feedback regarding the District's capacity to serve the project as proposed.

5. Traffic\Parking: The applicant has provided an updated traffic analysis and parking space information developed by Diane Morabito, P.E. of Sewall. The submission is being reviewed by Tom Errico, P.E., of TY Lin, the Town's third-party traffic consultant. I will reserve comment until Mr. Errico's review comments have been received.
6. Sewers: The applicant has indicated that the project is projected to generate 18,072 GPD of sewage from the new buildings, (buildings 4 through 7 only), and is proposing to serve the new buildings from a new gravity sewer main extension from Main Street. Please note that due to a change in project grading, a sewer pump station will not be required to convey the sewage to the Town's collection system.
  - A. Since the initial approval of the project there has been significant increase in the projected wastewater flow from the project. Additionally, since that time, the Town has experienced at least two overflow events at the Royal River Pump Station downstream of the project site. As such, there is a concern that the existing Town infrastructure may not be able to convey the proposed increase in flow. As such the applicant and the Town are working collaboratively to ascertain the impact on the system of the additional flow to determine what improvements, if any, may need to be implemented to support the new project. The Town anticipates commencing this work shortly.
  - B. A sewer connection permit application and fee for each building/service will be required before the issuance of the building permit.
  - C. It should be noted that 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.
  - D. Additionally, the applicant shall submit a sewer system Operations and Maintenance plan for the sewer infrastructure that will help guide the HOA to manage the collection system.
  - E. I strongly recommend that all site irrigation be isolated and sub-metered after the YWD meter. This will allow the volume of irrigation water to be extracted from the overall use for sewer fee billing. I would be happy to chat with the applicant about this recommendation.
7. Storm Drains: All storm drain infrastructure must conform to Yarmouth Town Standards. Additionally, all connections to Town infrastructure shall be per Town requirements.
8. Drainage, Stormwater Management:
  - A. A formal pre- and post-stormwater analysis has been submitted and was reviewed by Acorn Engineering. Please see Aubrey Strauss', P.E., comments noted in her letter to me dated October 29, 2024. I concur with her comments and the applicant must address all comments noted in future submissions.
  - B. Additionally, all stormwater BMP's and their maintenance shall remain the responsibility of the applicant and thought should be given to future maintenance of the BMP's. The applicant's attention is directed to Chapter 330 of Yarmouth's Code of Ordinances, *Post Construction Stormwater Management Ordinance*. This ordinance will apply to this project. This responsibility must be incorporated into the Homeowner's Association (HOA) documents.

- C. The applicant has submitted an acceptable Operations and Maintenance Manual (O&M Manual) for the stormwater BMPs used on this project. However, each lot should have a site-specific O&M manual for the specific BMPs on each lot.
  - D. It appears that the project will require environmental permitting from the Maine DEP. Prior to the issuance of building permits or start of construction, the applicant shall forward to the Town all final environmental permits. This shall be a condition of approval.
  - E. The project discharges all stormwater flow from new infrastructure to an existing stone culvert on the southeasterly corner of the parcel that carries stormwater beneath the rail corridor. Currently the culvert is completely buried in debris and sediment. See the photographs below. As part of the first phase of the project the applicant shall be required to remove the debris and sediment from the inlet area to provide full inlet hydraulic capacity and revegetate the area as required. This was a condition of approval of the master plan approval and shall be a condition of this approval.
9. Erosion and Sediment Control: The required ESC Best Management Practices for the project have been included in the drawings and shall meet MDEP standards. The Town expects that during construction the applicant and their construction manager/contractor 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. It is also very important that the BMP's be installed prior to the disturbance of site soil and vegetation. Additionally, the project may require coverage under the Maine Construction General Permit.
10. Soils: The applicant has submitted a soils report for the site and the existing soils appear to be Made land (Md), Elmwood fine sandy loam (EmB) and Suffield silt loam (SuC2). Also, a fair amount of Made land, (which can be unclassified fill material), exists on the site, particularly where the new buildings are proposed. As part of the final submissions for each building site the applicant shall provide an adequate soils report from a Professional Engineer licensed in the State of Maine that evaluates the in-situ site soils and provides guidance for foundation design of the proposed structures.
11. Site Plan/Ordinance Requirements:
  - A. The applicant has proposed several bike racks on site for public use.
12. Lighting: The applicant has submitted an adequate photometric plan for the roadway and public space as well as the building sites. The plan meets the Town standards for lighting.
13. Waivers: The applicant has requested a waiver to the maximum building height of 35 feet to 45 feet to allow a fourth story for buildings 1, 2 and 3.

14. Off-site Improvements: The applicant is proposing to provide off-site improvements including a multi-use trail segment as well as potential improvements to the Main Street/Railroad Square intersection. As a condition of approval for the first phase of this project the applicant will be required to construct the easterly entrance radius and sidewalk improvements as shown in the “Base Design Concept” drawing by Toole Design dated June 27, 2022. This work will NOT include the proposed material change of the cross walk. Additionally, it is recommended that the applicant provides a cash contribution for the future construction of the proposed Cross Town Path trail project in the amount of \$100,000 as required in prior conditions of approval.
15. HOA Document Comments: The applicant noted in the submission that the HOA documents will be submitted under separate cover and were not part of the package. These documents must be reviewed by staff prior to approval.
16. VRAP No Action Assurance Letter: The project will have a number of conditions required by the No Action Assurance Letter (Letter) from the Maine DEP dated July 8, 2022. The applicant, all future lot owners, the HOA, and their contractors shall incorporate the requirements of the Letter in the buildout and operation of the site and infrastructure as appropriate. This should be a condition of approval.
17. Plan Review Comments: I have the following technical comments on the drawing set:
  - A. Project Notes and Legend, Sheet C-1
    1. General Note 7 refers to US Route 1 and the Beth Condon Path. This should be removed.
    2. General Utility Note 8: The following text should be added to this note- “Pipe connections shall be core drilled and joined via a Kor-N-Seal elastomeric boot with double stainless-steel bands or approved equal.”
    3. Town of Yarmouth Sewer Testing Requirements: Please add Yarmouth’s sewer manhole testing requirements. I would be happy to forward the requirements to the applicant.
  - B. Grading and Drainage Plan, Sheet C-102
    1. Drain Manhole 25: It is not clear if this manhole has a grate vs a cover on it since it appears that it will be accepting upgradient flow from the existing ditch line. If the structure has a grate, then it should have a sump included.
    2. The thoroughfare between Lot 4 and Lot 3 is proposed to be constructed as part of Phase I. The downgradient stormwater runoff is proposed to be treated by pervious pavers as part of the post construction treatment plan. However, the area of pervious pavers is not shown on the construction drawings for Phase I. This area of pervious pavers should be constructed as part of Phase I and shown on the construction drawings.
  - C. Plan and Profile I, Thoroughfare 1-3, Sheet C-200
    1. The entrance intersection with Main Street should be configured to the Toole design as noted in the Planning Board approvals of the General Plan;
    2. The six (6) foot wide sidewalk along the thoroughfares should be clearly delineated with either hatching or shading. Sidewalk construction shall be part of Phase I;
    3. Truncated dome fields should be shown at all thoroughfare crossings per ADA standards.
  - D. Site Civil Details II, Sheet C-303
    1. The trace wire installation is now optional since this feature applies to sewer force main and not gravity. However, the applicant is certainly welcome to install trace wire if desired.

I would be pleased to review any other aspects of the project you wish. Please see me if you have questions.





