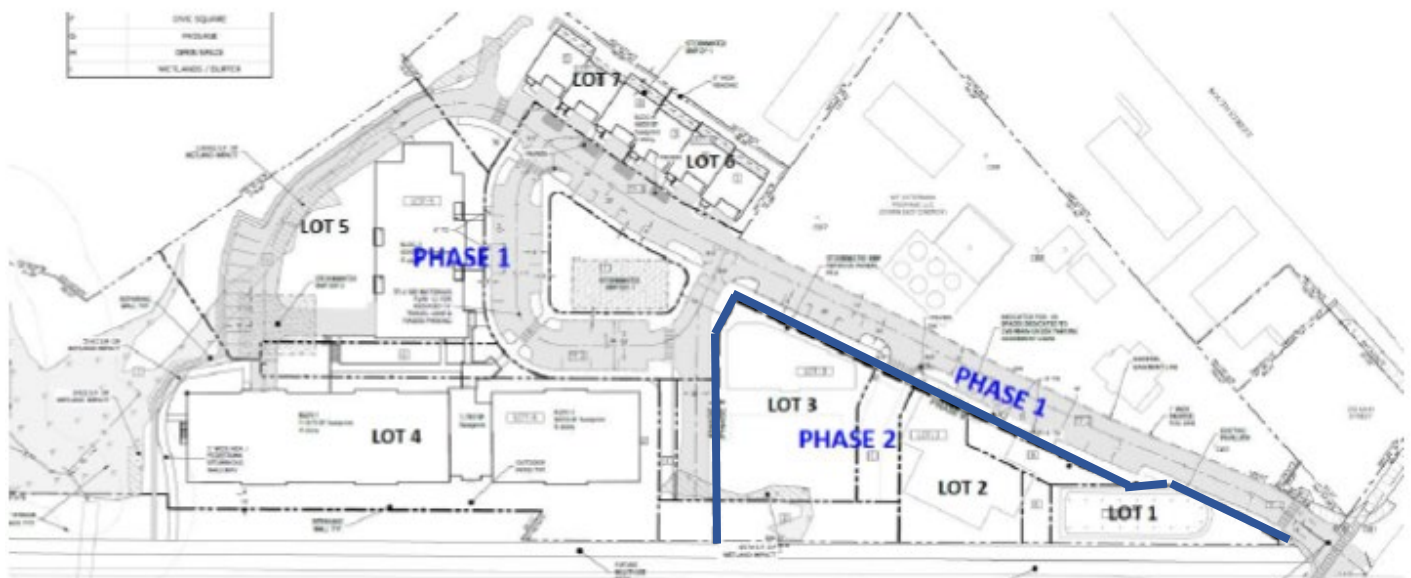


The entirety of Railroad Square is a mix of residential building types with commercial uses as well as community uses:

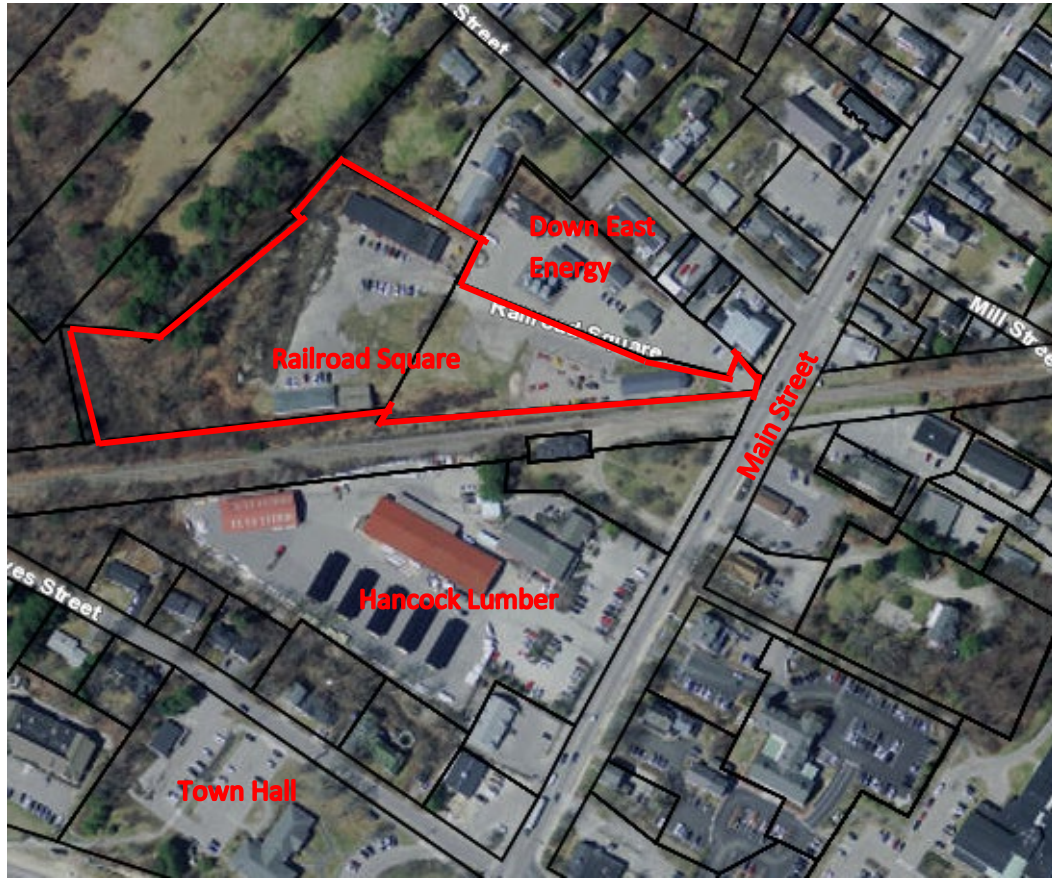
- Active Adult Residential (Ages 55+): Located at the rear of the site, the largest residential component of the Railroad Square Master Plan is an active adult community of single level living condominiums. The original Master Plan located the 45 residences in three 3-story buildings with 15 units each. 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 Final Review.
- 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, MaineDOT, 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 bringing new economic value forward. In previous years, the Planning Board worked diligently with the former development team to refine and ultimately approve a Master Plan that would be well integrated in the existing fabric of the community, while also creating an opportunity to realize the goals of the Character Based Development Code.

In Phase 1, new housing types will be developed, soils will be mitigated, tax benefits will be realized, and stormwater management in Yarmouth's highest priority watershed, as noted in [Yarmouth's Stormwater Management Plan](#), will be improved. In addition, Phase 1 constructs the new roadway network, including bike and pedestrian accommodations and new infrastructure, including all of the stormwater management for the entire development parcel.

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.

In addition, the Applicant is also seeking an amendment to the previously approved Major Site Plan and the CBDC Development Plan to account for the updated Phase 1 site plans, site conditions, and other adjustments to the text and tables.

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 and are referenced in the proposed conditions of approval.

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, the Phase 1 portion of the project was the focus of meetings in 2024. Materials from these meetings are still available online (listed in reverse order):

Date	Topic	Links
November 13, 2024	Preliminary Major Site Plan and Building & Lot Plan (Phase 1)	Meeting Materials Meeting Recording
June 12, 2024	Concept Major Site Plan and Building & Lot Plan (Phase 1)	Meeting Materials Meeting Recording
September 14, 2022	Final Development Plan and Final Subdivision Plan Approval	Meeting Materials Meeting Recording
July 20, 2022	Final Development Plan and Final Subdivision Plan	Meeting Materials Meeting Recording
June 8, 2022	Preliminary Development Plan and Final Subdivision Plan Approval	Meeting Materials Meeting Recording
May 25, 2022	Site Walk	n/a
April 27, 2022	Architecture, Building massing, Retail and Residential uses and Frontages, and Thoroughfare and Lot Plan	Meeting Materials Meeting Recording
March 23, 2022	Lots, Uses, and Thoroughfares, Landscaping, Buffers, and Open Space, and the Utility Master Plan	Meeting Materials Meeting Recording
March 9, 2022	Initial Trip Generation Data, Parking data, and Pedestrian Shed Illustration	Meeting Materials Meeting Recording
January 12, 2022	Overview of the Project	Meeting Materials Meeting Recording

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

The Planning Board's agenda was posted in Town Hall and on the Town's website on December 24, 2024, and two notices appeared in the *Northern Forecaster* on January 2, 2025, and January 9, 2025. Due to the requested continuance, it will also appear in a notice on January 16, 2025.

Notices of the concept meeting were sent to 72 property owners within 500 feet of the proposed development on December 24, 2024. At the time of writing, we received comments from ten individuals, primarily focused on the request for a height waiver. The Planning Board has received comments in support of the waiver request and comments against the waiver request.

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. It appears that the information that has previously been missing has been provided for this final review.

