

## Erin Zwirko

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**From:** David Craig <david.craig.04096@gmail.com>  
**Sent:** Monday, November 18, 2024 9:05 AM  
**To:** Erin Zwirko  
**Cc:** Scott LaFlamme  
**Subject:** Railroad Square is essential for property tax stabilization

Erin,

Please forward this to the Planning Board members and make it part of the public comments record on the Railroad Square project.

Thank you,  
Dave Craig

Dear Yarmouth Planning Board Members,

I want to start by thanking you for your service to the Town of Yarmouth. You have volunteered to perform a critical role in the town, one that doesn't get a lot of credit for the good work that you do and is often the target of criticism from those who disagree with your actions or have an axe to grind with development within the town in general. As a member of the Town Council, I may understand your plight better than most.

I also want to say that I respect the authority of the Planning Board and understand the need for independence from the more "political" elected body that is the Town Council. With that in mind, I am writing to you today to provide my perspective on the property tax implications of development, specifically, the proposed Railroad Square project.

The town provides exceptional municipal services and a top-notch public education system. Maintaining these levels of service and meeting the expanding demand for new services requires increased spending. Recent inflationary pressures and higher interest rates worsen the problem. Thirty years ago, Wyman Station accounted for nearly 50% of Yarmouth's tax base; now it represents less than 3%. The resulting tax burden has been transferred to taxpaying homeowners, landlords, and businesses.

The Town of Yarmouth has a revenue problem.

Growing a diversified tax base is essential to replace the lost revenue from Wyman and to fund increased spending. Unfortunately, most housing developments come with increased budget pressure on the schools. The town does not collect as much tax revenue from most households with children to offset the cost of educating those children. Housing developments increase the tax base, but the resulting revenue falls short of the resulting spending. In short, it is a losing proposition for the town from a financial standpoint. (Of course, there are great benefits to the community in having families with school age children in our midst. It is just not a good deal from a property tax standpoint.)

For all these reasons, the proposed Railroad Square development is essential if we are to keep property taxes in check.

The proposed project will increase Yarmouth's property tax base by something like \$100 million. That figure is around 6% of the existing tax base. The Railroad Square development would become the largest taxpayer in the town, generating nearly \$2.5 million of tax revenue annually. Now the most important part: Unlike other housing

developments, this 55+ community will not put any tax pressure on the town's #1 expense, education costs. It is a win-win for the town -- increased revenue, no increase in education spending.

If we cannot do a project like Railroad Square, it will be impossible for the Town Council to address taxpayer concerns about rising property taxes.

It is my understanding that a major sticking point is the developer's proposal to have 4-story buildings near the rear part of the development. You may recall that I weighed in against 4-stories for the proposed structure at 298 Main Street. A 4-story building right up against Main Street would be out of proportion with the other buildings. However, a 4-story building located hundreds of feet back from Main Street, as proposed in the Railroad Square project, would be proper from a scale perspective. I encourage the Planning Board to use any available flexibility in the town's planning codes, ordinances, and planning processes to allow the Railroad Square project to go ahead with 4-story buildings in the rear part of the site.

I cannot stress enough how important this project is to the expansion and diversification of Yarmouth's tax base and to our ability to stabilize property taxes.

The Town of Yarmouth has a revenue problem. Please use this opportunity to help solve it.

Respectfully,

David Craig

25 Madison Drive, Yarmouth

Dear Director Zwirko

My name is Ben Keller and I live at 9 Bowmore Lane Yarmouth ME.

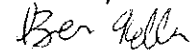
I am writing this letter to show my support for the Railroad Square project and the approval of the height waiver request.

I feel the benefits of the project far outweigh the impact of the increased height. Our town will benefit greatly from the increased housing being provided and the benefits of the Phase 2 mixed use development.

What is proposed will be a much-needed benefit to the town. I am in full support of this project and the town and Planning Boards granting of the height waiver.

If there is any further way that I could show my support for this project, please let me know of the avenue to do so.

Sincerely



Ben Keller

207-944-6450

November 26, 2024

Dear Director Zwirko,

My name is Sam LeGeyt and I live at 246 E Elm Street, Yarmouth ME. I am writing this letter to provide my support for the Railroad Square project and the approval of the height waiver request. I feel the benefits of the project far outweigh the impact of the increased height. Our town will benefit greatly from the increased housing being provided and the benefits of the Phase 2 mixed use development. What is proposed will be a much-needed benefit to the town. I am in full support of this project and the town and Planning Boards granting of the height waiver.