*View of stone culvert inlet looking southerly. Note crown of culvert.*



*View of stone culvert inlet looking easterly.*



# YARMOUTH MAINE

## MEMORANDUM

**To:** Erin Zwirko -AICP, LEED AP - Director of Planning & Development

**From:** Erik S. Street, Director of Public Works *ESS*

**CC:** Steve Johnson, PE, Town Engineer, Wendy Simmons, Karen Stover

**Date:** 11/4/2024

**Re: Major Site Plan Review – 1 & 48 Railroad Square**

- 
1. **General:** Applicant is proposing to develop Phase I of the project that was approved in the fall of 2022
  2. **Rights, Title:** No Concerns
  3. **Easements:** No Concerns
  4. **Homeowner Associations / Road Maintenance Agreements.** No Concerns
  5. **Financial Capacity:** No Concerns
  6. **Technical Ability:** No Concerns
  7. **Solid Waste:** One clarification. If the MSW, Recycling or Food waste is collected by a licensed hauler, it must be taken to ecomaine. A licensed hauler cannot bring material to the Yarmouth Transfer Station. Only residents of Yarmouth, with a transfer station window sticker, can use the facility. I applaud the steps the developer has taken to make recycling and food waste collection a priority.
  8. **Water:** No Concerns
  9. **Traffic / Parking:** Waiting for 3<sup>rd</sup> party review by Tom Errico, PE. TY-Lin. May have future comments.

10. **Storm Drains:** I support the Town Engineers' comments. The drainage under the rail corridor may be an issue as increased flows may have implications downstream. I believe a lot of water is held back by this blockage.
11. **Drainage, Stormwater Management:** Third party comments must be addressed in future submissions.
12. **Sewers:** I support the Town Engineers' comments.
13. **Erosion and Sediment Control:** ESC Best Management Practices must be followed. Inspections / reporting / enforcement apply to this project per the Towns NPDES MS4 Permit. Must control track out from the site.
14. **Soils:** No Concerns.
15. **Site Plan / Ordinance Requirements:** No Comments
16. **Lighting:** No Concerns.
17. **Waivers:** Height Waiver requested. No Concerns.
18. **Off-Site Improvements:** No further comment.
19. **Site Plan Drawing:** No Concerns.

If you have any questions, please let me know.





**Yarmouth Planning Board**

200 Main Street  
Yarmouth, ME 04096

**RE: Comments on Railroad Square Development Site Plan for Phase 1**

Dear Members of the Yarmouth Planning Board,

I am writing to provide comments on the Railroad Square Development Phase 1 proposal, with an emphasis on advocating for enhanced sustainability measures that align with Yarmouth’s climate and environmental goals. The Town’s Climate Action Plan (CAP) includes recommendations for the community to reach net zero by 2050, and a critical component of meeting our goals is investing in, and encouraging, low-carbon, climate resilient built environments that also facilitate sustainable lifestyles for community members. Railroad Square is an exciting project with potential to set a benchmark for sustainable development in our community. Below are recommendations to integrate sustainable design elements into the development, which may be applicable for the current stage of the project:

**1. Energy Efficiency and Renewable Energy Integration (aligns with CAP Goal 3)**

The proposed senior residential buildings in Phase 1 offer an ideal opportunity to incorporate high-efficiency design features. I recommend the following:

- **Solar Energy Installation:** Installing solar PV panels on rooftops could substantially offset the energy demand of these buildings. The energy generated could power common areas, reducing overall utility costs and carbon footprint. If on-site solar is desired, consider orienting buildings to maximize solar exposure or allocating space for ground-mounted solar PV. Following ‘solar ready’ standards could allow flexibility for later installation.
- **Energy-Efficient Building Materials:** The use of energy-efficient materials and construction design will lower energy costs for residents and enhance the sustainability and resilience of the development. Following standards such as the 2021 IECC Stretch Code would enhance the energy efficiency of the buildings above current MUBEC standards by up to 10%.
- **Electric Vehicle (EV) Charging Readiness:** As part of the CBDC parking requirements, 5 EV spaces will be provided in the entire development. Pre-wiring additional parking spaces across the development to be ‘EV ready’, or ‘EV capable’ would dramatically reduce the cost of future charger installation. As EVs become more common, providing

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access to charging is a critical consideration, especially for renters and condo owners without private garages.

## 2. Sustainable Landscaping and Stormwater Management (aligns with CAP Goal 7)

The landscaping plan could be enhanced to support native biodiversity, manage stormwater, and create natural spaces for residents.

- **Native and Drought-Resistant Plantings:** Prioritize native, drought-tolerant plants that require minimal irrigation, reduce maintenance costs, and support local wildlife. Native plants can help manage stormwater naturally and be integrated into green infrastructure, reducing runoff into local waterways.
- **Green Infrastructure for Stormwater Management:** I recommend continuing to integrate permeable pavers, and explore designing in rain gardens and bioswales, particularly around paved areas and the Village Green. These features capture and filter stormwater onsite, reducing the load on public stormwater systems and protecting water quality.

## 3. Low-Carbon Building Operations (aligns with CAP Goal 4)

Given the long-term nature of the development, it's essential to plan for low-carbon operations that enhance resident comfort, health, and contribute to the community's climate goals.

- **Heat Pump Systems:** Encourage the use of electric heat pumps for heating and cooling rather than fossil fuel-based systems. Heat pumps are both energy-efficient and aligned with a low-carbon future, especially as Maine's grid becomes greener.
- **High-Efficiency Water Systems:** Low-flow fixtures and efficient irrigation systems in common areas would minimize water waste. Rainwater harvesting could also be considered for landscape irrigation.

## 4. Waste Management and Recycling Infrastructure (aligns with CAP Goal 5)

- **Comprehensive Contracting:** I recommend contracting with private hauler(s) that demonstrate successful education and behavior-change methods to encourage correct recycling and creative diversion practices. In addition, including development-wide composting in contracted services from the beginning, rather than relying on resident-driven programs or individual choice, will greatly reduce waste generated, support a regenerative local economy, and satisfy resident interest in minimizing food waste (as outlined in Exhibit 10 of Site Plan Application).

## 5. Walkability and Connection to Public Transportation (aligns with CAP Goal 2)

The project's proximity to the future rail trail is an asset for walkability and bikeability. Within the submitted development planning documents, the availability of secure bike storage, clear and accessible pedestrian pathways, and promoting connection points to nearby transit options all serve to enhance access to alternative, low-carbon transportation.

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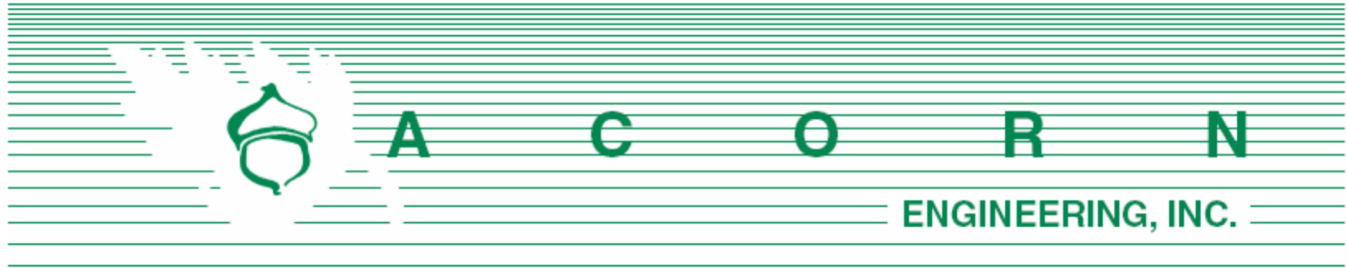
By implementing these sustainability measures, the Railroad Square development will be well-positioned as a model of climate-conscious, resilient urban design. Thank you for considering these recommendations, and I look forward to seeing the project move forward in a way that aligns with Yarmouth's sustainability commitments.