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

YARD TYPES

(see **Table 5.G.1**)

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	E
Lot Coverage	85% max	
Frontage Buildout	40% min, 100% max at front setback	

BUILDING FORM — PRINCIPAL BUILDING

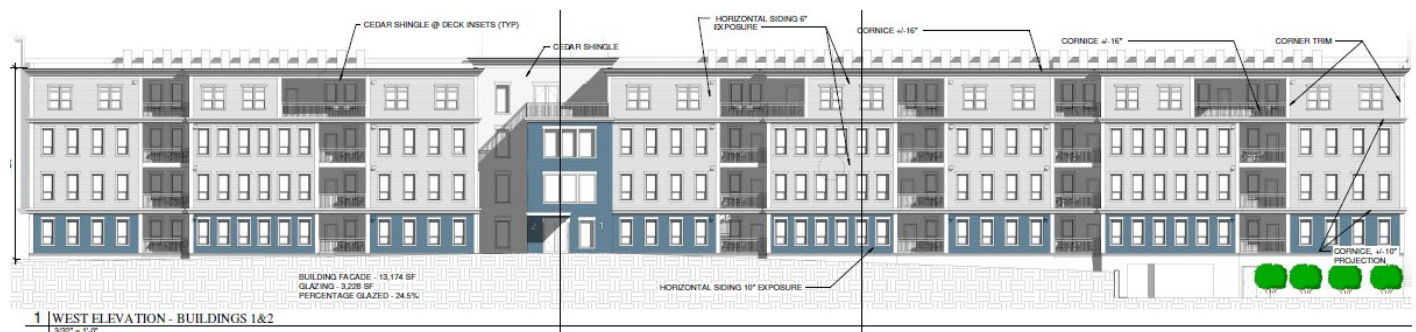
Building Height	3 stories and 35' max	F
First Story Height	10 ft min, 25 ft max	
Upper Story Height	10 ft min, 15 ft max	
Facade Glazing	20% min - 70% max non- shopfront, 70% min shopfront	
Roof Type	flat, hip, gambrel, gable, mansard	
Roof Pitch, if any	8:12 - 14:12	

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.

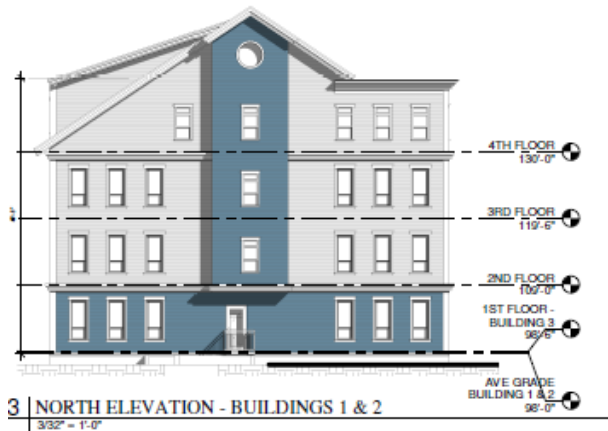
The following elevations are provided in the application materials:



West Elevation (Internal to Railroad Square)



East Elevation (Facing the Railroad Corridor)



North Elevation



South Elevation

The following tables illustrate compliance with the CDBC standards, much of which has been provided and/or updated with the final submittal.

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

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

Lot Occupation	Required	Proposed	Finding
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

Building Form	Required	Proposed	Finding
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)	0.68	OK

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
Third Lot Layer (5.F.1)	Principal Bldg + 20'	Under Building	OK
Parking (5.K.1)	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.

EV Chargers (5.K.1.e)	1 EV charger for every 30 parking spaces	5 EV spaces	Phase 1 requires 3 EV spaces. Five EV spaces exceed the requirement.
Bike Racks (5.K.1.f)	1 bike rack for every 20 parking spaces	6 racks	With a total of 89 spaces assigned to Lots 4 and 5, 5 bike racks are required. Six racks exceed the requirement.

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

Composition	<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 is not necessary as this condition is required to provide accessibility into the buildings.</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 the Buildings 1 and 2. A waiver is necessary (see later discussion).</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	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. The roof slope meets 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)

Landscape	Required	Proposed	Finding
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 st Lot Layer; 20% landscape overall	93%	OK
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)

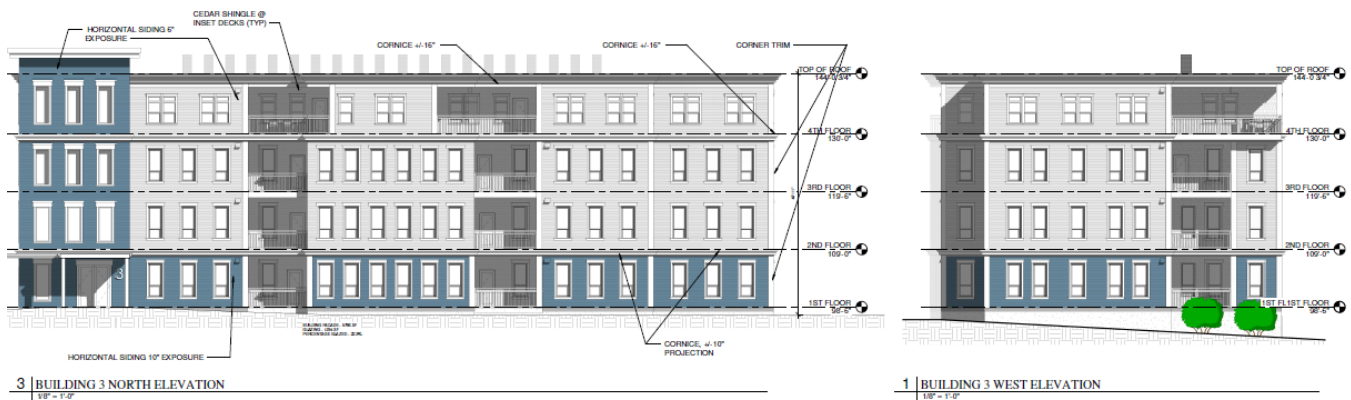
An updated photometric plan was provided, and it appears that it is in compliance with the required standards for outdoor lighting. Note that lighting inside the residences is not regulated.

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

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

Lot Occupation	Required	Proposed	Finding
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

Building Form	Required	Proposed	Finding
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.

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
Third Lot Layer (5.F.1)	Principal Bldg + 20'	Under Building and Surface Parking	OK
Parking (5.K.1)	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.
EV Chargers (5.K.1.e)	1 EV charger for every 30 parking spaces	5 EV spaces	Phase 1 requires 3 EV spaces. Five EV spaces exceed the requirement.
Bike Racks (5.K.1.f)	1 bike rack for every 20 parking spaces	6 racks	With a total of 89 spaces assigned to Lots 4 and 5, 5 bike racks are required. Six racks exceed the requirement.

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 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 is not necessary as this condition is required to provide accessibility into the buildings.</p>
Walls	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 is necessary (see later discussion).
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	<p>Building 3 has a flat roof. The design is intended to screen any penetration or roof top equipment. The application materials included renderings that illustrate that, depending on your perspective, you are unlikely to see the rooftop equipment:</p> 
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 receptable 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)

Landscape	Required	Proposed	Finding
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 st Lot Layer; 20% landscape overall	85%	OK
5.N.ee.i Parking Lots	1 island per 20 spaces	N/A	N/A. The surface parking contains 11 spaces.

5.N.ii Parking Lots	1 tree per 2,000 sf	3 trees	The surface parking at the rear of Lot 5 is less than 2,000 square feet (approximately 1,800 square feet). The proposal exceeds the standard.
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:

Building Placement of the Principal Building	Required	Proposed	Finding
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

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

Lot Occupation	Required	Proposed	Finding
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

Building Form	Required	Proposed	Finding
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 nd) and 15 ft 7 in (3 rd)	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.
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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
Third Lot Layer (5.F.1)	Principal Bldg + 20'	Parking is in garages.	OK
Parking (5.K.1)	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.
EV Chargers (5.K.1.e)	1 EV charger for every 30 parking spaces	5 EV spaces	Phase 1 requires 3 EV spaces. Five EV spaces exceed the requirement. Presumably the owners of the townhouses could also install EV chargers in their garages in the future.
Bike Racks (5.K.1.f)	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	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.
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	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.
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.
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 receptable 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 st Lot Layer; 20% landscape overall	30% on Lot 6; 44% on Lot 7	OK
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.
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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 final list of the 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 8-inch exposure for siding application to allow a 10-inch exposure due to the scale of the buildings.

At the Preliminary Review in November, the Planning Board did not voice any concerns about the siding reveal.

Previously, Planning staff identified that a waiver would potentially be needed to place Buildings 1, 2, and 3 at grade, in conflict with the architectural standard requiring that the residential finished floor be at least 2 feet 6 inches above grade. As requested by the Planning Board, the Planning staff reviewed the preamble of Chapter 703, Article 5.M with the Code Enforcement Officer, and determined that as the entrances to these buildings are the primary accessible entrance, the preamble of Article 5.M provides leeway on the applicability. This section states, in part, “...*These standards are to be administered with discretion to ensure that the overall intent of traditional patterns and historic character is achieved as a whole relative to the neighborhood context, and to allow adjustments to meet ADA requirements, or other such circumstances* (emphasis added).” As such, a waiver is not needed in this instance.

Further, Planning staff identified that a waiver may be needed for Lot 3. Lot 3 is not part of Phase 1, so it is not ripe for review.

Moving on to the request for a height waiver for Buildings 1, 2, and 3, the development team provided a discussion on the context of the development site and a response to each of the standards that must be met for a waiver to be granted.

Planning staff notes the development site has been in commercial use for decades, and the development is a significant opportunity to transform an underutilized 4.4-acre site in the middle of the Village into a vibrant mixed-use development that is consistent with the goals of the CBDC. In Phase 1, new housing types will be developed, soils will be mitigated, tax benefits will be realized, and stormwater management in Yarmouth’s highest priority watershed, as noted in [Yarmouth’s Stormwater Management Plan](#), will be improved. In addition, Phase 1 constructs the new roadway network, including bike and pedestrian accommodations and new infrastructure, including all of the stormwater management for the entire development parcel. However, because the infrastructure will be constructed at this phase, the development costs including the soil mitigation do not balance out with the development concept reviewed

at the subdivision and development plan level. These are the realities of developing projects now; however, the Planning staff believe that the benefits associated with Phase 1 outweigh the detriments.