Sincerely,

A handwritten signature in black ink that reads "Samuel W. LeGeyt". The signature is written in a cursive style with a large initial 'S' and 'L'.

Sam LeGeyt

207-653-6904

Conor M. Shankman, Esq.  
35 McCartney Street  
Yarmouth, ME 04096

**Via USPS, and Email ([ezwirko@yarmouth.me.us](mailto:ezwirko@yarmouth.me.us))**

November 26, 2024

Erin Zwirko,  
Planning and Development Director  
200 Main Street,  
Yarmouth, Maine 04096

Dear Director Zwirko,

I am writing to express my strong support for the Railroad Square project and to advocate for the approval of the height waiver request. I first moved to Yarmouth as a child around 1986 and was raised on West Main Street. I attended secondary school here, met my wife here, and have since returned to raise my own children in this wonderful community. My deep roots in Yarmouth have given me a unique perspective on the Town's development and its needs.

From my understanding, the height waiver is essential to ensure the financial viability of the project and to allow the developers to construct both Phase 1 and Phase 2 of the development. Both phases promise substantial benefits to the town and its citizens. As a long-time resident, I believe the 66 market-rate units would provide an excellent opportunity for people aged 55+, like my parents, my wife's parents, and other residents of the town, to downsize while remaining close to their roots, families, and loved ones. These additional housing units would boost our tax base without burdening our schools. Furthermore, the increased population living downtown would stimulate greater commerce for our local businesses and restaurants. Moreover, the Phase 2 development would offer additional locations for downtown businesses while also expanding the Pavilion into a multi-use gathering space.

Yarmouth is distinguished from its neighboring towns by the quality and character of its downtown. This project aims to expand downtown opportunities while preserving its unique character. Therefore, I firmly believe that the benefits of this project far outweigh the impact of the increased height. I am in full support of this project and urge the Town and Planning Boards to grant the height waiver.

Thank you for considering my perspective.

Sincerely

*/s/Conor M. Shankman*

Conor M. Shankman, Esq.

Brent R. Shannon  
20 Holbrook Rd  
Yarmouth, ME 04096

Via email: [ezwirko@yarmouth.me.us](mailto:ezwirko@yarmouth.me.us)

November 26, 2024

Erin Zwirko  
Planning and Development Director  
200 Main Street  
Yarmouth, ME 04096

Dear Director Zwirko,

I am writing to you to express my support for the Railroad Square project proposed in the Village and their request for approval of the height waiver. We moved to Yarmouth because we felt its vibrant downtown village and close-knit community distinguish it from other greater Portland towns. Part of what makes a great community is its demographic cross-section and it's important that we continue to make living in Yarmouth's accessible, especially to those with fixed incomes. Gentrification is an unfortunate consequence of a desirable community to live in. With the Railroad Square project, it will provide much needed housing for people aged 55+ who may be looking to downsize and remain ingrained in our community, as well as boosting the towns tax base without burdening our schools. The second phase of the project expands Main Streets retail presence and will offer additional, pedestrian focused retail and commercial space which should help reduce the barrier to entry for businesses to operate in the Village while also maintaining the towns vibrancy and activity. I'm particularly excited about the project's investment into the rail trail project and their revitalization of the pavilion to continue to support the farmer's market as well as creating a multi-use gathering space.

It is my understanding that the request for the height waiver is for just one additional floor for three of the buildings (not a waiver to allow for a mid-rise or high-rise condominium building), and without the waiver, the project is not financially viable. Given their comprehensive plan to manage the dangerous soils onsite while also contributing greatly to the socioeconomic landscape of Yarmouth and the vibrancy of our Village compared to any negative impact of the building's additional story, I can't express my support for the project enough! I'm urging Yarmouth and the Planning Boards to grant the height waver.

Thank you very much for your consideration.

Sincerely,



Brent R. Shannon

Dear Director Zwirko,

I am writing this letter to provide my support for the Railroad Square project and the approval of the height waiver request. I feel the benefits of the project far outweigh the impact of the increased height.

That property is a sadly underutilized parcel in the middle of the village. This is smart density infill development, and I think will be a tremendous addition to the town. Our town will benefit greatly from the increased housing being provided and the benefits of the Phase 2 mixed-use development. What is proposed will be a much-needed benefit to the town. I am in full support of this project and the town and Planning Boards granting of the height waiver.