Sincerely,

Meddy Smith

Sustainability Coordinator

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Town of Yarmouth  
 Steven Johnson, PE  
 300 Main Street  
 Yarmouth, Maine 04096

October 29, 2024

RE: Railroad Square: Phase 1 Lot and Site Plan Application  
 Major Site Plan Application

Dear Steve:

Acorn Engineering, Inc., (Acorn) performed peer reviews of conceptual iterations of the Railroad Square Redevelopment (RRSQ) project, delivering these to the Town on June 30, 2022, August 29, 2022, and May 31, 2024. The Town Planning Board reviewed the Master/Conceptual plan at a workshop on June 12, 2024.

Based on the guidance provided to the applicant from that workshop, the proposed Phase I Lot and Site Plan of the RRSQ project was designed and resubmitted to the Town on October 16, 2024; we are pleased to submit this review of the Phase 1 proposal.

**A. MATERIALS REVIEWED**

The following materials were evaluated as part of this peer review:

- Minutes from the Town’s 6/12/24 RRSQ Workshop;
- Comments from Town Public Works Director Erik Street, dated 6/10/24;
- Comments in the 6/6/24 Staff Memo;
- Site Plan Application package, dated 10/16/24 (147 pages), including:
  - Exhibit 14: Stormwater Management Report, Rev 2, dated October 2024 and prepared by Atlantic Resource Consultants (ARC)
    - Attachment A (Stormwater Quality Calculations),
    - Attachment C (Stormwater Maintenance Manual),
    - Pre-Development Drainage Plan,
    - Post-Development Drainage Plan,
    - Treatment Plan
- Railroad Square Development Design Plans, prepared by ARC and dated October 16, 2024 unless otherwise noted, including:

PLAN INDEX:		
PAGE:	DESCRIPTION:	SHEET:
1 OF 26	COVER SHEET	COVER
2 OF 26	PROJECT NOTES & LEGEND	C-1
3 OF 26	BOUNDARY & EXISTING CONDITIONS	1 OF 1
4 OF 26	PLAN OF SUBDIVISION	1 OF 4
5 OF 26	PLAN OF SUBDIVISION	2 OF 4
6 OF 26	PLAN OF SUBDIVISION	3 OF 4

(list of plans reviewed, continued)

7 OF 26	PLAN OF SUBDIVISION	4 OF 4
8 OF 26	OVERALL SITE LAYOUT PLAN	C-101
9 OF 26	GRADING & DRAINAGE PLAN	C-102
10 OF 26	UTILITIES PLAN	C-103
11 OF 26	EROSION CONTROL PLAN	C-104
12 OF 26	PLAN & PROFILE I	C-200
13 OF 26	PLAN & PROFILE II	C-201
14 OF 26	EROSION CONTROL NOTES	C-300
15 OF 26	EROSION CONTROL DETAILS	C-301
16 OF 26	SITE CIVIL DETAILS I	C-302
17 OF 26	SITE CIVIL DETAILS II	C-303
18 OF 26	SITE CIVIL DETAILS III	C-304
19 OF 26	SITE CIVIL DETAILS IV	C-305
20 OF 26	SITE CIVIL DETAILS V	C-306
21 OF 26	LANDSCAPING PLAN	1 OF 4
22 OF 26	LANDSCAPING PLAN I	2 OF 4
23 OF 26	LANDSCAPING DETAILS	3 OF 4
24 OF 26	LANDSCAPING DETAILS I	4 OF 4
25 OF 26	MATERIALS PLAN	1 OF 1
26 OF 26	SITE PHOTOMETRIC PLAN	1 OF 1

## **B. EXCLUDED FROM ACORN'S REVIEW**

As with previous reviews Acorn has performed on this project, this October 2024 peer review is focused on stormwater management and erosion and sedimentation control

## **C. REVIEW OF APPLICANT'S OCTOBER 2024 SITE PLAN APPLICATION PACKAGE**

### **State and Federal Permitting**

Acorn does not repeat, in this review, comments on state and federal permitting documentation that were included in previous memos. The applicant states that they anticipate receiving USACE and Maine DEP permits (and amendments) by the end of 2024.

1. [Acorn would appreciate the opportunity to review state and federal natural resource and stormwater permits once they are issued.](#)

### **Stormwater Management Report**

The October 2024 Stormwater Management Report is stamped by a licensed Maine Professional Engineer.

### **Proposed Developed Area**

2. [The application narrative states that Phase I will result in 2.45 \(106,703 SF\) acres of impervious surface area. However, based on HydroCAD, the total impervious area to result from the project appears to be 2.57 acres \(112,033 SF\), which includes impervious area in SC-106 \(all of which is untreated\), the untreated area in SC-107 \(845 SF\), and the impervious area in SC-100 \(13,046](#)



SF, which will be untreated), so the project proposes to treat 86.1% of the impervious area, not 90.4%. The Stormwater Treatment Summary table should be updated for accuracy.

Similarly, the application narrative states that Phase I will result in 3.61 acres (157,174 SF) of developed area. However, based on HydroCAD, the total developed area to result from the project appears to be 3.29 acres (143,339 SF), including the treated developed area shown in the Stormwater Treatment Summary Table, the untreated impervious listed above, and the untreated landscaped area in SC-107. (SC-100 does not contain any untreated landscaped area). The project proposes to treat 88.3% of the developed area, not 80.6%- this satisfies the required 60% of developed area to be treated under the Redevelopment Standard. If another 13,835 SF of landscaped area is being created in another subcatchment that is not reflected in the Proposed Treatment Summary, please update this table.

3. When the Stormwater Treatment Summary table has been revised or clarified, please update Sheet D-102 with the revised version.

### ***Redevelopment Standard***

This project is eligible for the Redevelopment Standard in Maine DEP Chapter 500 Section 4.C.2(d). The applicant included a pre- and post-development pollutant loading calculation table, which was reviewed by Acorn.

Pre-development and Post-development areas shown in the Redevelopment calculations are within 0.2% of each other (161,790 SF vs 162,083 SF), so the methodology is appropriate.

The applicant's Redevelopment Calculations correctly subtract out areas that are forested and will continue to be forested, which Acorn commented on in previous reviews.

Acorn calculated a Post-Development Pollutant Impact rating of 8.56 instead of 8.43, so the "Ranked impact change due to development" will be 0.16 instead of 0.12 as shown in the application. This value is still between 0 and 1, so treatment of 60% of the redeveloped area continues to be appropriate. (This may change based on the response to Comment #2, above)

### ***Water Quantity***

Applicant provided a stormwater management plan including drainage calculations, and a drainage plan, for pre- and post-development conditions for 2-, 10-, 25-, and 100-year storm events.

The application also includes calculations for two stone level spreaders (LS #1 and LS #2), both of which are shown on Sheet C-102. These calculations appear accurate and match the dimensions shown on the plan.

4. Phase I will discharge to study point #2 (SP-2), a stone culvert that passes under the adjacent railroad (in the southwest corner of the project). Acorn has mentioned in previous memos that the condition and additional capacity of this culvert must be ascertained in order to ensure there is no hydraulic loading resulting in ponding or backup of stormwater near SP-2, and that the culvert is structurally sound. The need to evaluate this culvert is also noted in the Town's Staff Memo, dated 6/6/24. However, the Phase I Site Plan application and associate Stormwater Management Report do not include any assessment of the culvert's condition. Please revise the application to address this critical infrastructure.



5. Detail E on Sheet C-306 should be labeled OCS-2, not OCS-1 (which is shown on Sheet C-305). The configuration of the outlet pipe in Detail E on Sheet C-306 for OCS-2 does not match the configuration on Sheet C-102 and shown in Detail A on the same sheet (outlet 180-degrees from inlet).

### **Water Quality**

The Phase I project area is 4.3 acres, some of which is already developed. The following table summarizes proposed land use in the existing and proposed conditions based on areas provided in HydroCAD.

