
YARMOUTH PLANNING BOARD MINUTES

January 24, 2024

I. CALL TO ORDER

Chair Holden called the meeting to order at 7:02 PM.

II. ROLL CALL OF MEMBERS

	PRESENT	ABSENT
Wendi Holden, Chair	X	
Janet Hansen, Vice Chair		X
Hildy Ginsberg		X
Mary Lynn Engel	X	
Jerry King	X	
Ian Cromarty	X	
Matt Schumacher	X	

OTHERS

Erin Zwirko, Planning Director
 Julie Dubovsky, Assistant Planner

III. APPROVAL OF MINUTES

Upon a motion duly made by Mary Lynn Engel, seconded by Matt Schumacher, and carried by a roll call vote of 5-0, the minutes of the January 10, 2024, meeting were approved.

IV. COMMUNICATION

As there were no agenda items, there was no February 14th meeting. Erin reminded everyone that the second Housing Summit will be January 31, 2024, at 6pm at the library. It will be recorded and available on the website afterwards.

V. PUBLIC HEARING ITEMS

A. OLD BUSINESS:

None.

B. NEW BUSINESS:

1. Action Item: Proposed Zoning Amendment, Chapter 701, Article II.DD, Affordable Housing Programs, to adopt an affordable housing incentive program, Requested by Yarmouth Affordable Housing Committee.

In 2022 and 2023, the Yarmouth Affordable Housing Committee presented an inclusionary zoning amendment for consideration. The Committee now comes forward with an affordable housing incentive program. Unlike the previous amendment, this incentive program is voluntary for development projects provide affordable units that are proposed be available to eligible households that earn up to 80% of the area median income for rental units and up to 120% of the area median income for homeownership units. Development incentives are also proposed. Public comment will be received, and a vote may be taken.

Erin presented on the proposed Affordable Housing Incentive Program. Her presentation provided background on prior efforts to pass inclusionary zoning in 2022

and early 2023. She noted that the current external factors influenced the change from mandatory to voluntary. She explained that the current incentives were adapted from the LD 2003 review process and the language that the Planning Board worked through, including an expedited permitting process, parking reduction, a height bonus (in specific districts) and a density bonus. Concurrently, there are other community efforts underway, like the establishment of the Local Development Corporation (LDC), a revised Tax Increment Financing (TIF) program that now includes affordable housing, working on an Accessory Dwelling Unit (ADU) guide, a recommendation to the Town Council on funding related to the Affordable Housing Reserve Account, a feasibility study of a mixed-use project on the municipal campus and the current housing workshops facilitated by the Greater Portland Council of Governments with the Planning Board, Town Council, Comprehensive Plan Steering Committee Co-Chairs, and the Affordable Housing Committee.

The Board sought some clarification regarding the definition of "affordable housing" and how the ordinance would adjust to the economy. Erin explained that income limits related to Area Median Income (AMI) are established by the US Department of Housing and Urban Development (HUD) per regularly updated data from the US Census Bureau. The Board requested revising section DD.1.a. purpose statement to be explicit that the ordinance is voluntary.

Chair Holden opened to public comment.

Ed Ashley, 20 Spartina Point.

Ed provided comments from a personal and an HPC perspective. From 10,000 view on economic incentives, tax credits, which were mentioned by some of the developers can be a slippery slope from Town's perspective. Noted that the ordinance discusses new construction, could it apply to rehabilitation? It overlooks the potential for rehabilitation and conversions. Is there any commercial land lying fallow that could be converted to housing? This strategy may be more fertile ground in Yarmouth than new construction. Is there anything here that prohibits use for short term rentals? Regarding expedited review, nothing is said about concurrent meetings with the HPC. Concerned about the height bonus, and that we're not revisiting how to measure height. Concern is for the CD4 district and that the step back of 7.5 feet is inadequate. Recommend removing height bonus Main St. Do we have someone in mind to manage Enforcement? What's the cost associated with that? Local AMI - what is the local AMI; it is not specified in the ordinance. Question the use of median rather than average. Recommended that the Town consider affordable housing at the town-owned Sligo Road property.

Jay Waterman, 63 East Elm Street, and Affordable Housing Committee Chair. YAHC would appreciate the Planning Board's favorable recommendation to the Council on the draft ordinance that we hope you'll move along to the TC with a favorable recommendation. The Levine study from the summer of 2023 showed the number of cost-burdened households who are currently paying more than 30% of their income towards housing expenses. Huge number in a small town like this, with 431 units needed over 10 years. 43 units a year in the next 10 years is unlikely, but this adds a "maybe" to any development. Using HUD's Area Median Income (AMI) is a standard measure than average because it isn't skewed by outliers of very wealthy. Voluntary is a good step and maybe in a few years it will become mandatory. It

creates predictability in the permitting process and incentives to make numbers work more. Town staff will be able at the beginning to cover the administrative burden, with small numbers likely. In the outer years, if successful, the Town can partner with non-profit entities that would charge a nominal amount to oversee (Freeport Housing, Avesta, etc.).

