

# February 12, 2013 Planning Board Minutes

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North Yarmouth Planning Board

Tuesday, February 12, 2013

Meeting Agenda and Notice

7:00 PM @ Downstairs Meeting Room, Municipal Building

Peter Lindsay (Chairman), Steve Morrison, Clark Whittier, Paul Turina (arrived at 7:06pm), Gary DiLisio (arrived at 7:28pm), Barbara Skelton (Code Enforcement Officer).

Absent: John Carpenter, Evan Haynes

1. Minutes of December 11, 2012 and January 7, 2013

Clark Whittier moved and Peter Lindsay seconded to accept the minutes as presented. The minutes were accepted.

1. Public hearing – Review proposed amendments to the Land Use Ordinance as follows:

Peter gave an overview of the purpose and that action needs to be taken on each item.

1. Article V. Subdivision Review Procedures and Criteria, Section 5-7 Final Plan for Major Subdivision, Paragraph A Procedure, Subparagraph 1 to change the wording to be consistent with other ordinance sections requiring submissions 14 days before the scheduled Planning Board meeting.

There were no public or Board comments.

Clark Whittier moved and Paul Turina second to advance this article to the Board of Selectmen. The vote was 3 yes

1. Article V. Subdivision Review Procedures and Criteria, Section 5-8 Final Approval and Filing for Minor and Major Subdivisions, Paragraph D to correct the referenced section to the proper section for changes to approved subdivision plans.

There were no public or Board comments.

Paul Turina moved and Steve Morrison seconded to advance this article to the Board of Selectmen. The vote was 3 yes

1. Article V. Subdivision Review Procedures and Criteria, Section 5-9 Revisions to Approved Plans for Minor and Major Subdivisions, Paragraph A to require the applicant to follow the section in which notifications are sent to abutters to allow for input from affected property owners when proposing the abandonment of a subdivision.

There were no public or Board comments.

Steve Morrison moved and Clark Whittier seconded to advance this article to the Board of Selectmen. The vote was 4 yes.

1. Article VII. Zoning District Regulations, Section 7-4 District Land Use Table to allow small sheds, consistent with the Residential Building Code (2009 IRC), without a permit.

Peter clarified that the intent is to allow small sheds, consistent with the Residential Building Code.

Paul Turina moved and Steve Morrison seconded to advance this article to the Board of Selectmen. The vote was 4 yes.

1. Article VII. Zoning District Regulations, Section 7-2 Space and Dimensional Requirements to allow a corresponding reduction in density if lot size is reduced in the Village Center and Village Residential Districts.

There were no public or Board comments.

Clark Whittier moved and Steve Morrison seconded advance this article to the Board of Selectmen. The vote was 4 yes.

1. Article VII. Zoning District Regulations, Section 7-2 Space and Dimensional Requirements to include the cross-reference to the lot length to width ratio in the notes.

Peter stated that the intent is to cross reference the lot length to width ratio in the notes. Paul Turina asked if this has been permitted already. Clark Whittier asked if this doesn't change if the property is in the lake district.

There were no public or Board comments.

Paul Turina moved and Clark Whittier seconded advance this article to the Board of Selectmen. The vote was 4 yes.

1. Article VIII. General Requirements Applicable to All Land Uses, Section 8-7 Signs to restrict political signs on Town owned properties in the "Town Center" which includes voting places.

There were no public or Board comments.

Clark Whittier moved and Peter Lindsay seconded advance this article to the Board of Selectmen. The vote was 4 yes

1. Article XII. Definitions of the Land Use Ordinance to allow the CEO to issue a temporary housing permit.

Peter stated that the intent is to make the wording consistent.

There was no public comment.

Steve Morrison moved and Peter Lindsay seconded advance this article to the Board of Selectmen. The vote was 4 yes

1. Review – United Properties, Inc. represented by Robert A. McSorley, P.E. of Sebago Technics, Inc., seeking preliminary 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.

Rob McSorley stated that they have been before the Planning Board and at that time there was a question on net residential density calculation. Legal review believes that the 15% is no longer needed as it has not changed.

He also outlined that the Fire Chief would like a water main down the entrance off the Gray Road (Route 115). They are in a preliminary agreement with the Gray Water District. There will be a fire hydrant on the south side of the road. There will also be piping installed for the both the existing and proposed apartments to have domestic water. The configuration of the buildings is based on the request for access from the Fire Chief. The duplex units will only be 2 bedroom ones which will reduce the septic footprint.

At the last meeting they requested a waiver for a high intensity soil survey. Rob stated that based on their information and data, they believe they have a good handle on the soil and are adequate.

He also discussed a waiver on the extension of the roadway as they will be using the existing. They would like increase the density to one affordable housing unit. This will help offset the costs for the water piping installation.

Clark Whittier asked about the land for the affordable housing unit. Rob said about 1 acre, but it would be a rental unit incorporated with the others.

Paul asked about the frontage on Route 115. Rob stated that it is currently 150 feet but existed at the time of the implementation of the ordinance. 1180 feet is the distance from the entrance to the turnaround.

Paul stated that he believes that it would be appropriate to have a public hearing on the additional unit as it is a substantial change. He also asked if a public hearing and final approval can be done at the same meeting. Peter stated that there will be a public hearing. There was a discussion on the criteria and index for affordable housing. Rob stated that there is a formula based on income, county information and the like.

Clark asked about the square footage per unit. Rob stated that they would be approximately 700-800 sq ft with an attached garage. There would be a total of 7 residential units with 1 being for affordable housing.

Peter asked the Board if they have questions regarding the completeness of the application thus far in order to determine if a preliminary approval will be given.

