

# July 9, 2013 Planning Board Meeting

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North Yarmouth Planning Board

Tuesday, July 9, 2013

Meeting Agenda and Notice

7:00 PM @ Downstairs Meeting Room, Municipal Building

Paul Turina, John Carpenter, Peter Lindsay (Chair), Evan Haynes (Alternate), Barbara Skelton (Code Enforcement Officer), Gary DiLisio (Alternate) (arrived at 7:08pm)

Absent: Steve Morrison

## 1. Minutes of June 11, 2013

Paul Turina moved and Evan Haynes seconded to accept the minutes as presented. The vote was 4 Yes.

1. Public Hearing and Review – United Properties, Inc. represented by Robert A. McSorley, P.E. of Sebago Technics, Inc., seeking final approval of a major subdivision known as Deer Brook Apartments – Phase 2 off Gray Road on Property Map 15 Lot 27 in the Farm and Forest District.

Robert McSorley indicated that there are only a few minor changes, including waiver information, erosion control barrier. There is also a minor change in the septic design. Originally, there were 2 septic areas. Another location has good drainage which has allowed the system to be reduced a bit. The buildings will have basement garages with 2 levels and graded into the slope. They will meet the height restrictions. They also received a letter of approval from the Board of Selectmen to the Gray Water District which will then be submitted to the PUC for the one main extension.

He indicated that he had an updated plan in which the only items are the section for the Planning Board members to sign upon approval.

John Carpenter asked about the fire separation. The Fire Department has indicated that sprinklers

are not needed. Barbara suggested that they include a condition indicating that a fire separation to meet the local sprinkler ordinance. There was a discussion as to whether or not it should be included in the findings of fact section.

It was suggested that it be Findings of Fact #13: The local sprinkler ordinance requires a fire wall as agreed by the Fire Chief and the applicant.

Peter reviewed some of the items from Sevee & Mahar. He stated that there be affordable housing and cited a couple of sections outlined. The deed restriction should reflect this and that the access road would not be needed. (Referencing Section 10-30. B.1 and 10-31.B and 11-3.C.5 related to road frontage.)

Parking space dimensions and indications of private road have been noted in the updated plans.

Peter asked if there was any public comment. There was no public comment.

The group reviewed the Findings of Fact changes with Barbara. Barbara outlined the following information.

Change 4-condo to apartment and "rented" affordable ...

Include wording on the site walk.

Change 10- "access way"

Add #13 findings of fact (outlined above)

Also page 3 comments of the conditions of approval. Peter commented that the phrase "sale of lots" should not be included (#6). Paul suggested striking #7 since there is not new road construction. Barbara stated that the group should be certain that the construction of the turnaround be done properly. It was suggested: ...prior to issuance of occupancy... Barbara suggested consideration of emergency services etc. be considered during the construction as well as after.

Robert McSorley stated that a road will need to be built up to the base during construction and will be completed to road standards after. This can accommodate emergency vehicles. There was a discussion on the timing of the installation of the water main. Robert stated that they need to have the water in first prior to building construction. Paul suggested using the wording "prior to issuance of a building permit." John asked how this could be done since the code enforcement officer requires final sign off. Barbara suggested "prior to issuance of the first building construction." There was a discussion on a performance guarantee. It was agreed to make #7 (page 4) as Condition of Approval #6.

Gary asked if there should be some language regarding the process that the Planning Board took in their decision for the long-term. He also asked if any language needs to be included should the property become a condo association (i.e. no longer rentals). John stated that he understands that this potential would require that it appears before a future a Planning Board.

It was suggested: Condition #7: The property shall not be divided by division or condominiumization of the property.

Robert stated that the phrase "rental units" is clearly defined in the documentation and that any changes would require a return to the Planning Board. Peter stated that as proposed, any change would imply a significant change in the use of the land. John stated that the division of the property would require a return to the Planning Board. Peter stated that based on this, an additional condition would not be required. (Condition #7, as proposed above was not included).

Gary asked about the percentage factor. Peter stated that this was included with the affordable housing aspect and the net residential density.

There was a discussion on the Conclusions (page 2). Conclusion #2: Road Design and Construction standards the side-slope needed to be addressed. The rest of the underlined items were omitted.

Conclusion #1: There is a letter from the bank on the financial capacity. It is also indicated as a finding of fact #11.

Evan asked if there will be a hydrant. Robert McSorley stated that there will be and the town will be responsible for it. Evan asked if it needs to be included in any conditions. The group agreed that given that it's on the plan and that there is a record of a letter from the Board of Selectmen to the Gray Water District.

Peter noted that Gary will be a voting member for this item.

John Carpenter moved and Evan Haynes seconded to approve the Deer Brook Apartments – Phase 2 off Gray Road on Property Map 15 Lot 27 in the Farm and Forest District pursuant to the Findings of Facts and Conditions of Approval in the Proposed findings for Deer Brook Apts -Phase 2 document dated July 8, 2013.

The vote was unanimous.

1. Any other items as the Chair may deem appropriate

Peter reminded the group that there will be no August meeting. Gary asked if the word "street" should be used in the ordinances given that a number of items they have reviewed don't follow these particular criteria (i.e. an access-way versus a road). Barbara stated that this can be discussed and would require approval at Town Meeting as this is more than a ministerial change unless legal counsel has suggested otherwise. Given the potential Town Meeting date changes, discussions should begin sooner. Barbara indicated that the new Charter requires that committees have by-laws and election of Board officers and the group will need to discuss this. Peter asked Barbara to review the new charter to determine the parameters for this and he would be willing to review this with her to create a draft. John suggested simplification.

Peter Lindsay moved and Gary DiLisio seconded to adjourn the meeting.

The vote was unanimous.

The meeting ended at 8:21pm.