Land Use	Existing (acres)	Proposed (acres)
Developed Area	3.00	3.29
<i>Impervious Area</i>	2.23	2.57
<i>Landscaped Area</i>	0.77	0.72
Undeveloped/wooded	1.30	?
Project Area	4.3	4.3

6. Comment #2 in this Memo mentioned a disconnect between developed area shown in the Stormwater Treatment Summary Table and as modeled in HydroCAD. Based on clarifications, the Land Use table should be updated to reflect how much forested area will remain undeveloped.

### **Stormwater Best Management Practices (BMPs)**

The application proposes to use the following stormwater BMPs to provide treatment and storage of developed area:

- One (1) roof drip edge filter (DF-1)
- Three (3) areas of porous pavers (PP-1, PP-2, and PP-3), and
- Two R-Tank chamber systems (RT-1 and RT-2), which provide treatment (each using a subsurface sand filter) and provide storage.

Acorn reviewed the calculations provided for DF-1, PP-1, PP-2, and PP-3 and believe these accurately reflect the treatment that will be provided.

7. Revise the BMP column in the Proposed Treatment Summary section of the Stormwater Treatment Summary table to clarify that treatment will be provided by the subsurface sand filters associated with the two R-Tank storage chamber systems (RT-1 and RT-2).

Review of the design of proposed stormwater BMPs is provided in the sections below.

### **Roof Drip Edge Filter**

The roof drip edge filter has been adequately addressed in the Post-Construction inspection and maintenance plan.

### **Pervious Pavers with Sand Filters**

Porous pavers in conjunction with sand filters are proposed in three locations. The applicant has revised the design (Detail 3 on Sheet Landscape Sheet 15) to use impermeable liners, which is appropriate based on VRAP recommendations at the site. Hydrographs have been provided for all three pervious paver BMPs showing that all will take more than 24 and less than 48 hours to drain down with the proposed 4" orifice.



8. Post-construction maintenance of porous pavement requires an executed five-year maintenance agreement with a vendor that can perform vacuum or regenerative air sweeping of this material. Detailed agreements for Post-Construction I&M will be required on a lot-by-lot basis once the owner or responsible entity name has been determined. Acorn recommends that a requirement to provide lot-specific post-construction stormwater BMP maintenance agreements- stating the equipment that will be used by the vendor- be considered a Condition of the Town's approval.

***Subsurface Sand Filters with Storage Chambers (R-Tanks)***

The applicant has revised the design (Details B and C on Sheet C-305 and C-306) to use impermeable liners, which is appropriate based on VRAP recommendations at the site.

9. Calculations provided for RT-1/Subsurface Soil Filter #1 say that 3,795 CF of water quality storage is provided. Acorn can confirm the filter bed surface area of 1,953 SF in HydroCAD, but cannot determine how the applicant calculated that a water quality storage volume of 3,795 CF would be provided. Please provide calculations that show where this storage is provided.
10. Calculations provided for RT-2/Subsurface Soil Filter #2 say that 3,211 CF of water quality storage is provided. Acorn can confirm the filter bed surface area of 1,813 SF in HydroCAD, but cannot determine how the applicant calculated that a water quality storage volume of 3,211 CF would be provided. Please provide calculations that show where this storage is provided.
11. Acorn has the following comments on the design of SSF-1/OCS-1:
  - a. Please double check the 12" overflow outlet invert elevation for SSF-1 Section BB (Detail C) on Sheet C-305. The overflow invert, 95.25', appears to be above the system elevation.
  - b. Please double check the 15" outlet elevation for OCS-1 (Details G and H on Sheet C-305) to ensure that elevations are consistent with the HydroCAD design (i.e., elevation of the 4" diameter hole in the weir)
  - c. Review Details G and H to ensure consistency between the two (e.g., one shows 87.26' while the other shows 86.76' - elevation 87.26' was modeled within HydroCAD).
  - d. Acorn recommends re-evaluating the HydroCAD design, which routes the 12" orifice (Device 4) to the sharp crested weir (Device 3).

The same recommendations apply to the design for SSF-2/OCS-2: please review elevations in HydroCAD and on the plans, including Details C, G, and H on Sheet C-306

14. Both R-Tanks have been modeled so that they will not empty completely. The bottom of RT-1 is at 86.93' but the outlet is at 87.26', and the bottom of RT-2 is at 79.18' but the outlet is at 79.51'. This means that both tanks will always have four inches of water in them. Acorn recommends revisiting this design.
15. Upon resolution of the design elevation issues described in these comments, please provide a certification letter from the R-Tank manufacturer (Ferguson) stating that the two R-Tank systems have been designed appropriately. This will also likely be required by Maine DEP).

The applicant has revised the Post-Construction Stormwater Maintenance Plan to include the Subsurface Sand Filters with R-Tanks. However, the document references an agreement between an approved maintenance contractor that has not yet been executed.

16. Post-construction maintenance of the R-Tanks will require an executed five-year maintenance agreement with a vendor authorized by the manufacturer. Detailed agreements for Post-





Construction I&M will be required on a lot-by-lot basis once the owner or responsible entity name has been determined.

- a. Acorn recommends that this agreement include the manufacturer's (Ferguson's) inspection and maintenance documents.
- b. Acorn recommends that a requirement to provide lot-specific post-construction stormwater BMP maintenance agreements be considered a Condition of the Town's approval.

### ***Post-Construction Inspection and Maintenance***

A Stormwater Maintenance Plan was included as part of this submission including a section for post-construction inspection and maintenance.

Except where noted in BMP-specific comments, this plan addresses the required annual recertification of post-construction stormwater BMPs with the Town of Yarmouth, as well as the 5-year recertification requirement with the MDEP.

17. This application did not include Condominium Association documents, saying that these would be provided "under separate cover for staff review". These documents are important, and should include a current and accurate Stormwater Maintenance Plan. Acorn would be pleased to review the Condominium Association documents when they have been provided.

### **Erosion and Sedimentation Control**

The erosion and sedimentation control plans and details were reviewed. Proposed erosion and sedimentation controls are appropriate for the site conditions and follow recommendations from MDEP Erosion and Sedimentation control BMP manual, with the following exception.

18. Per the VRAP documentation, groundwater from the site cannot be discharged, so discharge after treatment via Dirtbags is not feasible for dewatering. The Soil Management Plan shall be reviewed on a lot-by-lot basis to determine how dewatering will be managed (i.e., contained in frac tanks; treated on site). Dewatering BMP locations shall be selected based on distance from delineated wetlands, distance from Town-owned stormwater infrastructure, and accessibility for removal of the BMP after construction.

We look forward to discussing this project further and would be happy to clarify any of the comments within our review.



Aubrey L. Strause, P.E.  
Municipal Services Coordinator  
Acorn Engineering, Inc.

Cc: William H. Savage, PE  
Craig Burgess, PE





November 1, 2024

Steven Johnson, P.E.  
Town Engineer  
Town of Yarmouth  
200 Main Street  
Yarmouth, Maine 04096

Subject: Railroad Square Phase 1 Mixed Use Development– Traffic Peer Review

Hi Steve:

In accord with your request, TYLin is pleased to submit our traffic peer review comments with respect to the Railroad Square Phase 1 Mixed Use Development project. My review is based the Phase 1 Lot and Site Plan Application dated October 16, 2024. Within that application, is a copy of the Traffic Impact Study prepared by Sewall dated October 11, 2024. I would note that given little change to site design elements, as compared to the Development Plan approval in 2022, I do not revisit some of the design elements approved during that process.