Further, Planning staff agree with the development team's assessment that the visual impact of the additional story is mitigated through the distance the buildings are located from the surrounding area. As noted in the application materials, there are few areas in Yarmouth that can accommodate the siting of larger and taller buildings.

Moving onto the specific waiver criteria, the Applicant provided a detailed response to each of the waiver criteria ([see page 14 of the materials](#)) and is summarized below with additional commentary from the Planning staff. Ultimately, a decision on this waiver lies with the members of the Planning Board, and an assessment from the Planning staff is provided. Planning Board members are reminded that the granting of any waiver does not set precedent for any future project within Yarmouth.

Article 1.b.i: 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.

The Applicant notes several conditions that are a practical necessity and unique to the lot including the VRAP environmental cleanup and monitoring costs and the increasing construction costs present a project that is financially unbalanced. The Applicant notes that this is not unique to the current development team; it is a reality for any development team that would be interested in taking on this site. Finally, the Applicant notes that the irregular triangular shape, makes it hard to conform to the block concept of the CBDC, a unique site condition to this property.

The Planning Staff agree with this assessment. The Planning Staff note that members of the Planning Board did not want to weigh the potential benefits of Phase 2 in making a decision on Phase 1, which is appropriate; however, the Phase 1 includes the complete infrastructure, including stormwater management, and transportation network for the entirety of the project will be constructed in Phase 1. The benefits of the stormwater management system and other infrastructure improving Yarmouth's highest priority watershed have a wider benefit to the community.

Article 1.b.ii: This waiver limitation of 35% shall not apply to any parking standard or metric.

The Applicant notes the waiver request results in a 28.6% increase over the 35-foot height and a 33.3% increase in the number of stories which are within the 35% allowance per Article 1.N.1.b. The Planning Staff agree with this assessment.

Article 1.b.iii: The applicant shall 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 Applicant provides some details regarding their proforma and note that the additional height allows the proforma to be balanced. The Planning Staff agrees with the assessment, although notes that members of the Planning Board did not want to weigh the potential benefits of Phase 2 in making a decision on Phase 1. The Planning Staff notes, as earlier, the infrastructure costs associated with the entire development are borne by Phase 1, including the soils mitigation and the stormwater management, within the highest priority watershed of in Yarmouth.

Article 1.b.iv: The resulting waiver, if granted, shall be of the least adjustment reasonably necessary to satisfy the practical programmatic or functional needs of the proposed development.

The Applicant notes that alternatives to a full fourth story were assessed but were not architecturally or functionally feasible. The Planning staff agrees with this assessment.

Article 1.b.v: The applicant has instituted plan features to mitigate the visual impacts of the waivers.

The Applicant notes that the various submissions included sight line studies and has incorporated additional vegetative buffers as needed to mitigate visual impacts. The Planning staff agree that the visual impact will be minimized due to the location of these buildings at the farthest point from Main Street and other neighborhoods, and by working with neighbors to mitigate particularized concerns.

Article 1.b.vi: The Waiver does not significantly compromise, subvert or undermine the intent of this chapter.

The Applicant notes that the proposed project is consistent with the goals of the CBDC. The Planning staff agrees with this assessment.

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 2024. 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 at the Preliminary Review, and recommended 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.

There are no further comments from staff.

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: With the Preliminary Review, 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. There are no further comments from staff or the Traffic Peer Reviewer.

- 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:

Use	Requirement	Total Needed
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
Total		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. There are 7 spaces identified as ADA parking spaces meeting the requirements. 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. 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, and proposes 5 EV chargers, exceeding the requirement. The Applicant notes that final locations will be determined based on demand and compliance with the CBDC requirements. Presumably the owners of the townhouses could also install EV chargers in their garages in the future.

Further, the CBC requires 5 bike racks within Phase 1 (one rack per 20 parking spaces), and 6 bike racks are provided (three racks at the center green and three racks between Buildings 1 and 3. 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.

Additional comments that have been made throughout the review of Phase 1 regarding circulation on the project site 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. Town staff and the development team had an internal meeting in December 2024 to start these conversations, and further coordination is recommended as a condition of approval.
- 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 and associated grading. 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 proposes to add traffic calming signage in this area, which is also recommended as a condition of approval.
- The Applicant proposes to create a shared street design behind Building 3, along the driveway that serves the underground parking of Buildings 1, 2, and 3, by painting a 4-foot-wide pedestrian area along the driveway and including signage. Additional pavement treatments may be warranted. A condition of approval is recommended to refine the shared street layout.
- 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, which is still in effect.
- 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.

Addressing all of the Traffic Peer Reviewers plan review comments is recommended as a condition of approval.

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. This is recommended as a condition of approval.

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. This work commenced this fall, and wet weather events in the past several weeks have provided needed data, but the full analysis won't be issued by the Town's consultant until late winter.

Depending on the results of the analysis, the Town Staff expect that the town and the Applicant will mutually collaborate on any required improvements. A condition of approval is recommended to this effect. Any on site improvements that may be necessary to support the flow would be the responsibility of the development team, and any offsite improvements that may be necessary would be subject to any agreement with the town that outlines the pro-rated fiscal responsibility and other legal considerations in order to equitably assign a cost share.

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. This is recommended as a condition of approval.
- 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.

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 recommended as a condition of 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. The Fire Chief also notes that four-story buildings will require a standpipe system.

- 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 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 layers of trees and vegetative buffers to soften the view of the

Townhouses from the South Street properties as illustrated on the Landscape Plan. There are no further comments.

- 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, which are pending. All other approvals are required before any sitework or building permits may be issued.

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 Town Engineer, the Stormwater Peer Reviewer, and 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 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 roadways and public space and around the proposed buildings. There are no further comments.

- 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 0.34-acre of impervious surface area of the site to approximately 2.57 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 88.3% 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. Many of the Stormwater Peer Reviewer's technical comments have been resolved with the Final Submission, and for the unresolved comments, a condition of approval is recommended to address them to the Town Engineer's satisfaction, including address the culvert at the rear of the property, for which a separate condition of approval is recommended. 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; a new condition of approval is recommended to provide more specificity in ensuring that the culvert is cleaned.

The project location is within the highest priority watershed of Yarmouth and ensuring that the stormwater management system will be effective, will have a wider beneficial impact on the community.

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.

Further, as previously 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. A rain garden has been added to the rear of Lot 5, behind Building 3, to capture low and increase infiltration in the lawn area behind the building.

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. Final HOA documents that incorporate the stormwater maintenance agreements, including the various lot-specific maintenance agreements and invasive species management is recommended as a condition of 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 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.

Acorn Engineering had no further comments on erosion and sedimentation controls in the Final Review. However, two conditions of approval are recommended related to soils:

- The Applicant shall submit an Environmental Media Management Plan/Soils Management Plan consistent with the requirements of the VRAP No Action Assurance Letter for review and approval by the Town Engineer or their designee.
- The Applicant shall submit an updated soils report that provides guidance for the foundation design of the four-story buildings.

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 soil and vegetation.

Additionally, the Applicant does report that the project will require coverage under the Maine Construction General Permit, which is covered in the Applicant's submissions to the MaineDEP. All other permits are required to be received prior to the start of any site work or the issuance of any building permit.

- 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 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. The Planning Board previously 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, layered landscape plantings and a continuous fence to provide screening. The upper two floors will be visible but partially softened by existing trees or vegetation.

A photometric plan was submitted with this submission. The lighting levels meet the requirements for roadways 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 previously made recommendations to approve upon the previously selected species. The Applicant has made updates to the Landscape Plans to address the comments by including:

- Replacing the Kalprick maples with a wider canopy maple variety in areas where there is more generous space between the planting location and an adjacent building.
- Replacing the Kousa dogwoods with Redbuds as the dogwoods have recently been determined to be invasive by the state.

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: In the previous meetings, a number of comments related to infrastructure have been discussed that require conditions of approval building upon what was required as part of the Development Plan and Subdivision Plan approval 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. A condition of approval is recommended as outlined under the Sanitary Sewer section.
- Coordinating with the Yarmouth Water District for an updated capacity to serve letter based on the project water flows and phasing considerations. A condition of approval is recommended.
- Coordinating the Railroad Square and Main Street intersection with the Main Street Streetscape Phase 2 project which has advanced 60% drawings. A condition of approval is recommended.
- Improving the culvert at the rear of property where drainage is proposed to be directed is a critical item and is recommended as a condition of approval. The Stormwater Peer Reviewer and the Town Engineer have continually expressed that cleaning this culvert to improve upon its condition is critical in the highest priority watershed of Yarmouth. A condition of approval is recommended to require the Applicant to provide documentation regarding the condition and capacity of the culvert to the Town Engineer, execute any agreement with MaineDOT to address the condition of the culvert, and that the proposed work is satisfactory to the Town Engineer.

Continuing to work with the town to advance the rail trail within the Saint Lawrence & Atlantic right-of-way pending action of the Legislature. At this time, advancing this work is in the hands of the Legislature, and we understand that various bills have been submitted to the Legislature to consider this session.

- 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: Specific tenant or building signage can be approved via a sign permit. There are no further comments.

- 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 are generally consistent with the village aesthetic identified in the 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. The Planning staff have assessed the requested waivers from the CBDC standards in the previous section.

The Applicant has responded to the various comments in their final submission. Addressing any unresolved comments is recommended as a condition of approval.

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 Applicant has submitted an amended Development Plan and Subdivision Plan that incorporates minor revisions to the lot lines in Phase 1, the layout of the buildings and other elements, and adjusted text, including:

1. Layout of the buildings and other elements on Lots 4, 5, 6, and 7, including wetland impact areas, which have been reviewed through this Building & Lot and Site Plan Review process.
2. Adjusting the shared lot line between Lot 6 and Lot 7 so that it does not go through one of the Townhomes. This alteration does not impact the frontage requirements of the CBDC.
3. Adjusting the layout of Lot 1, Lot 2, and Passage B to account for the conceptual building shape. This alteration does not impact the frontage requirements of the CBDC.
4. Adjust all tables and notes to reflect the current review.