Rob outlined the documents that were presented in the application.

Gary asked if it will be the Town's prerogative to take this road on as a public road. Rob stated that the intent is to keep it a private road. Barbara suggested that this be a condition of approval that it remains a private road. Paul stated that since they waived the width, work would have to be done to bring it to Town road standards. Barbara also suggested that some notation be included in

the plans to state that this remains a private road.

Peter asked if there were concerns about the affordable unit being added. The group did not have any issues with this idea. Barbara stated that the ordinance states that the affordable housing be dispersed within the other units, but as worded it implies more than one. Steve stated that it could be one of the units within a duplex. Clark stated that a condition of approval would be to make sure that the 7<sup>th</sup> unit is comparable in size to the others. Paul stated that as long as the affordable one within the duplexes is the same, the 7<sup>th</sup> stand alone one could be another size and therefore a condition of approval would not be necessary.

The group did not object to the high intensity soil survey waiver.

Paul Turina moved and Gary DiLisio seconded to deem the application complete. The vote was 5 yes.

Peter reviewed the following items:

1. Gray Water District agreement which is in progress. Rob stated that they would need to finalize this agreement given that this will be part of the final approval.
1. Peer Review process. Rob stated that he believes that a peer review would need to be done for the final review.
1. Is a site walk necessary? This will likely be done at a later date with little or no snow. Rob suggested they return with the revised design prior to scheduling this.

Clark Whittier moved and Paul Turina seconded to give preliminary 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. The vote was 5 yes.

Gary asked if more is needed for this approval. Barbara stated that based on this conversation, conditions and final documentation would be completed for the final approval for Board Review. Steve Morrison suggested changing “carport” to “garage” on the plan.

1. Review – AT&T Mobility, represented by EBI Consulting, seeking site plan approval for equipment modification to the wireless communications facility at 40 Parsonage Road on Property Map 7 Lot 92 in the Village Center / Groundwater Protection Overlay Districts.

Keenan Brinn gave an overview of their proposal which was previously discussed at the December meeting. Some additions on the property would be additional cabinet stations and replacement/addition of 3 antennae to accommodate the increased cellular services (more 911 capability, video streaming, advanced internet via cell phones.) There will be no additional items on the property, and no site work will be done. He stated that any approvals would be contingent upon any structural analysis. The "Construction Control Document" presented to the Code Enforcement Officer certifies that the work done conforms to state of Maine standards. Peter stated that if the Board made the structural analysis document a condition of approval, this would be the only way that a permit could be issued. Barbara stated that this is correct.

He also outlined the LTE bands that would be used and is in compliance with FCC thresholds.

There was a discussion on approval block. Peter believes that this isn't enough of a change to warrant this. He also commented on the lease agreement that will need to be renewed in 2014 and that the town would like to get some access to help with more Fire Department coverage. Keenan stated that it could be done via U.S Cellular directly when the time comes for the lease agreement.

Steve Morrison moved and Paul Turina seconded to approve the plan for equipment modification for A&T Mobility, represented by EBI Consulting, seeking to the wireless communications facility at 40 Parsonage Road on Property Map 7 Lot 92 in the Village Center / Groundwater Protection Overlay Districts.

The conditions of approval are as follows:

1. Permits shall expired one year from the date of issuance of a permit if a substantial start is not made in construction or in use of the property during that period. If a substantial start is made within one year of issuance of a permit, the applicant shall have one additional year to complete the project, after which time the permit shall expire.
2. The required Structural Analysis will be provided prior to the issuance of a Building Permit.

The vote was 5 Yes.

1. Pre-application conference – Matthew Wasielewski seeking discussion about a site plan review for a new building for Yarmouth Research and Technology at 434 Walnut Hill Road on Property Map 7 Lot 31 in the Village Center / Groundwater Protection Overlay Districts.

Matthew gave an overview of the proposal via some drawings including the building, septic, leach field, floor plan and the like. Barbara stated that the parking space closest to the road would be eliminated as there is still sufficient parking for this site.

Peter commented on the thoroughness of the project thus far. Peter asked about outdoor lighting.

Matthew stated that there will not be anything other than a basic door light.

Paul commented on some of the waivers, in particular the storm water calculation. He believes that a number of them may not be applicable.

Gary asked about issues with additional employees. Matthew stated that the septic is designed to accommodate 5 + people. (He will have 5 employees). He also stated that the configuration and septic is designed to accommodate a future apartment on the second floor. Peter and Barbara stated that as the ordinance is written, it would not be an issue. Paul asked if this would be an issue if it was a rental unit. Barbara stated that further discussion will need to take place for clarification, but is premature at this point.

Barbara suggested that the next steps be a site walk and a public hearing to determine if it needs a peer review. The group agreed to a site walk but that a peer review is unnecessary. The group agreed to Thursday, Feb. 21<sup>st</sup> at 8am. There was a discussion on abutter notice and public hearing. The group agreed to a public hearing which requires notification.

Paul asked if building materials, colors and the like need to be presented at the public hearing. Matthew said that he has these and they can be presented if needed.

1. Any other items as the Chair may deem appropriate

Peter stated that Barbara has presented information from Cumberland's proposed aquifer protection changes for the Board's information.

Peter stated that there should be a job description for Board members which he has spoken to Barbara about and he will contact members to see if they have suggestions on potential volunteers. Peter encouraged the others to talk about what they do as a way to plant the seed for future volunteers.

Steve Morrison moved and Gary DiLisio seconded to adjourn the meeting. The vote was 5 yes.

The meeting ended at 8:51pm.