Sincerely

Brad Moll

Erin Zwirko,  
Planning and Development Director  
200 Main Street,  
Yarmouth, Maine 04096

December 2nd, 2024

Dear Director Zwirko,

I am writing this letter to provide my support for the Railroad Square project and the approval of the height waiver request. My name is Anna Buss and my husband and I, with our three boys, live at 22 Smith St in Yarmouth. We have been residents of Yarmouth since 2011. In addition, my husband works for Cascon Inc, in Yarmouth at the end of forest falls drive. Collectively, we have been a part of this community for over twenty years.

Over the years, we have seen development, and the cost of housing rise dramatically. However, we have continued to see small businesses struggle and depart our beautiful Main street. It is imperative to continue to have a downtown place and space for young and older generations, a space for a work-force, but not allow it to be cost-prohibitive or an added tax burden to the town.

We feel the benefits of the project far outweigh the impact of the increased height. We have some noted concerns about the exterior design features of the buildings, as we would prefer it to not look like "Scarborough" urban sprawl. We feel that the exterior design should be tweaked later to fit a more Yarmouth historical feel (old meets new) to keep its growing appeal in Maine. However, the height needed by the Railroad Square Project to continue into the next planning phase, shouldn't be deterred by the height restrictions provided from the town.

I am in full support of the Planning Boards granting of the height waiver.

Thank you for your time and consideration,

Anna Buss  
22 Smith St.  
Yarmouth, ME  
04096

To whom it may concern at the Town of Yarmouth,

I am sending this letter to show my support for the proposed project located at Railroad Square in Yarmouth. Having reviewed what has been presented to date to the Planning Board I feel the project is what our town needs in terms of additional housing, increased tax base, while also bringing much needed attention to long contaminated site in the heart of our village.

From what I have been hearing there is a lot of discussion and possibly trepidation over the increase of the zoned height from 3 stories to 4 at the rear apartment style buildings. I would also like to show my support for this waiver to be approved. Higher density housing developments are not only important to alleviate the problems we now see with housing shortage, but they also prove to be one of the most sustainable methods in designing environmentally to conserve energy and resources. This is truly one of the most rare sites a town like ours has to implement buildings of this size and, at only 4 stories set deep into a site, I am unconvinced there would be any adverse effects on the village appearance.

Kind regards,

Kevin Hopkins

76 Seal Lane, Yarmouth

1/2/2025

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

As previously submitted on October 31, 2024, we are troubled with the waiver request for 45 foot building height. The newly presented material for the waiver request is nothing but a sales pitch and highlights the same old development cost story necessitating the waiver.

Again, we are concerned with the visual and lighting aspects of the proposed project at 45 feet. The developer cites viewing locations from Main Street and Main at Cleaves but fails to address views from upper Cleaves Street other than comments with respect to Hancock lumber. The "screening plan to soften the view" on the Eastern elevation is unrealistic considering the topography and minimal setback. So putting this view in perspective let's consider the average height of a utility pole at 35 feet high. Now add another 10 feet and these monstrosities will tower over any building (none are over 35 feet) Hancock lumber has as viewed from Cleaves Street.

Aside from the height waiver request it is also vitally important that all the people in Yarmouth are aware what the project doesn't bring to Yarmouth. As noted in previous discourse there are legitimate concerns with the amount of sewage generated by the project. Burdened taxpayers can reasonably expect more future bond borrowing to upgrade, maintain and operate an aging municipal sewer system based on existing and future increases in flow. While touting the proposed project as becoming the town's largest taxpayer it should not be construed as any indication of a property tax decrease. History proves time and time again that development always translates into higher taxes. Citing real examples; recent multi-unit residential developments abutting Route1 consisting of primarily one bedroom units ultimately resulted in higher property taxes. An increase of 9.6% according to the Press Herald and our checking account.

Additionally, the expectation of affordable housing to be included in phase 2 appears to be clouding and potentially dictating the height waiver decision. Based on the present ordinance, other than "hopes to add affordable housing in phase 2" there is absolutely no guarantee of this becoming reality. The ordinance needs to be changed to include either development impact or affordable housing fees. Such a plan would eliminate empty promises and support the town's comprehensive plan. It would also make the development process clearer.

We firmly 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 also completely disagree with the applicant's claim of no precedent with approval. To the contrary, developers would have a field day with such a meritless decision, not to mention the detrimental tone displayed to the town's people.

Again, we respectfully ask that you act responsibly and protect the interests of Yarmouth and deny the forty five foot height waiver. Thirty five feet is high enough and it's the code.