1. I have reviewed the Traffic Impact Study for the project and my comments are noted as follows.
  - Phase 1 of the project will consist of 66 age-restricted condominiums (55+). According to methods from the [Trip Generation Manual](#), Institute of Transportation Engineers the project can be expected to generate 21 trips (9 entering and 12 exiting) during the AM peak hour, 20 trips (11 entering and 9 exiting) during the PM peak hour and 22 trips (12 entering and 10 exiting) during the Saturday peak hour. This level of traffic is such that a MaineDOT Traffic Movement Permit is not required. I would note that the trip generation was based on Land Use Code 252 Senior Adult Housing – Multifamily. The definition of such a facility is as follows: *Senior adult housing–multifamily sites are independent living developments that are called various names including retirement communities, age-restricted housing, and active adult communities. The development has a specific age restriction for its residents, typically a minimum of 55 years of age for at least one resident of the household. Residents in these communities are typically considered active and requiring little to no medical supervision. The percentage of retired residents varies by development. The development may include amenities such as a golf course, swimming pool, 24-hour security, transportation, and common recreational facilities. They generally lack centralized dining and on-site health facilities.*

Development traffic levels will likely vary by households that are retired. Accordingly, I wanted to gain an understanding on traffic levels if the residential units are occupied by 55+ working households. Reviewing trip rates for standard multifamily housing (LUC 220 Multifamily Housing Low-Rise), the project would be expected to generate 31 AM peak hour trips and 38 PM peak hour trips. This level of additional traffic volume would not be expected to alter the conclusions of the study.

- Traffic counts were collected on September 10 and 11, 2024 at the Main Street intersections with Cleaves Street, Railroad Square Drive, South Street, and West/East Elm Street. I find the count data to be acceptable.
- A capacity analysis was performed at the study area intersections and concluded that all study intersections will operate at an acceptable levels of service with little change in vehicle delay following project occupancy. The proposed site driveway is expected to operate with little delay during the AM and PM peak hours. I would note that the applicant should provide the Synchro files for final review and approval.
- A review of crash information was performed and noted that there are no high crash locations in the vicinity of the project. I concur that there are no safety problem locations in the vicinity of the project.
- Sight distance was reviewed and adequate sight will be provided.

## 2. Site Plan

- The site plan notes that the Main Street entrance be coordinated with the Final Town design. I think it would be helpful for the applicant to include the current 60% design into their plan design so that we can see out the internal site design interfaces with the current Main Street design.
- The approved plan included a raised pedestrian table at the TF-2, TF-3 and TF-4 intersection. Pavers are now proposed. The applicant should elaborate how this change impacts the desired goal of calming traffic.
- Dimensions of all sidewalks shall be noted, particularly along TF-2.
- Given that the project is for senior housing, the applicant shall note the adequacy of handicap parking spaces.
- Pedestrian facilities behind Building 3 have been eliminated. The applicant shall provide information on pedestrian walking desire lines and how the site addresses these patterns.
- Parking layout plans shall be provided for all interior building parking areas.
- I have reviewed the parking estimate and I find it to be reasonable. Phase 1 is estimated to generate a need for 86 parking spaces plus 9 parking spaces for 298 Main Street for a total need of 95 spaces. 101 parking spaces will be provided. A

pg. 3  
 Railroad Square Traffic Peer Review

parking management/regulation plan should be provided that documents how the spaces will be regulated.

- The following comments were provided during the prior approval and remain valid as part of this application.
  - *Additional detail needs to be provided for the western edge that abuts Downeast Energy. I recommend delineation and control/management of movements along the open edge. Otherwise, the roadway appearance may promote higher speeds and vehicle turn conflicts (similar to a wide open parking lot without delineation). As I have noted in previous comments, I would also like to understand how pedestrians from the 298 Main Street project will be accommodated given direct walking routes.*

*Current Status: The applicant is proposing a 1-foot green painted line along the edge. I do not find this change to be substantial enough to address my noted concerns.*

*Final Status: Given easement complications I find the proposed imprinting/stamped paver pattern to be acceptable with some type of contrasting color. The details shall be provided for review and approval by Town staff. I would suggest that a condition of approval be included that requires the applicant to actively engage the abutter regarding a more robust edge treatment and documentation to be provided before construction permits are issued by the Town.*

Please contact me if you have any questions.

Best regards,

T.Y. LIN INTERNATIONAL



Thomas A. Errico, PE  
 Senior Associate / NE Traffic Engineering Director

**Erin Zwirko**

---

**From:** Wendy Simmons  
**Sent:** Sunday, November 3, 2024 3:42 PM  
**To:** Erin Zwirko  
**Subject:** FW: Request for comment - Railroad Square - DUE 11/1  
**Attachments:** 2024\_1031\_RRSQ\_Grading Comments\_PLC.pdf

**Wendy Simmons, SHRM-CP**

Administrative Assistant  
Planning, Code Enforcement & Economic Development

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---

**From:** brian caprari  
**Sent:** Friday, November 1, 2024 2:54 PM  
**To:** Wendy Simmons <WSimmons@yarmouth.me.us>  
**Subject:** Re: Request for comment - Railroad Square - DUE 11/1

Good Afternoon Wendy,

Below are the comments from Parks and Lands Committee:

The parks and lands committee is still concerned about many of the aspects of this proposed project, including the potential for a height restriction waiver. PLC would like to see 3D renderings of the landscape, including surrounding open areas and buildings in order to make a better judgement on how these potential changes would effect the look and feel of the surrounding village.

Parks and Lands still has concerns around managing run-off, with the sensitivity of the Royal River downstream of Brickyard Hollow, and the massive investment in management of that stormwater outfall, we want to be sure there is not an increase in hydrocarbons and other pollutants from parking spots and garages (which could include oil, car fluids, hydrocarbons from exhaust especially on rain and snow coated pavement) and the proximity to the remnant wetland valley with intermittent stream to the south.

Please see our detailed questions and comments below:

C-101 (page 8 of the Site Plan Drawings pdf):

- Paving areas at the south driveway are labeled with the classification as H- Open Space. (Drawing Label is immediately above the wetland to be removed). It also appears to be classified as TF-3 - Village Street. Please clarify how this portion of the road is considered open space.

Sheet C-102: Grading and Drainage (page 9 of the Site Plan Drawings pdf):

- There is a retaining wall that varies in height up to 5.5' tall along the south property line. The retaining wall has only minimal grading information, with Top of Wall (TW) and Bottom of Wall (BW) elevations provided only about every 60-100 feet. TW and BW elevations are missing at key areas such as corners of the wall and adjacent to the building and are needed to understand impacts on the wetland, site drainage, and impacts on abutting properties.
- Between this wall and the property line, there is a steep existing grade in areas behind this wall, yet there is very little grading information provided. For the whole length of the wall between the 91 contour and the Level Lip Spreader #2, a stretch of more than 200 feet, no proposed grading is shown.
- As a result, there are serious unanswered questions about how the runoff and grading will be resolved in this narrow area behind this retaining wall and the neighboring property line. For example, where the 85 contour hits the back of the wall near the text label SD-27, the proposed Bottom of Wall elevation would be approximately 89 based on its approximate distance to the other BW elevations on either side that are listed on the plan. However, the existing contours show the grade is 85 at the base of the wall and 84 at the property line. How can the proposed grade be 4-5' higher than the existing grade here? How can the grades be resolved in the very narrow area along the property line? How does the grading work with the swale that is assumed to be flowing behind this wall, but is not shown?
- 
- The grading for the retaining wall on the south side of Building 1 needs to be detailed to show impacts on the wetland.
- This portion of the wall is aligned with the ADA pathway to the multiuse trail. As currently shown, there is a 9.5' drop from the top of the wall down to the wetland, yet the wall is only at a 6" curb height. Anyone using this walk could stub their toe and fall 9.5' over the curb down to the wetland below. The grading needs to be clarified to show how this wall meets code and is not a safety hazard to people walking along this path to access the trail.
- See attached pdf with two excerpts from C102 with questions regarding these areas.

Phase I Landscape Plan, Sheet 1 of 2 (page 21 of the Site Plan Drawings pdf)

- Appreciate the inclusion of many native species within the tree, shrub, groundcovers, and wildflower seeded areas.
- South property line planting strip between rear paving and property line: The existing wetland is being paved over and various stormwater drainage and filtration structures are proposed to manage runoff in its place. However, no planted buffers, rain gardens or biofiltration plantings are proposed. Only stone berm level lip spreaders and rip rap are shown between the extensive hardscape and the wetland fragment that will remain in the SE corner of the property (bottom left corner of the plan).