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 amended Development Plan and Subdivision Plan does not increase the number of lots within the block or subdivision unit, the alteration does not substantially affect any street, alley, utility easement or drainage easement, the amendments meet the requirements of the CBDC, in particular, and the Planning Board's review completed under Site Plan Review and the Building & Lot Plan review includes recommended conditions of approval.

VIII. Motions for the Board to Consider

The following motions can be considered by the Planning Board if the Board is satisfied with the application:

A. Waiver: Fourth Story

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 January 9, 2025, and by adopting the Findings of Fact and Notice of Decision dated January 22, 2025, regarding an application for Major Site Plan and a Building & Lot Plan and Development Plan/Subdivision Plan Amendment by Railroad Square of Yarmouth, LLC, Applicant; Railroad Square, Map 37 Lots 28 and 29A, regarding the compliance with the applicable regulations and standards of Chapter 703, Character Based Development Code, the Planning Board hereby finds and concludes that allowing the fourth story **[is/is not]** consistent with Chapter 703, Character Based Development Code, and is therefore **[approved/not approved]**.

Such motion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.

B. Site Plan Review and Building & Lot 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 January 9, 2025, and by adopting the Findings of Fact and Notice of Decision dated January 22, 2025, regarding an application for Major Site Plan and a Building & Lot Plan and Development Plan/Subdivision Plan

Amendment by Railroad Square of Yarmouth, LLC, Applicant; Railroad Square, Map 37 Lots 28 and 29A, regarding the compliance with the applicable regulations and standards of Chapter 702, Site Plan Review and the applicable regulations and standards of Chapter 703, Character Based Development Code, the Planning Board hereby finds and concludes that the Major Site Plan and Building & Lot Plan **[meets/does not meet]** the required regulations and standards, and is therefore **[approved/not approved]** subject to the following conditions of approval.

Such motion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.

C. Development Plan/Subdivision Plan Amendment

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 January 9, 2025, and by adopting the Findings of Fact and Notice of Decision dated January 22, 2025, regarding an application for Major Site Plan and a Building & Lot Plan and Development Plan/Subdivision Plan Amendment by Railroad Square of Yarmouth, LLC, Applicant; Railroad Square, Map 37 Lots 28 and 29A, regarding the compliance with the applicable regulations and standards of Chapter 601, Subdivision and the applicable regulations and standards of Chapter 703, Character Based Development Code, the Planning Board hereby finds and concludes that the Development Plan/Subdivision Plan Amendment **[meets/does not meet]** the required regulations and standards, and is therefore **[approved/not approved]** subject to the following conditions of approval.

Such motion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.

Conditions of Approval

1. Compliance with all of the applicable conditions of approval from the Development Plan and Subdivision Plan approval dated September 14, 2022, unless amended by this approval as indicated herein.
2. Prior to the start of any site work, the applicant shall submit an Environmental Media Management Plan/Soils Management Plan for review and approval by the Town Engineer, or their designee, for consistency with the requirements of the No Action Assurance Letter issued by the Maine Department of Environmental Protection, dated July 8, 2022.
3. Prior to the issuance of any building permit, the applicant shall address the following plan review comments to the satisfaction of the Town Engineer:
 - a. The Town Engineer's plan review comments outlined in his memorandum dated December 24, 2024.
 - b. The Traffic Peer Reviewer's unresolved comments outlined in his memorandum dated December 31, 2024.
 - c. The Stormwater Peer Reviewer's unresolved comments outlined in her memorandum dated January 3, 2025.
 - d. The requirements of Condition 3 of the 2022 approval must be incorporated as appropriate.
4. Prior to the issuance of any building permit, the applicant shall provide the Yarmouth Water District's written capacity to serve letter, including the requirement of the Fire Chief to install Fire Department Type 1 Standpipe systems in Buildings 1, 2, and 3, to the Town Engineer and the Director of Planning & Development. These requirements are in addition to Condition 1 of the 2022 approval.
5. Prior to the issuance of any building permit, the applicant shall work collaboratively with the Town to address both the technical and financial impacts of sewer capacity to ensure that the new development's wastewater is adequately conveyed and will not impact the receiving water or cause a public nuisance per Chapter 304, Sewerage Ordinance. Any improvements necessary on the development property shall be entirely the responsibility of the developer, its successors, or assigns.

The cost of any improvements that are necessary to be located off-site to support the new development's wastewater flow shall be pro-rated to account for the development's share of the additional capacity estimated to be provided as a result of the improvements. The Town Engineer shall work cooperatively with the applicant to execute an agreement that outlines the financial share and other legal considerations. The Town Engineer shall determine whether there are alternatives to providing adequate sewer capacity for the development in the instance where the town and the developer, its successors, or assigns, cannot come to agreement on a pro-rated financial share.

6. Prior to the issuance of any building permit, the applicant shall provide an updated soils report that evaluates the in-situ soils and provides guidance for foundation design of the proposed four-story buildings to the Town Engineer and the Code Enforcement Officer for review and approval.
7. Prior to the issuance of any building permit, the applicant shall submit an updated plan for the intersection of Railroad Square Drive and Main Street that is consistent with the Town's Main Street Streetscape Phase II plans prepared by TY Lin for review and approval by the Town Engineer and the Director of Planning & Development. The improvements to the easterly entrance radius and sidewalk shall be constructed prior to the issuance of any Certificate of Occupancy. This condition amends Condition 19 of the 2022 approval.
8. Prior to the issuance of any building permit, the applicant shall submit a sewer system Operations and Maintenance Plan to the Town Engineer for review and approval. The sewer system Operations and Maintenance Plan shall be appropriately referenced in the Homeowner Association (HOA) documents. Evidence that the sewer system Operations and Maintenance Plan is recorded in the Cumberland County Registry of Deeds shall be provided to the Town Engineer and the Director of Planning & Development. This condition supersedes Condition 4 of the 2022 approval.
9. Prior to the issuance of any building permit, the applicant shall submit a final Stormwater Maintenance Agreement, including lot-specific post-construction stormwater BMP maintenance agreements and invasive species management, to the Town Engineer for review and approval. The Stormwater Maintenance Plan shall be appropriately referenced in the Homeowner Association (HOA) documents. Evidence that these documents are recorded in the Cumberland County Registry of Deeds shall be provided to the Town Engineer and the Director of Planning & Development.
10. Prior to the issuance of any building permit, the applicant shall submit final Homeowners Association (HOA) documents to the Town Engineer and Director of Planning & Development for review and approval. Evidence that these documents are recorded in the Cumberland County Registry of Deeds shall be provided to the Town Engineer and the Director of Planning & Development. The requirements of Condition 5 of the 2022 approval must be incorporated as appropriate, as well as invasive species management within the development parcel.
11. Prior to the issuance of any building permit, the applicant shall provide the Town Engineer with all documentation from Maine Department of Transportation (MaineDOT) regarding the condition and capacity of the culvert, including any maintenance that is required, the applicant shall execute any agreement required by MaineDOT to address the condition of the culvert, and the Town Engineer, or their designee, has reviewed the information provided by MaineDOT and the applicant, its successors, or assigns and has no objections to the work. If necessary, the applicant, its successors, or assigns shall secure the appropriate Maine Department of Environmental Protection permits prior to completing this work. This condition supersedes Condition 11 of the 2022 approval.
12. Prior to the issuance of any Certificate of Occupancy, the Applicant shall submit to the Town Engineer and Director of Planning & Development a locational plan for the EV charger infrastructure for review and approval. The EV chargers shall be installed prior to the issuance of any Certificate of Occupancy.
13. Prior to the issuance of any Certificate of Occupancy, the Applicant shall install appropriate traffic calming signage at the TF-2, TF-3 and TF-4 intersection.
14. Prior to the issuance of any Certificate of Occupancy, the Applicant shall submit to the Town Engineer and Director of Planning & Development a refined plan for the shared street providing access to the underground garages under Buildings 1, 2, and 3 for review and approval. The elements of the shared street plan shall be implemented prior to the issuance of any Certificate of Occupancy.

15. 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, sewer upgrades, if any, and landscaping. Also, prior to issuance of building permits or the commencement of work, the applicant and their selected construction contractor shall attend a pre-construction conference with Town staff at a mutually agreeable date and time. Prior to issuance of building permits, 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. This condition amends Condition 21 of the 2022 approval.

Standard Conditions of Approval

1. Amended Recording Plat: This approval will be deemed to have expired unless the signed revised recording plat or other instrument is recorded in the Cumberland County Registry of Deeds within 30 days of this approval date.
2. 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.
3. Separate Building Permits Are Required: This approval does not constitute approval of building plans, which must be reviewed and approved by Yarmouth Code Enforcement Officer.
4. Site Plan Expiration: The site plan approval will be deemed to have expired unless work has commenced within one year of the approval or within a time period up to two years from the approval date if approved by the Planning Board or Planning Director as applicable. Requests to extend approvals must be received before the one-year expiration date.
5. Preconstruction Meeting: Prior to the release of a building permit or 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.
6. Town Record Copies: One mylar copy and three paper copies of the plat showing book and page and date of recording must be submitted to the Town Engineer as well as a plat submitted digitally to the Town Engineer, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
7. Landscaping: All required landscaping shall be guaranteed for a 2-year period.
8. Appeals: The Director of Planning and Development's decisions regarding minor site plans are appealable by an aggrieved party to the Planning Board within 30 days of the date of the issuance of the decision. Decisions of the Planning Board are appealed to the Cumberland County Superior Court.