Sincerely,

Gordon M and Laurie C Oliver

## **Letter in Opposition of the Building Height Waiver (4<sup>th</sup> Story) for the Railroad Square Development**

January 3, 2025

We are writing to ask that the Planning Board NOT approve the request for a building height waiver to add a 4<sup>th</sup> story to build 9 penthouse suites for three reasons:

1. The purely financial justifications for the 4<sup>th</sup> story do not meet the waiver requirement standards
2. The 4<sup>th</sup> story will be a prominent feature of the Village skyline
3. The 4-story buildings are out of character for the middle of the Village.

### **Applicant does not meet the requirement for the Building Height Waiver:**

The waiver requirement Article 1.N.1.B.i-vi (as listed on pg. 6 of Appendix 1) states that “The waiver arises from a legal, or practical necessity for unique conditions applicable to the lot, use or proposed Building and Lot Plan, such as security, privacy, operational, health or safety exigencies, legal requirements or historic preservation concerns.”

These criteria for issuance of the waiver have not been met by the applicant. The applicant states on page 6 of the waiver request (Appendix 1) that “The basis for adding a 4<sup>th</sup> floor and increasing the building height from 35 to 45 feet is founded on the economic reality of developing this specific site”. The developer goes on to name the two primary reasons for the “economic reality” of the site as (1) environmental cleanup costs at the site and (2) the rise in construction costs over the past several years.

The building waiver requirement asks that the applicant “provide data and documentation of compelling and convincing evidence of substantial need for the waiver, and that it not be for convenience or preference.” The justification that follows in the application is a purely financial argument culminating with (Appendix 1, top of pg. 7): “The 4<sup>th</sup> floors allow for larger penthouse units which will generate more revenue per unit to offset site development costs.”

Building 9 penthouse suites to overcome rising construction costs on a site known to have contaminated soil at the time of purchase is not an appropriate justification for the waiver requirement Article 1.N.1.B.i-vi.

### **The 4<sup>th</sup> story will be a prominent feature of the Village skyline**

The applicants have provided many artistic renditions of the future buildings as seen from carefully chosen angles. We would like to offer an additional perspective, as seen from the most travelled road that has visibility into the heart of Yarmouth’s Village (Route 1 over Main St.):

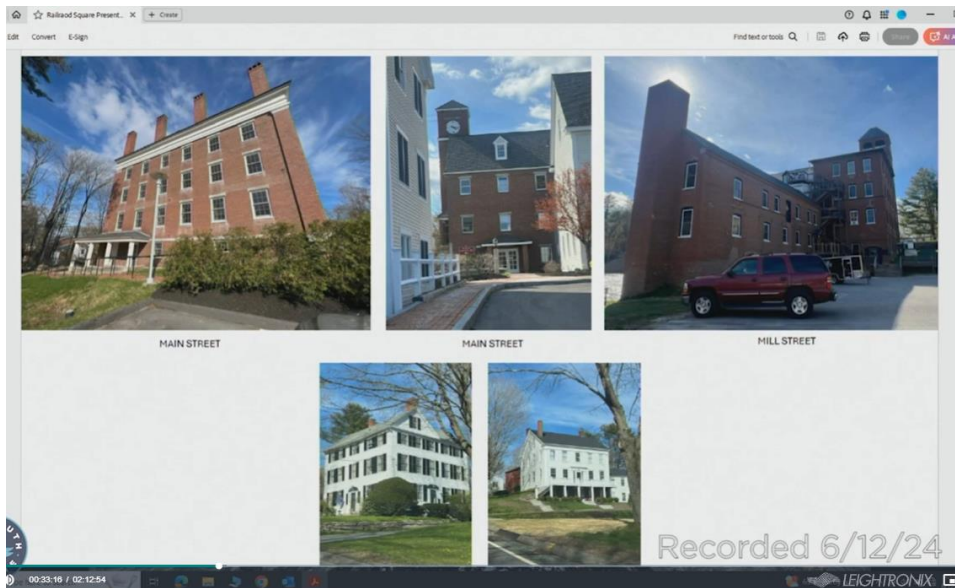


45' above grade at RRSQ would be ~20ft above the roofline of Hancock Lumber.