- The grading in this narrow strip is very steep in some areas, yet it appears to only be planted with grass and trees. (No planting callout refers specifically to this area, so it is assumed that the adjacent grass continues here).
- The grass will be subject to significant erosion in areas due to the steep grade of the swale in certain areas. This erosion would negatively impact the wetland downhill and could negatively impact the neighboring property since it is mere feet from the property line.
- The swale behind the retaining wall will receive runoff from the snow storage area adjacent/uphill from the steepest part of the swale. Runoff, including deicing salts, chemicals, oil, etc will flow through this narrow, steep area behind the retaining wall toward the existing wetland fragment.
- Recommend a native wetland planting matrix to replace the grass verge along this area.
- Need clarity on the proposed grading as requested in the notes on C-102 - Grading Plan. Clarifications of the proposed grading will help inform the planting solutions for this area. Planting a significant stand of Eastern Red Cedar (*Juniperus virginiana*) in a steep, narrow swale behind the wall may not be possible depending on the revised grading.
- Recommend replacing the large sloped lawn behind Building 3 with native plantings and/or a rain garden. As designed, water will flow across this lawn grass area to the road, where it will be collected in a catch basin drain. This is a great opportunity to reduce the amount of runoff and increase infiltration in situ.

Phase I Landscape Plan, Sheet 2 of 2 (page 22 of the Site Plan Drawings pdf)

- Recommend replacing the single Tulip tree (*Liriodendron tulipifera*) at the main entrance with a tree that has good fall foliage, such as a maple. Tulip trees have a beautiful leaf shape but the fall foliage is drab and the leaves drop very early compared to other trees. This is the project's only tree along Main Street, and so a native tree with long-lasting fall color would make a big impact on the streetscape.

Landscape Sheet 12 (page 25 of the Site Plan Drawings pdf):

- Legend includes Pervious Paving/Filtered treatment areas (Paving Type 4). This does not appear to be included anywhere in Phase I as shown. Please clarify if pervious paving is to be included in this phase, and where.
- Plan shows that only the following paving materials used:
  1. Bituminous (Asphalt) for all drives/road
  2. Poured-in-Place concrete for all sidewalks/paths.
  3. Concrete Unit pavers for parking.
- This portion of the project paves over an existing wetland, has a large amount of impervious cover from hardscape and buildings, and all stormwater is being collected in drains and will not flow through rain gardens or other biofiltration areas. As a result of these facts, the inclusion of pervious paving is highly recommended to mitigate impacts on the remaining wetland fragment and to reduce the volume of stormwater runoff. Walking paths and parking areas can be good options for including pervious pavers.

On Thu, Oct 17, 2024 at 4:58 PM Wendy Simmons <[WSimmons@yarmouth.me.us](mailto:WSimmons@yarmouth.me.us)> wrote:

For your review:

[Yarmouth Planning Board \(revize.com\)](https://www.yarmouth.me.us)

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

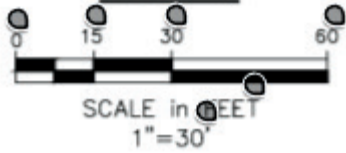
[www.yarmouth.me.us](http://www.yarmouth.me.us)





NORTH

SCALE



EXISTING 7.4

STORM DRAIN DATA		
DRAIN NO	RIM ELEV	INV ELEV
CB1	95.6	89.8
CB2	95.6	90.1
CB3	95.4	90.2
CB4	96.1	90.7
CB5	95.6	91.2
CB6	96.1	92.0
CB7	97.4	92.4
CB8	97.4	92.1
CB9	96.4	93.1
CB10	97.3	
CB11	97.7	

Snow storage area. Snow melt will runoff from here

Approximate assumed runoff flows (spot grading not shown at edges of paving)

Steep grass swale subject to erosion

Proposed Contours are not shown from this point down to Level Lip Spreader #2. Missing all grades between wall & PL

Assumed BW: 89  
Exist grade at BW: 85  
Exist grade at PL: 84  
What happens to the missing 4' of grade?

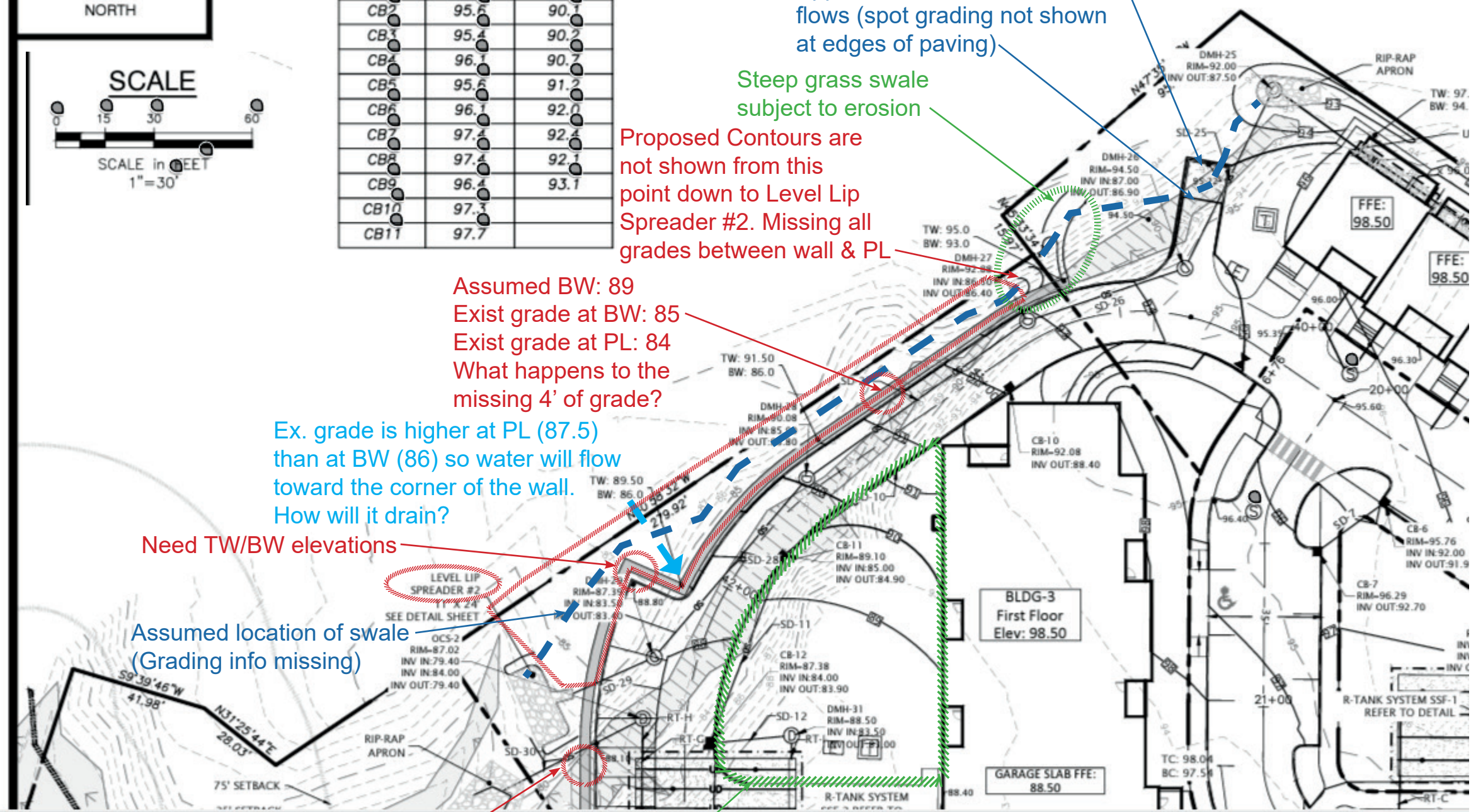
Ex. grade is higher at PL (87.5) than at BW (86) so water will flow toward the corner of the wall. How will it drain?