IX. Attachments

1. Development Plan and Subdivision Plan Approval, September 14, 2022
2. Steve Johnson, Town Engineer – Memo dated December 24, 2024
3. Erik Street, DPW Director – Email dated January 3, 2025
4. Michael Robitaille, Fire Chief – Memo dated December 26, 2024
5. Nicholas Ciarimboli, Code Enforcement Officer – Memo dated January 7, 2025
6. Acorn Engineering, Peer Review – Memo dated January 3, 2025
7. TY Lin, Peer Review – Memo dated December 31, 2024
8. Parks and Lands Committee – Email dated January 3, 2025
9. Tree Advisory Committee – Memo dated January 3, 2025
10. Public Comment – David Craig, November 18, 2024

11. Public Comment – Sam LeGeyt, November 26, 2024
12. Public Comment – Conor Shankman, November 26, 2024
13. Public Comment – Ben Keller, November 26, 2024
14. Public Comment – Brent Shannon, November 26, 2024
15. Public Comment – Brad Moll, November 27, 2024
16. Public Comment – Anna Buss, December 2, 2024
17. Public Comment – Kevin Hopkins, December 10, 2024
18. Public Comment – Gordon and Laurie Oliver, January 2, 2025
19. Public Comment – Toby Ahrens, January 3, 2025



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

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

TOWN OF YARMOUTH

200 Main Street, Yarmouth, Maine 04096
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,

A handwritten signature in cursive script that reads "Erin Zwirko".

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: December 24, 2024
Re: Final Major Site Plan Application: 1 and 48 Railroad Square

Erin:

I have reviewed the subject application from Rick Licht, P.E., of Licht Environmental Design, LLC on behalf of Railroad Square of Yarmouth, LLC for redevelopment of 1 and 48 Railroad Square dated December 11, 2024. I have updated my comments provided to you in my November 1, 2024, memorandum that reflect this final application submission. My updated comments are noted in **RED**.

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 5th, 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 has indicated this application satisfies the 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. **Addressed.**
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. **Addressed.**
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. The applicant has noted that the District is still working on the technical aspects of the project and a capacity to serve letter for the project is forthcoming. Receipt of the District's capacity to serve letter should be a condition of approval.

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 was reviewed by Tom Errico, P.E., of TY Lin, the Town's third-party traffic consultant, who had several comments. The applicant has provided responses to Mr. Errico's comments. I will reserve comment until Mr. Errico's review comments on the applicant's letter 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, (building lots 4 through 7 only), and is proposing to serve the new buildings from a new gravity sewer main extension from Main Street.
 - 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 monitoring work is underway, and it is anticipated that a final report will be received at the end of January 2025. As a condition of approval and prior to the issuance of a building permit, the applicant shall work collaboratively with the Town to address both the technical and financial impacts of sewer capacity to ensure the new development's wastewater is adequately conveyed and will not impact the receiving water or cause a public nuisance per Chapter 304 Sewerage Ordinance.
 - 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. This item is outstanding, and an acceptable sewer system O&M Plan must be submitted and approved by the Town Engineer prior to Certificate of Occupancy. The O&M Plan submission shall be a condition of approval.
 - 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. The applicant anticipates installing sub-metering on

the irrigation water supply to provide for more accurate sewer fee billing. This is very much appreciated.

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. The applicant has updated the analysis per Acorn's comments and has submitted an updated analysis. Acorn is currently reviewing the latest submission, and I expect their comments next week. I reserve my comments until I review their report.
 - 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 has been 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.
 - 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. The applicant has indicated they will work with the Town and MDOT to ensure this culvert entrance is cleared, either by the applicant or MDOT. The cleaning of the culvert entrance prior to certificate of occupancy shall be a condition of 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 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. The applicant has acknowledged these requirements.
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. The applicant has provided a 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. Generally, the report is adequate. However, the soils analysis and recommendations appear to have been based on a three (3) story building height and not the proposed four (4) story buildings. The applicant shall submit an updated report that accounts for the additional story proposed for the rear buildings.

11. Site Plan/Ordinance Requirements:

- A. The applicant has proposed six (6) 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. The applicant has submitted additional information regarding the height waiver request.

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 to conform with the Main Street Master Plan Phase II work currently being developed by TY Lin. Town Staff have met with the development team and are working collaboratively to integrate the TY Lin design with the project entrance design. 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. The applicant is aware of this request.

15. HOA Document Comments: The applicant has provided a draft copy of the proposed Condominium Declaration. The draft document is generally acceptable. I noticed one typographical error on page 12, paragraph g, last sentence, where the City of Portland is referenced. This should be updated to be Town of Yarmouth.

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. Grading and Drainage Plan, Sheet C-102
 - 1. Keith Smith's response letter to the Parks and Lands Committee noted that a small rain garden has been included to the south of Building 3. The proposed rain garden should be shown on the Grading and Drainage Plan.

- B. Plan and Profile I, Thoroughfare 1-3, Sheet C-200
 - 1. A truncated dome field should be shown on the northerly corner of the intersection of TF-4 and TF-2 per ADA standards. The dome field is only shown on the southerly corner of this intersection.
 - C. Plan and Profile II Garage Access and TF-4, Sheet C-201
 - 1. On the Garage Access plan, the rain garden noted in A above should be shown, including the appropriate grading.
 - 2. On the TF-4 plan, the pervious pavers extent and underdrain should be shown on the dead-end section north of Building 2.
 - D. Phase I Landscape Plan, Sheet 1 of 2
 - 1. It appears that the rain garden noted above is shown, however, it should be labeled as such.
 - 2. The pervious pavers should be shown and labeled as noted above.
 - E. Landscape Details, Sheet 14
 - 1. The landscape details should include a construction detail for the proposed rain garden.
18. An irrevocable letter of credit or cash escrow and a non-refundable (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 BMP's, Erosion and Sedimentation Control, lighting, public or common amenities, sewer upgrades, if any, and landscaping. Also, prior to issuance of building permits or the commencement of work, the applicant and their selected construction contractor shall attend a pre-construction conference with Town staff at a mutually agreeable date and time. Attendance at the pre-construction conference should be a condition of approval. Also, prior to issuance of building permits, the applicant shall satisfy all Town concerns and provided updated drawings as required. All other permit applications and fees will be required prior to the release of a building permit.

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

Railroad Square

From Erik Street <EStreet@Yarmouth.me.us>
Date Mon 1/6/2025 1:20 PM
To Erin Zwirko <EZwirko@yarmouth.me.us>

Hi Erin,

Sorry for the delay – I did look through the final application and I have no further comments.

Thank you.

Erik S. Street
Director of Public Works
Town of Yarmouth
207-846-2401





To: Erin Zwirko, Town Planner
From: Michael Robitaille, Fire Rescue Chief
Date: December 26, 2024
RE: Railroad Square Submittal #4

I have reviewed the Major Site Plan – Final for 1 & 48 Railroad Square as submitted on December 11, 2024, by Rick Licht. The following are comments submitted based on national, state, and local standards and ordinances. The final request is to allow for a waiver regarding the building height of several proposed units. In accordance with NFPA and IBC Codes the developer will need to be aware of a few changes from previous Fire-Rescue comments.

- All buildings will be required to have a sprinkler system installed. These units will need to be monitored by an approved alarm monitoring company. They will also need to have a 5” Stortz connection that is accessible from the roadside of the building.
- (NFPA 1, Chapter. 13.3.2.17)
- All Sprinkler installations will need to be approved by the State Fire Marshalls Office, Yarmouth Water District and Yarmouth Fire Department. A Yarmouth Water District Service Application and a Sprinkler Permit must be obtained prior to the approval of any work.
- Fire Department Type 1 Standpipe systems are required in any building more than three stories above grade level. NFPA 13, Chapter 13.2 **** This is a change based on waiver request
- KNOX boxes are required for each individual building as required by local ordinance. These units can be ordered at www.knobox.com. The Fire Department can approve these units online. All buildings will be required to have a KNOXBOX 3200 Commercial style box installed. These units may be either surface or recessed mounted.
- Gas alarms will be required, per state law, for any building that has propane or natural gas utilities. Detectors must be located in each room that an appliance exists.
- A hydrant will be required on the site and the location shall be coordinated between Yarmouth Water District and Yarmouth Fire Rescue.
- All elevators shall be able to handle a Stryker Power Pro XT Stretcher. The dimensions are 81”x23”x29” and the stretcher must have free space around it for staff to work.

Michael S. Robitaille | Fire Chief
207-846-2410 | mrobitaille@yarmouth.me.us
178 North Road, Yarmouth, ME 04096



Nicholas Ciarimboli
Code Enforcement Officer
E-mail: nciarimboli@yarmouth.me.us

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

TOWN OF YARMOUTH
200 Main Street, Yarmouth, Maine 04096
www.yarmouth.me.us

MEMORANDUM

To: Erin Zwirko, Planning Director

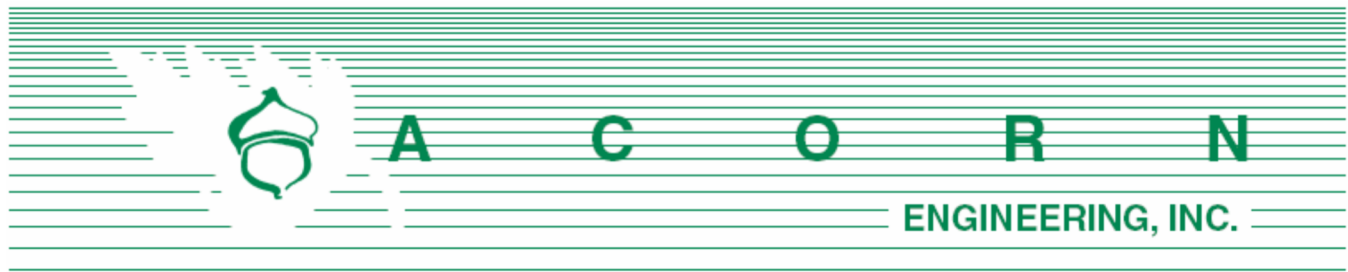
CC: Wendy Simmons

Date: January 7, 2025

Re: 1 & 48 Railroad Square. – Major Site Plan & Subdivision – Mixed-Use Development

The following comments are based on my initial review of the submitted documents and do not constitute an exhaustive building code review which will occur in conjunction with the Building Permit Application. All items shall be addressed with the Building Permit submission.