The RRSQ roofline will become a dominant feature of the skyline – and the only structure above the treeline – as viewed from Route 1 over Main St

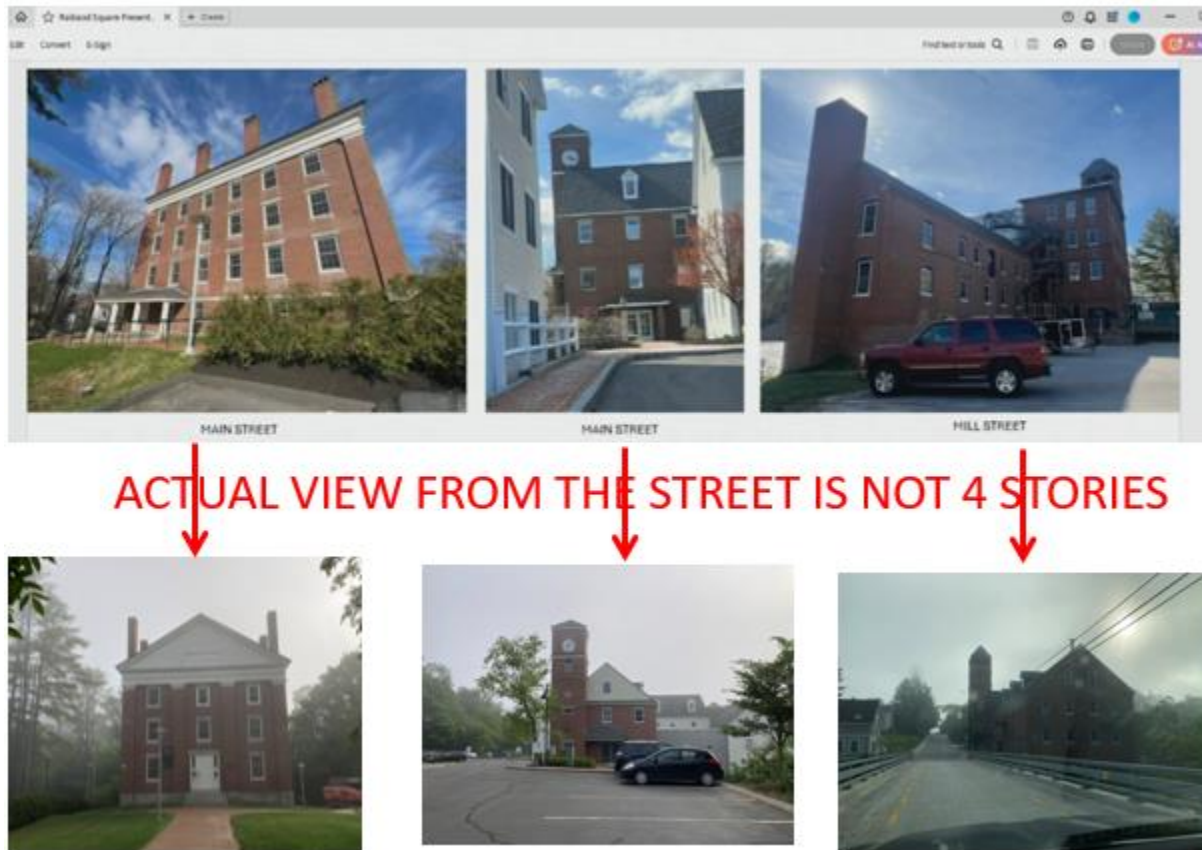
#### 4-story buildings are out of character for the middle of the Village

We also feel that the developer has provided deceptive “instances of historic precedence of 4 story buildings” in Yarmouth. For example, the developer showed these instances as justification as part of their presentation on 6/12/24:



All of these photographs were taken from the downslope side of buildings, and the photographs of the non-residential buildings (NYA, Intermed, Sparhawk Mill) are taken from private property, not from the street view that is seen by Yarmouth residents.

In contrast, the street views for the tallest examples the developer could find are all 3 stories:



If the developer were trying to compare the views of building from the downslope side, why haven't they presented views of the Railroad Square development from the downslope side at the Southwest end of the project?

**In Conclusion,**

We ask the Planning Board to reject the request for a building height waiver for this project. The request does not meet the waiver requirement and the benefits of adding 9 penthouse suites do not justify waiving a 35' height limit to build three buildings that are out of character for the middle of the Village and will be a prominent feature of the Village skyline. Three stories would still allow the developer to accomplish the project benefits of infill development, environmental clean-up, economic development, and community benefit. There must be other ways that the developer could build penthouse suites in place of other lower priced units in the first 3 stories to help offset the purely financial predicament that they find themselves in after (presumably) overpaying for this contaminated property and not considering future rising construction costs.

Sincerely,

Toby and Kate Ahrens (Yarmouth Residents)