Need TW/BW elevations

Assumed location of swale (Grading info missing)

Need TW/BW elevations

Can this lawn grass area be replaced with native plantings and/or a rain garden? Water will flow down across this lawn to a catch basin at the edge of the road, then will be piped under the paving to the wetland. Native plantings and a rain garden will allow much more water to infiltrate in situ.



Parks & Lands Committee Notes 10.31.2024

Screenshot from:

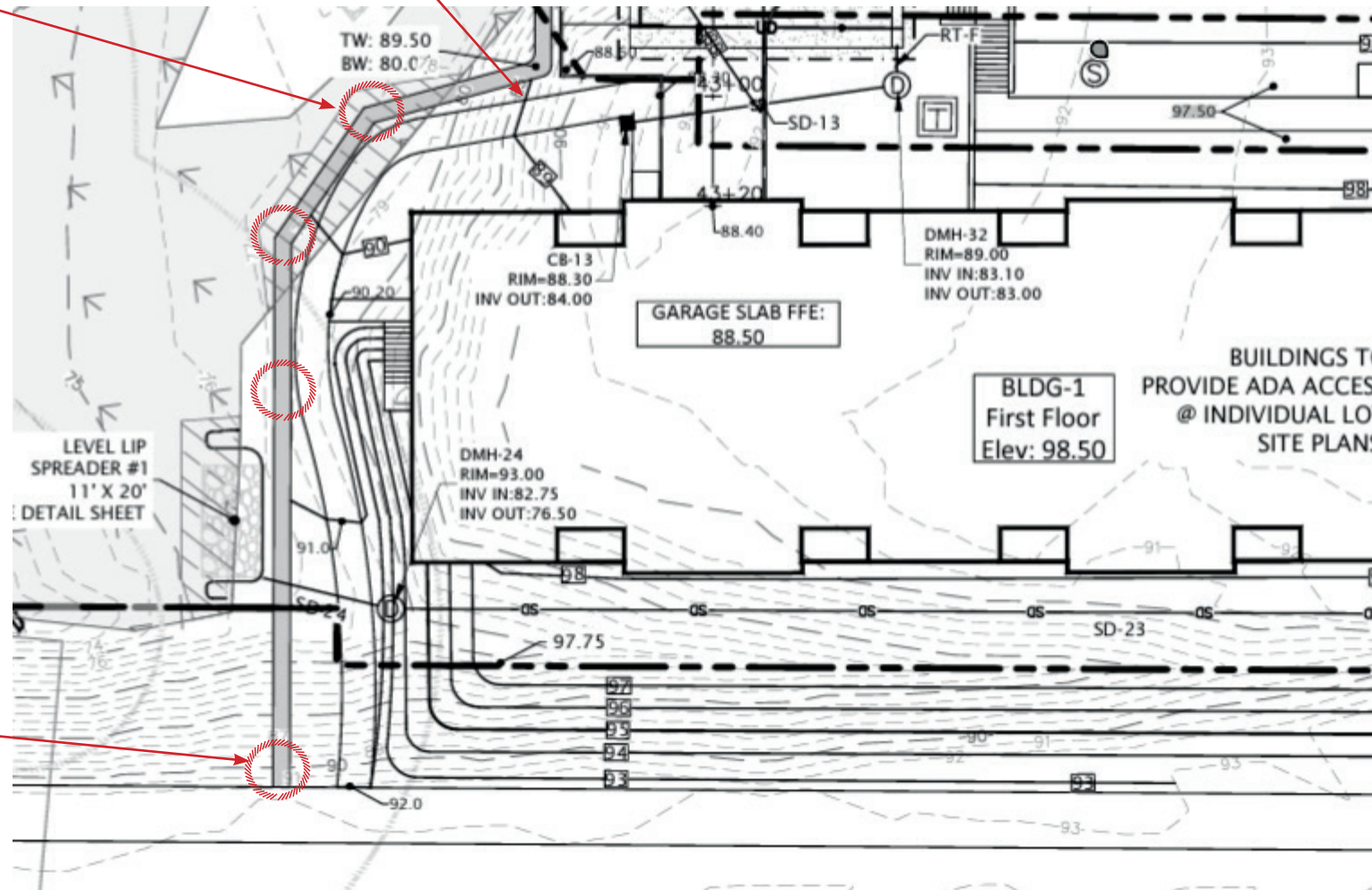
		Atlantic Resource Consultants 541 US Route One Freeport, ME 04032 Tel: 207.869.9050	
		DRAWN: MPV DESIGNED: JVI/AP CHECKED: APP FILE NAME:	DATE: MAY 15, 2024 SCALE: 1" = 30' JOB NO: 20-001.1
RAILROAD SQUARE DEVELOPMENT PLAN GRADING & DRAINAGE PLAN		Railroad Square of Yarmouth, I.L.C. 40 Center Street, Suite 1 Scarborough, Maine 04074	
SHEET: C-102			



The retaining wall is 6" curb height at this walking path (89.5 TW, 89 at walk).

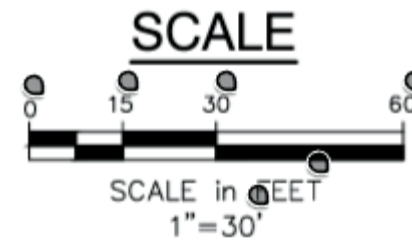
There is a 9.5' drop on the back side of this wall at the wetland. If you trip here, you fall 9.5.' How does this meet code? Is there a guardrail on top of the wall?

Need TW/BW elevations to understand impacts on wetland



Need TW/BW elevations to understand impacts on wetland

Parks & Lands Committee Notes  
10.31.2024



Screenshot from:

		Atlantic Resource Consultants 541 US Route One Freeport, ME 04032 Tel: 207.869.9050	
		DRAWN: MPV DESIGNED: JVI/AP CHECKED: APP FILE NAME:	DATE: MAY 15, 2024 SCALE: 1" = 30' JOB NO: 20-001.1
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		SHEET: C-102	

## Yarmouth Tree Advisory Committee

TO: Planning Board Members  
Erin Zwirko, Planning Director

COPY: Karyn MacNeill, Scott Couture, David Craig

DATE: November 1, 2024

FROM: Michael Brandimarte (Chair), Susan Prescott, Lisa Small,  
Steve Ryan, Lisa Wilson, David Kitchen

RE: Application for review

The Yarmouth Tree Advisory Committee has reviewed the RRSQ Phase 1 application for your meeting on 11-13-24 and has the following comments.

We appreciate the detailed landscape plan, which includes a variety of species including a large number of natives and many of the species listed on our preferred list of trees. We also note that structural soil is specified for tree planting in the plaza area and that the plan includes tree protection language.

In terms of tree species, we suggest replacing the columnar Kalprick red maples with wider canopy maples, especially if they are away from buildings. We also suggest adding eastern white cedar to the selection, in particular at the base of the stairs of the town houses, replacing the shadbush. The three Kousa dogwoods listed should be removed, as the state has recently determined they are invasive species. Redbud trees would be a good alternative.

We are concerned about the effect of adding a fourth story to several buildings. This would increase the recommended tree planting distance to 25-30 feet from the buildings. Is there adequate space? In addition, we wonder about shadows cast by mid-rise buildings and the available light for plantings.

To understand the full effect of replacing low-rise with mid-rise buildings, we would request that the applicant create a 3-D scale model of the project and surrounding village

buildings. This should be displayed in a central location (library, town hall) to allow the community to see the change in scale and decide whether it is desirable for the village before a waiver is approved.