- 1.) The applicant shall provide a complete set of construction documents stamped by a State of Maine licensed design professional (Architect and/or Engineer) to accompany the Building Permit application including a comprehensive building code analysis.
 - a. Applicant shall provide a statement of special inspections and initial report in accordance with 2015 IBC/ 1704.
- 2.) A separate Building Permit application will be required for each building.
- 3.) A Sewer Connection Permit will be required in conjunction with each Building Permit.



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

January 3, 2025

RE: Railroad Square: Final Phase 1 Lot and Site Plan Application
Major Site Plan Application | Revised December 2024

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. Acorn submitted comments on this application to the Town on October 29, 2024.

The applicant submitted a revised application to the Town on December 10, 2024, and Acorn's review of that application is included in this Memo.

A. MATERIALS REVIEWED

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

- Atlantic Resource Consultants (ARC) written response to comments, dated December 9, 2024 and prepared by ARC Professional Engineer Anthony P. Panciocco, Jr, PE, including response to Acorn Engineering's October 2024 comments (4 pages);
- Revised Stormwater Management Report, Rev 3, dated December 2024 and stamped by ARC Professional Engineer Jason A. Vafiades, PE. Acorn reviewed the following sections:
 - Attachment A (Stormwater Quality Calculations),
 - Attachment B (HydroCAD Runoff and Routing Calculations), dated December 2024; and
 - Attachment C (Stormwater Maintenance Manual)
- Revised Site Plan Application package, prepared by Licht Environmental Design, LLC and dated December 10, 2024 (110 pages). Acorn reviewed the following sections:
 - Exhibit 2: Draft Condominium Declaration
- Railroad Square Drainage Plans prepared by ARC, stamped by ARC Professional Engineer Anthony P. Panciocco, Jr, PE, and dated December 10, 2024, including:
 - Pre-Development Drainage Plan;
 - Post-Development Drainage Plan; and
 - Treatment Plan

- Railroad Square Development Design Plans, prepared by ARC, stamped by ARC Professional Engineer Jason A. Vafiades, PE, and dated December 10, 2024 unless otherwise noted, including:

PLAN INDEX:		
PAGE:	DESCRIPTION:	SHEET:
1 OF 25	COVER SHEET	COVER
2 OF 25	PROJECT NOTES & LEGEND	C-1
3 OF 25	BOUNDARY & EXISTING CONDITIONS	1 OF 1
4 OF 25	PLAN OF SUBDIVISION	1 OF 3
5 OF 25	PLAN OF SUBDIVISION	2 OF 3
6 OF 25	PLAN OF SUBDIVISION	3 OF 3
7 OF 25	OVERALL SITE LAYOUT PLAN	C-101
8 OF 25	GRADING & DRAINAGE PLAN	C-102
9 OF 25	UTILITIES PLAN	C-103
10 OF 25	EROSION CONTROL PLAN	C-104
11 OF 25	PLAN & PROFILE I	C-200
12 OF 25	PLAN & PROFILE II	C-201
13 OF 25	EROSION CONTROL NOTES	C-300
14 OF 25	EROSION CONTROL DETAILS	C-301
15 OF 25	SITE CIVIL DETAILS I	C-302
16 OF 25	SITE CIVIL DETAILS II	C-303
17 OF 25	SITE CIVIL DETAILS III	C-304
18 OF 25	SITE CIVIL DETAILS IV	C-305
19 OF 25	SITE CIVIL DETAILS V	C-306
20 OF 25	LANDSCAPING PLAN	1 OF 4
21 OF 25	LANDSCAPING PLAN I	2 OF 4
22 OF 25	LANDSCAPING DETAILS	3 OF 4
23 OF 25	LANDSCAPING DETAILS I	4 OF 4
24 OF 25	MATERIALS PLAN	1 OF 1
25 OF 25	SITE PHOTOMETRIC PLAN	1 OF 1
ARCHITECTURAL ELEVATIONS & GARAGE PLANS A2.01, A3.1 & A.01		

- Sheet 3 (Plan of Topographic Site Survey) was prepared by and stamped by Professional Land Surveyor Paul H. Ruopp, Jr, PLS, and dated July 12, 2020.
- Sheets 4, 5, and 6 (Subdivision Plans) were prepared by Professional Land Surveyor Paul H. Ruopp, Jr, PLS, and dated December 10, 2024

Acorn Engineering did not review Sheet 25 (Photometric Plan) or Sheets A2.01, A3.1, or A.01 (Architectural Elevations and Garage Plans).



B. EXCLUDED FROM ACORN'S REVIEW

As with previous reviews Acorn has performed on this project, this January 2025 peer review is focused on stormwater management and erosion and sedimentation control.

C. REVIEW OF APPLICANT'S DECEMBER 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 originally stated that they anticipated receiving USACE and Maine DEP permits (and amendments) by the end of 2024; current status is below.

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

1/3/25 Update: The current status of permit applications is in the table below; the applicant acknowledges that these permits have not been issued.

- a. Acorn Comments #9 and 10, below, are related to the design of stormwater BMPs RT-1 and RT-2 and specifically whether these BMPs provide the Water Quality Volume required to treat and store runoff from the respective subcatchments. Acorn requests that the applicant provide the Town with affirmative correspondence from Maine DEP stormwater engineers stating 1) that they concur with how these BMPs were modeled, and 2) that they concur that these BMPs provide the required Water Quality Volume. Acorn requests the opportunity to review this correspondence.
- b. Acorn requests the opportunity to review the natural resource permits that are provided to the Town.

ATS NUMBER	LICENSE NUMBER	TOWN	APPLICANT NAME	PROJECT DESCRIPTION	TAX MAP	TAX LOT	STATUS	DATE RECEIVED	DATE ACCEPTED	CONCLUSION DATE
PBR-80844	PBR_ID-80844	YARMOUTH	RAILROAD SQUARE OF YARMOUTH LLC	REDEVELOPMENT OF FORMER INDUSTRIAL SITE AT RAILROAD SQUARE. PROJECTS TO INCLUDE MULTIPLE BUILDINGS AND ASSOCIATED PARKING, UTILITIES AND STORMWATER MANAGEMENT FOR MULTI-USE DEVELOPMENT	37	28	IMPLICITLY ACCEPTED	10/3/2024	10/3/2024	10/17/2024
ATS-93168	L-029974	YARMOUTH	RAILROAD SQUARE OF YARMOUTH LLC	REDEVELOPMENT OF HISTORIC INDUSTRIAL SITE WITH A MIXED-USE DEVELOPMENT	37	28,29-A	IN PROCESS	9/30/2024	10/22/2024	
ATS-93169	L-029974	YARMOUTH	RAILROAD SQUARE OF YARMOUTH LLC	REDEVELOPMENT PROJECT ON FORMER INDUSTRIAL SITE TO CREATE MIXED-USE NEIGHBORHOOD	37	28,29A	IN PROCESS	9/30/2024	10/22/2024	

Stormwater Management Report

The December 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.

1/3/25 Update: Areas modeled in revised HydroCAD are consistent with calculations. The project proposes to treat 86% of impervious area and 88% of developed area, more than satisfying the Redevelopment Standard. Acorn considers this comment **resolved**.

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

1/3/25 Update: The Proposed Treatment Summary table on Sheet D-102 is identical to the one included in the Stormwater Management Report. Acorn considers this comment **resolved**.

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)

1/3/25 Update: While this was not included as a comment, the applicant stated that they concur with the Post-Development Pollutant Impact Rating of 8.56, and that they have updated the Redevelopment Calculations to show that value. Acorn verified that calculations now use 8.56 and considers this **resolved**.



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.

1/3/25 Update: In the revised application, the applicant says in a comment that they “*will attempt to clear debris from the entrance to the Maine DOT railroad culvert*” by using an excavator on timber mats in the wetland, and says that they “*are reaching out*” to ask Maine DOT to address maintenance; however, the condition/capacity of that culvert continues to be **unresolved**. Condition of this culvert was discussed circa 2019 at a pre-application meeting between the applicant, Maine DEP, and the Town Engineer. The absence of input from Maine DEP and lack of actionable information at this point in the site development and stormwater modeling process remains one of the most significant concerns. The impact of culvert failure on the project – if the development were to be approved and constructed without comprehensive information about the culvert– could be substantial. Acorn does not have access to maintenance agreements associated with this culvert or other documents that may define responsibility for changes to the subcatchment upstream of it. We have assumed that the applicant would have the burden of finding this information, coordinating with Maine DOT, and demonstrating compliance, and we do not recommend approval of the project without this information. However, coordination between the applicant and Maine DOT may be very involved: if that coordination is just beginning, the Planning Board may want to consider a condition of approval that prior to issuing any Building Permit: a) the applicant shall have provided the Town Engineer with all documentation from Maine DOT regarding the condition and capacity of the culvert (including any maintenance that is required, b) the applicant shall have executed any agreement required by Maine DOT, and c) the Town Engineer or their agent has reviewed the information provided by Maine DOT and has no objection to the work.