Greg Paxton, 87 West Elm Street

Not speaking for HPC. Greg spoke in favor of this proposal. The context is that real estate is difficult right now and complex in the best of circumstances. Understands that a mandatory ordinance would never have full buy-in from developers. Thought that a municipal partnership would be ideal. Questioned what AMI means, but noted that Yarmouth residents' incomes exceed Maine's and other neighboring towns. It is very difficult in Yarmouth because of high land prices and incomes are skewed so high. Offered a revision to Article II.DD.2.e.i.

Public comment closed.

The Board asked for clarifications around which way numbers are rounded for developers for units and parking, which Erin explained aim to give more flexibility, the term "workforce housing," and the short-term rental prohibition. Some concerns were expressed around the expedited permitting process, which is the same language as used for Affordable Housing Developments per the local LD 2003 regulations, and the potential administrative impact.

There was Board consensus about eliminating the height bonus and have those discussions about height and density through the Comprehensive Plan update. Erin responded to other questions from the public comments, and explained that conversations about tax credits and exemptions would be for the Town Council, that the ordinance is applicable to conversions and rehabilitations, and that all federal, state, county entities and programs working use HUD's AMI numbers.

The following motion was made:

The review of the proposed affordable housing incentive program is continued to the February 28, 2024, meeting.

Such motion moved by Matt Schumacher, seconded by Mary Lynn Engel, and voted 5 in favor, 0 opposed.

2. Action Item: Proposed Zoning Amendment, Chapter 701, Article X, Historic Preservation Advisory Ordinance, to increase the Historic Preservation Committee membership, Requested by the Yarmouth Historic Preservation Committee.

The 5-member Yarmouth Historic Preservation Committee was established in August 2021 when Chapter 701, Article X was adopted by the Town Council. The Historic Preservation Committee requests that the membership of the Committee be increased to 7 members. Public comment will be received, and a vote may be taken.

Erin explained that the HPC membership is identified in the Zoning Ordinance, and as such, a zoning amendment must be recommended by the Planning Board to the

Town Council before the Council can act. It is a straight forward, and the Committee and Department is working on recruitment.

The Chair opened to public comment.

Bruce Butler, 29 Baker Street, Chair of Historic Preservation Committee.
The HPC's to do list grows faster than our abilities to keep up with it. New members would help us address what we've got and maybe things we don't have time to get to in our monthly meetings.

Public comment closed.

Mary Lynn asked who determines the HPC membership and Erin explained that as it is a zoning amendment, following Planning Board determination, the Town Council must review. The Nominating Committee of the Town Council reviews candidates.

The following motion was made:

On the basis of the application, plans, reports and other information submitted, and the findings and recommendations contained in Planning Board Report dated January 18, 2024, for an amendment to Chapter 701, Article X.2.2 increase the membership of the Historic Preservation Committee, the Planning Board finds that the amendment is in conformance with the Yarmouth Comprehensive Plan, and therefore recommends that the Town Council adopt the proposed zoning text amendment.

Such motion moved by Matt Schumacher, seconded by Ian Cromarty, and voted 5 in favor, 0 opposed.

VI. OTHER BUSINESS

A. **Condition 10, Review of 3D Model, Ch. 702, Site Plan Review, and Ch. 703, Character Based Development Code, 298 Main Street; CD4 Village Center; 298 Main Street; Map 37 Lot 30; 298 Main Street Partners, LLC, Applicant.**

The Planning Board rendered a decision on the subject property on December 13, 2023, with Condition 10 requiring, "Prior to the issuance of a building permit, the applicant shall produce a 3D rendering of all sides of the building illustrating the exterior building materials and elements for review and approval by the Planning Board. All major elements of the facade shall be featured including the cast stone base, the transition line cornice between the first and second stories, the upper story windows and trim, the column, the roofline cornice, and the selected clapboard color, clapboard reveal, and corresponding trim color. The rendering shall be considered at a regularly scheduled Planning Board meeting." The Planning Board will review and approve the submittal from the applicant.

Mark Nordby, the project architect representing Barrett Made, presented the revised renderings. The first set, which are for the Building Permit requirements, shows views of rooftop mechanical equipment and view from street. Erin added that public comment was received in advance from Bruce Butler, Chair of the HPC, regarding the incorporation of HPC comments.

M. Nordby reviewed the second set of drawings that incorporated comments from the HPC. The Chair asked if fewer lights were on this version and M. Nordby clarified and noted that it matches the Photometric plan.

The Board discussed the HPC revisions and there was consensus that the cast stone above the storefront windows be retained to match the base as shown in the Building Permit drawing. The HPC recommended that paneling be used above the transom windows rather the cast stone.

The Board also agreed with the additional parapet height and the wider-spaced brackets.

M. Schumacher declared that he would abstain from a vote so could not make a motion. M. Engel was not in favor; as the Board needed four votes in favor, the Board determined that the matter should be continued to a future meeting.

The following motion was made:

The review of Condition 10 related to the Planning Board's decision on 298 Main Street is continued to the February 28, 2024, meeting.

Such motion moved by Mary Lynn Engel, seconded by Jerry King, and voted 5 in favor, 0 opposed.

ADJOURNMENT

With no objection, the meeting adjourned at 8:58 PM

Respectfully submitted:

Julie Dubovsky, Assistant Planner