Last, to offset the heat effect of the project's large buildings, we think green roofs should be considered (see <https://www.architecturaldigest.com/gallery/green-roof-living-roof-designs>).





October 30, 2024

To: Yarmouth Planning Board

From: Yarmouth Bicycle and Pedestrian Committee

Thank you for the opportunity to comment on the latest updates to the Railroad Square Site Plan. The Yarmouth Bicycle and Pedestrian works to support a vibrant community where people of all ages and abilities can safely walk, bike, or roll by creating safe, connected active mobility networks throughout Yarmouth that support a healthy, eco-friendly lifestyle. These goals align with Yarmouth's Climate Action Plan and the vision of the new Comprehensive Plan.

Per our previous communications regarding the Railroad Square development we support the opportunity to build density within the village to encourage biking and walking and believe the Master Plan must maximize opportunities for residents to safely bike, walk or roll with dedicated, wide separated paths, traffic calming improvements like the raised crossings, and other important improvements.

The Committee would like to submit the following comments regarding the RRSQ site plan and documents:

1. **Strengthen commitment to Multi-Use Path demonstration project.** We strongly support the proposed rail trail demonstration project that is included in the master plan, but we would like to see the Planning Board require a stronger commitment from the developer that they will actively work to develop the trail section when possible. This project will serve as a critical safety route within Yarmouth while also supporting the regional vision of the Casco Bay Trail to connect communities in Southern Maine. We encourage the Planning Board to ensure that the demonstration rail trail project from Cleaves to Maine St remains in the Railroad Square Master Plan as a requirement that be built independently of regional plans for the Casco Bay Trail and continue to reaffirm that the developer be responsible for construction costs. We have an opportunity to show the rest of the region what is possible by constructing this segment of the trail early as a proof-of-concept while also delivering benefits to residents and local businesses.
2. **Maintain safe streets design approach for roads and intersections within the development.** We support the vision of developers to include sidewalks, woonerf treatments, raised crossings, and other infrastructure enhancements that encourage safe walking and biking throughout the development. These must be maintained and/or improved upon as this project proceeds so it

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can be a model for a development focused on encouraging walking and biking, in part to reduce traffic.

3. **Main St Intersection is a Critical Safety Imperative.** We fully support the requirement that the developer cover the cost of intersection improvements along Main Street per the Toole Design that was developed as they will go a long way toward improving safety along Main Street. In particular, we strongly urge the town maintain the tighter intersection and continuous sidewalk that is included in the concept plan and the town's Main St Phase II design plans. We have an opportunity to create a sense of place along this segment of Main St that encourages walking and biking but in order to improve safety for all users – including drivers – the safer street designs that are embedded in the concept design must be maintained.
  
4. **Greater Clarity on Bicycle Parking/Racks.** We are pleased to see the developer's inclusion of bike racks/parking throughout the development. We want to make sure the bike racks meet the best possible standards for installation per the guidelines being developed by town staff, and that any bike parking location identified – whether it is in a garage or ground-level – include multiple racks so there is plenty of parking for bicycles both for residents and visitors. Every location identified for bike racks should include between 3-5 racks in our opinion (mirroring what was done in front of the 317 Music Center). The bike parking in the garages should include at least 5 per location or even more.

Thank you for the opportunity to provide comments.

Sincerely yours,

Colin Durrant, Chair

Mike Tremblay, Vice-Chair

Yarmouth Bicycle and Pedestrian Committee

10/31/2024

To the Yarmouth planning board

Comments from Gordon M and Laurie C. Oliver residents of 39 Cleaves street located within 500 feet of the proposed railroad Square development

First, we are concerned with the visual impact of proposed 45 foot building heights. This will greatly impact abutting neighbors privacy, and be a new source of light pollution. We also believe it is the responsibility of the planning board to act in the best interest of all the townspeople and not prioritize, the developers cost, and profit margins. The 35 foot height restriction was chosen for a reason. To protect the constituents of Yarmouth.

We are also concerned with the public safety aspects of the project. The 66 units as proposed will add approximately 100 to 132 additional cars to main street traffic flow multiple times a day combined with other proposed housing projects in the pipeline accessing main street. Traffic flow will be negatively impacted. This is a recipe for an increase in congestion while elevating the likelihood of accidents, both vehicular and pedestrian.

Further, regarding the developers letter filed with the application touting the likelihood of not impacting schools, it fails to mention over 55 resource impacts. A case for increased fire and rescue calls and the need for outside resources can be made. Again, all impacting traffic and town resources. The 45 foot height waiver also presents additional challenges for fire and rescue applications.

Again, we respectfully ask that you act responsibly and protect the interest of the townspeople and deny the 45 foot height waiver. 35 feet is high enough and it's the code.

Sincerely,

Gordon M and Laurie C Oliver

**Erin Zwirko**

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**From:** Katherine Ahrens  
**Sent:** Thursday, June 27, 2024 11:03 AM  
**To:** Erin Zwirko  
**Subject:** Railroad Square Development- comments

Hello Ms. Zwirko,

Can you please add my letter to the packet for the RRS development?

To the Members of the Yarmouth Planning Board,

As a resident within 500 feet of the proposed development on the Railroad Square Property, I am writing to formally request that my letter be included in the packet regarding the waiver for building height.

I am requesting that the planning board not approve the requested waiver for the 4th story for the Railroad Square Development. There are no other examples of 4th stories in Yarmouth, unless you view a property from the basement level (e.g. Intermed, North Yarmouth Academy). To have 3 massive buildings with 4 stories each will change the character of Yarmouth Village considerably and will change the characteristics of properties, like mine, abutting this proposed development.

Further, the project now includes 100 apartment/condo units and will take 6 years of construction. The scope of this project requires much greater and broader notification of Yarmouth residents than has currently been done. I think most of the town would have strong feelings against such a development in Yarmouth village, especially given that construction will take 6 years and take place along Maine St, resulting in massive traffic and noise issues.

Thank you,

Katherine Ahrens  
74 South St., Yarmouth

## Attachment 12

**From:** [Meghan Casey](#)  
**To:** [Wendy Simmons](#); [jking@yarmouth.me.us](mailto:jking@yarmouth.me.us); [icromarty@yarmouth.me.us](mailto:icromarty@yarmouth.me.us); [mschumacher@yarmouth.me.us](mailto:mschumacher@yarmouth.me.us); [hginsberg@yarmouth.me.us](mailto:hginsberg@yarmouth.me.us); [Mary Lynn Engel](#); [jhansen@yarmouth.me.us](mailto:jhansen@yarmouth.me.us)  
**Subject:** Comment on Railroad Square development  
**Date:** Saturday, June 22, 2024 6:11:51 PM

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Hi Wendi, Erin, and members of the planning board,

I am writing from my personal email, and writing as a citizen and a resident of South Street. This weekend I watched the 6/12/24 Planning Board meeting about the proposed development at Railroad Square (not 298 Main). In the meeting Wendi made it clear that the Planning Board is requesting a traffic study. Like Dash and Toby who spoke at the meeting, I ask that the traffic study be done during a **weekday** at some point **after school resumes in September**. We live directly on the corner of South and Main and I can assure you that traffic ebbs and flows both from weekday to weekend, and from summer to the other three seasons.

Also, to reiterate a question Toby asked, will there be access from this development to South Street? I understand that the entrance onto South Street is NOT made by the developer of Railroad Sq., but rather by the developer of 298 Main. However my question, and Toby's I believe, was will there be access from the Railroad Square development to the South Street exit built by the 298 developer? Or will there be some sort of barrier that will prevent cars from the Railroad Sq. development from accessing the South Street exit?

Thank you.

Meghan Casey  
1 South Street  
Yarmouth, ME 04096  
(207) 233-6958