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).

1/3/25 Update: Acorn reviewed revised Sheet C-306. The structure ID on Detail E on this sheet was revised; however, the configuration of the pipe was not corrected (i.e., it still does not match what is shown in Detail A on this sheet. Please revise the location of the 4-inch underdrain pipe to match what's proposed in Detail A.



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>	<i>2.23</i>	<i>2.57</i>
<i>Landscaped Area</i>	<i>0.77</i>	<i>0.72</i>
Undeveloped/wooded	1.30	1.02
Project Area	4.30	4.31

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.

1/3/25 Update: Areas modeled in revised HydroCAD are consistent with area shown in the Land Use Table. Acorn considers this comment **resolved**.

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).

1/3/25 Update: The Proposed Treatment Summary Table was revised to include reference to subsurface sand filters SSSF-2 and SSSF-1 as the treatment BMP for subcatchments SC-101 and SC-104, respectively. Acorn considers this comment **resolved**.

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.

1/3/25 Update: The applicant acknowledged Acorn's suggestion that a requirement to provide lot-specific post-construction stormwater BMP maintenance agreements 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 Sand 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.

1/3/25 Update: Acorn reviewed the revised application, in which the bottom of the stone is at elevation 89.93, while the bottom of the chambers is at elevation 90.43. The calculations appear to account for the storage volume within the underlying sand media and underdrain backfill layers, below elevation 89.93. Upon reviewing the stage-storage chart in the revised application, and excluding the volume within these layers (below elevation 89.93), the total water quality volume (WQV) is approximately 2,785 cubic feet. Acorn requests that the applicant provide the Town with affirmative correspondence from Maine DEP stormwater engineers stating 1) that they concur with how these BMPs were modeled (i.e., that including the volume within the sand media and underdrain layers is appropriate), and 2) that they concur that these BMPs provide the required Water Quality Volume. Acorn requests the opportunity to review this correspondence so we can verify the existing design's compliance or state whether additional chambers are necessary to provide the required WQV.

10. Calculations provided for RT-2/Subsurface Sand 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.

1/3/25 Update: Acorn reviewed the revised application, in which the bottom of the stone is at elevation 82.18, while the bottom of the chambers is at elevation 82.68. The calculations appear to include the storage volume within the underlying sand media and underdrain backfill layers, below elevation 82.18. However, the stage-storage chart in the revised application does not extend to this elevation, so Acorn is unable to verify whether the total water quality volume (WQV) above this level meets the minimum requirements. Acorn requests that the applicant provide the Town with affirmative correspondence from Maine DEP stormwater engineers stating 1) that they concur with how these BMPs were modeled (i.e., that including the volume within the sand media and underdrain layers is appropriate),



and 2) that they concur that these BMPs provide the required Water Quality Volume. Acorn requests the opportunity to review this correspondence so we can verify the existing design's compliance or state whether additional chambers are necessary to provide the required WQV.

11. Acorn has the following comments on the design of SSSF-1/OCS-1:

- a. Please double check the 12" overflow outlet invert elevation for SSSF-1 Section BB (Detail C) on Sheet C-305. The overflow invert, 95.25', appears to be above the system elevation.

1/3/25 Update: Acorn reviewed these elements in the revised application (plans and HydroCAD model), and considers this comment **resolved**.

- 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)

1/3/25 Update: Acorn reviewed these elements in the revised application (plans and HydroCAD model), and considers this comment **resolved**.

- 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).

1/3/25 Update: Acorn reviewed these elements in the revised application (plans and HydroCAD model), and considers this comment **resolved**.

- d. Acorn recommends re-evaluating the HydroCAD design, which routes the 12" orifice (Device 4) to the sharp crested weir (Device 3).

1/3/25 Update: Acorn reviewed the routing in the revised HydroCAD model and considers this comment **resolved**.

1/3/25 Update: Acorn reviewed the design for SSSF-2/OCS-2, including elevations in HydroCAD and Details C, G, and H on Sheet C-306, and considers comments similar to #11 to be **resolved**.

12. 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.

1/3/25 Update: Acorn reviewed the proposed elevations on plans and in the HydroCAD model and considers this comment **resolved**.

13. 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).

1/3/25 Update: Acorn recommends that a requirement for the applicant to provide a certification letter from Ferguson be considered a Condition of the Town's approval. Acorn requests the opportunity to review this letter.



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.

14. 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.

1/3/25 Update: The Stormwater Maintenance Plan in Attachment C was revised to include the Operations and Maintenance Manual for R-Tank BMPs that was developed by the manufacturer, Ferguson. That Stormwater Maintenance Plan will be an attachment to the Condominium Association Declaration, providing notice to the responsible party of the activities that are required. (See Comment #15 for comments on the Condominium Association Declaration)

- 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.

1/3/25 Update: The applicant acknowledged Acorn's suggestion 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.

15. 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.

1/3/25 Update: Acorn reviewed Exhibit 2 (Draft Condominium [Association] Declaration), which was included in the revised application.

- a. The first mention of the stormwater management system is on Page 11 of this Declaration in a section about where snow can be stored; typically, we would expect stormwater management systems like roof drip edge filters to be described in Section 6 ("Common Elements") in the same way that foundation walls, footings, and thresholds are included as Common Elements. Similarly, we would expect that the porous paver BMPs be described as a Common Element in the same way that parking spaces, sidewalks, plaza and courtyard, driveways, etc... are described as Common Elements. There may be value in identifying other stormwater BMPs as Common Elements, as well. We recommend that the applicant discuss this with the person or firm that prepared the Draft Declaration (believed to be Bernstein-Shur).



- b. The Draft Declaration includes a section assigning responsibility for maintenance of the stormwater system to the Association; however, the Declaration references a “Stormwater Drainage Maintenance Agreement”, which is not the document that defines inspection and maintenance responsibilities. This reference in the Declaration should be changed to the “Railroad Square Development Stormwater Maintenance Plan”, which is the document that fully describes the responsibilities for which the Association will be responsible.
- c. The Declaration should add a section stating that all activities to inspect, maintain, repair, or replace the stormwater management system as well as the cost of preparing and submitting reports about those activities to the Town or Maine DEP shall be considered Common Expenses.

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.

- 16. 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.

1/3/25 Update: Director of Planning & Development Erin Zwirko stated via email on 12/17/24 that the applicant has requested that “...the EMMP/Soil Management Plan be a condition of approval prior to issuance of building permits to allow St. German the time to complete it”. Acorn has no objection to identifying submittal of the EMMP as a Condition of approval. Coordination between design and construction on VRAP sites is critical to reducing the potential for discharge of pollution from the site (including to natural resources and groundwater), so Acorn requests the opportunity to review the EMMP to identify potential conflicts.

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





December 31, 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:

TYLin is pleased to provide our status review comments based upon updated information provided by the applicant dated December 10, 2024, and the Response to Review comments dated December 19, 2024.

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.

Status: I have no further comment.

- 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.

Status: I have no further comment.

- 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.

Status: The Synchro files have been provided. I have reviewed the models and find them to be acceptable. I have no further comment.

- 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.

Status: I have no further comment.

- Sight distance was reviewed and adequate sight will be provided.

Status: I have no further comment.

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.

Status: The applicant suggests the following:

We recommend that the applicant's and Town's design teams work closely to coordinate the final Main Street plan and include the final design into the RRSQ Drawing Set as a Condition of Approval prior to issue of building permits.

I continue to recommend that the applicant include the current design into the site plan. I suggest that further coordination be considered as it relates to the geometric design and the design vehicle turning analysis, such that the site plan can incorporate the Main Street improvements to ensure compatibility. This can be a condition of approval.

- 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.

Status: In my professional opinion, the at grade pavers will have a modest impact on calming vehicular speeds. As proposed by the applicant supplemental traffic calming related signage should be recommended and be included as a condition of approval.

- Dimensions of all sidewalks shall be noted, particularly along TF-2.

Status: The applicant has noted that the dimensions have been omitted and can be added as a condition of approval. I find this to be acceptable.

- Given that the project is for senior housing, the applicant shall note the adequacy of handicap parking spaces.

Status: The applicant has noted that the supply of handicap parking spaces meets town standards. I have no further comment.

- 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.

Status: The applicant acknowledges that this connection has pedestrian routing benefits. Given space limitations, a "shared street" design is suggested. While I would prefer a separated facility, I find the shared street concept to be a reasonable alternative. However, I do not believe a painted 4-foot area will be sufficient (particularly when paint disappears). The applicant should suggest pavement design treatments and supplemental

signage for consideration as a condition of approval. I would note that all traffic generated to buildings 1, 2 and 3 will utilize this street.

- Parking layout plans shall be provided for all interior building parking areas.

Status: The interior parking area plans shall include dimensions for the parking spaces and aisle widths. I would note the dimensions on the parking layout plans do not provide specific parking space dimensions (e.g. space width, length minus wall, etc.)

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

Status: The applicant is suggesting that the parking management plan be a condition of approval. I find this to be reasonable.

- 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.

Status: My Final Status comment is appropriate. The stamped pavement edge treatment is acceptable, with a condition of approval that the applicant engage to abutter on a more robust treatment.

Additional Comments

- **I am concerned about the safety of the crosswalk on TF-2 to 298 Main Street in proximity to the crosswalk at Main Street. In my professional opinion this crosswalk should be eliminated.**

Status: Outstanding.

- **Detectible warning panels shall be provided for all crossing along TF-2.**

Status: Outstanding

- **It is unclear if the detectible warning panel at station 23+20 directing pedestrians into the paver area is ADA compliant given the lack of a landing area on the opposite side of the street. A similar issue exists at stations 6+76 and 43+00.**

Status: Outstanding

Please contact me if you have any questions.

Best regards,

T.Y. LIN INTERNATIONAL

A handwritten signature in black ink that reads "Thomas A. Errico". The signature is written in a cursive, flowing style.

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



Re: Request for Comments: Due 12/27

From brian caprari

Date Fri 1/3/2025 4:14 PM

To Erin Zwirko <EZwirko@yarmouth.me.us>

Good Afternoon Erin

Below are the comments from Parks and Lands Committee:

PLC appreciates the replies to our comments that were submitted on November 1, 2024.

PLC would like all of our past comments and submitted materials spanning years to be considered for this project proposal.

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 could affect the look and feel of the surrounding village. While we do appreciate the additional renderings in the most current version of the proposal, many of the 2D renderings are using mature trees that would take an additional 20-50 years to get to those heights and canopy coverage. The massive shade trees shown on the railroad side will not look like the rendering for a very long time, since all of the trees that are specified are 2" caliper (min). They will look like little baby trees and will not create any appreciable shade for decades.

PLC would also like to see any proposed benefits/justifications that the town may sees for a height restriction waiver be negotiated up front and be a contractual obligation within Phase I of the plan. Any references to these benefits/improvements in Phase II as justification for the height restriction waver should be removed as they are not binding.

PLC is also concerned with the amount of wetlands that will be encroached upon for parking and other impermeable infrastructure. On page 5 of the Architectural Drawings it shows where the wetlands are being encroached upon and filled in. PLC does note that there is a storm water diversion added to the plans, but is still concerned about the additional discharge going into the wetlands from snow plowing and other weather events.

In comment to page 10 of the the application materials, PLC would like to see the invasive clean-up marked as a benefit be contractually obligated, similar to how the stormwater system maintenance cost was. PLC would also like to note that while MDOT is responsible for the culvert itself, that the plan would be reasonable for the water that is directed toward the culverts.

PLC would like to thank you for taking the time to read and consider our concerns with regards to this project.

On Fri, Dec 13, 2024 at 10:41 AM Erin Zwirko <EZwirko@yarmouth.me.us> wrote:

Good morning,

Please see the attached request for comments. Comments are due on 12/27, and materials can be found at the link below:

https://yarmouth.me.us/government/boards_and_committees/planning_board/index.php#outer-4562sub-4564.

Please reach out with any questions, thanks,

Erin

Erin Zwirko, AICP, LEED AP

Director of Planning & Development

200 Main Street, Yarmouth ME 04096

207-846-2401

www.yarmouth.me.us



Yarmouth Tree Advisory Committee

TO: Planning Board Members
Erin Zwirko, Planning Director

COPY: Karyn MacNeill, Scott Couture, David Craig

DATE: January 3, 2025

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

RE: Application for review, Railroad Square Phase I

The Yarmouth Tree Advisory Committee has reviewed the RRSQ Phase I application for your meeting on 1-15-25 and has the following comments.

We appreciate the replacement of some Karpick maples with a large-canopy variety. In addition, the Kousa dogwoods will be changed to Eastern Redbuds as was suggested.

We remain concerned about the effect of adding a fourth story to several buildings. Our suggestion that the applicant create a 3-D scale model of the project to illustrate the change in scale was not addressed by the additional flat renderings presented. In addition, those renderings are misleading in their illustration of mature, full canopy trees surrounding the buildings.

The applicant states that green roofs may be considered for phase II. Aspirations for future plans should not be considered in this application.

Erin Zwirko

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

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 a stylized 'L'.

Sam LeGeyt

207-653-6904

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

Via USPS, and Email (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.

Dear Director Zwirko

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

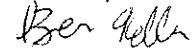
I am writing this letter to show my support for the Railroad Square project and the approval of the height waiver request.

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

A handwritten signature in cursive script that reads "Ben Keller".

Ben Keller

207-944-6450

Brent R. Shannon
20 Holbrook Rd
Yarmouth, ME 04096

Via email: 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 waiver.

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 (4th 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 4th story to build 9 penthouse suites for three reasons:

1. The purely financial justifications for the 4th story do not meet the waiver requirement standards
2. The 4th 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 4th 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 4th 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 4th 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.):

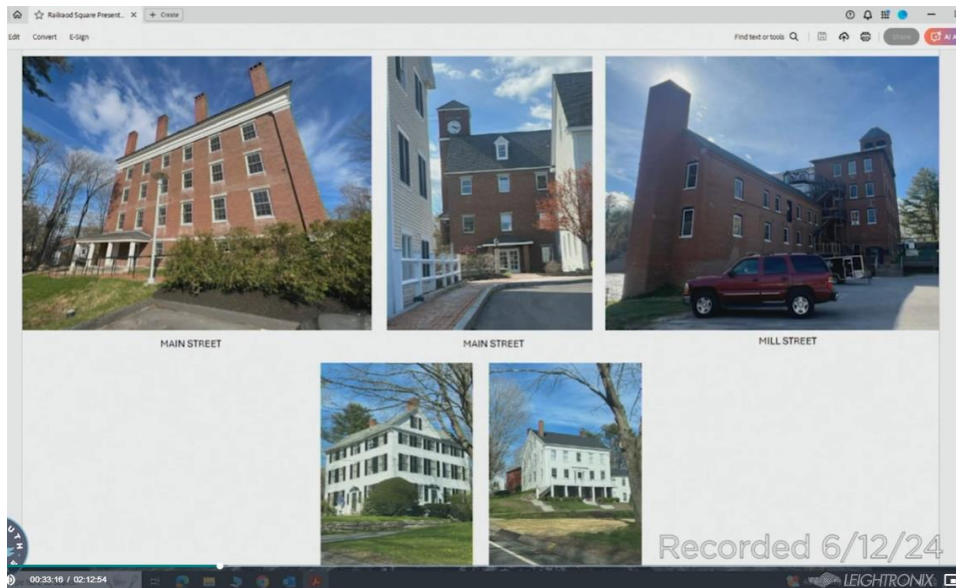


45' above grade at RRSQ
would be ~20ft above the
roofline of Hancock Lumber.

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

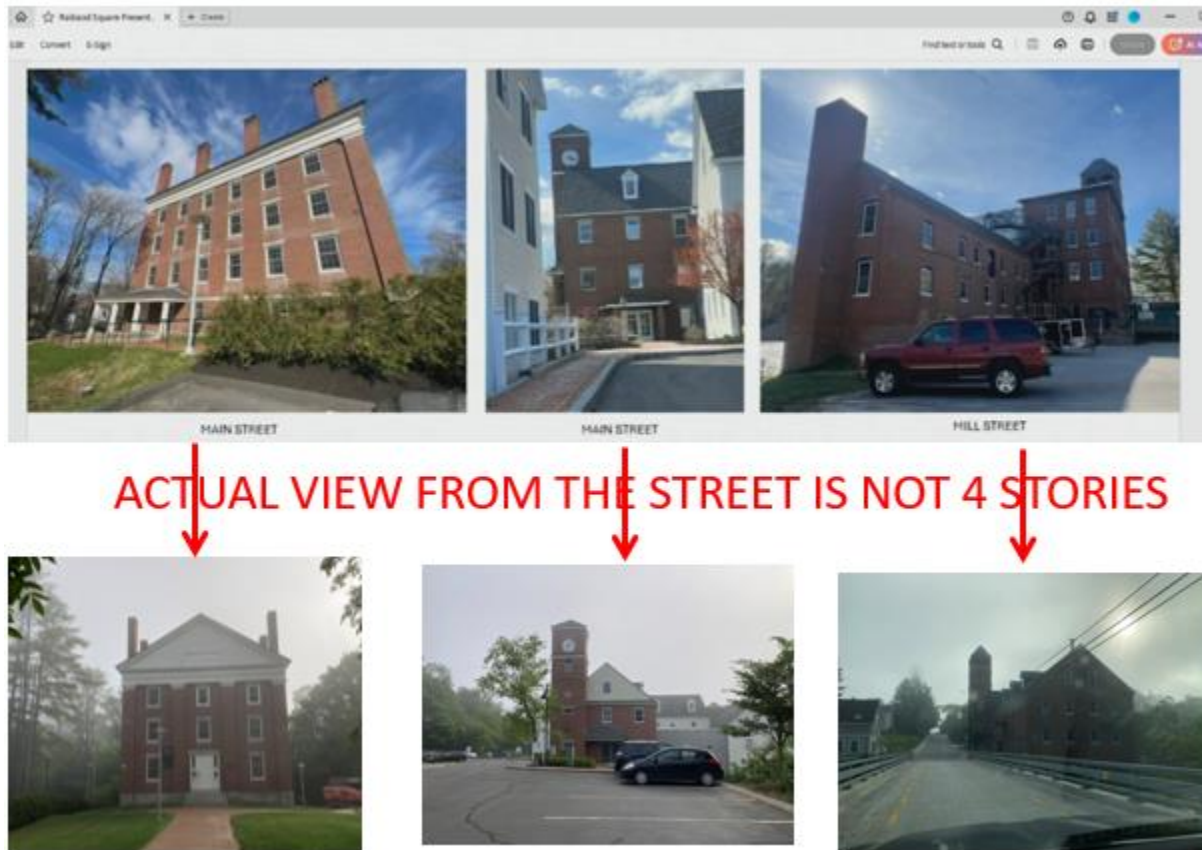
4-story buildings are out of character for the middle of the Village

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)