



Planning Board Report
Nuance Dental at 233 Route One
Final Plans for Building & Lot Plan & Major Site Plan
Cone Cladicals, LLC, Applicant
Map 31 Lot 25; CD4-C Route One Corridor
Prepared by Erin Zwirko, Director of Planning and Development
Report Date: October 19, 2023; Planning Board Date: October 25, 2023

I. Project Description

Nuance Dental (Cone Cladicals, LLC) proposes to demolish the empty Bistro 233 building and construct a single-story structure for prosthodontics practice at 233 Route One in generally the same location. The 2,079 square foot practice will feature two patient rooms and associated support areas. The large parking lot that supported the shuttered restaurant will be removed and replaced with a small 6 parking space lot. The remaining area will be revegetated.

This development will be reviewed pursuant to the following ordinances:

- CH. 703 Character Based Development Code (CBDC) Building and Lot Plan as a Building and Lot Plan, CD4-C Route One Corridor, and
- CH. 702, Major Site Plan.



Town GIS aerial with Project Site in Red

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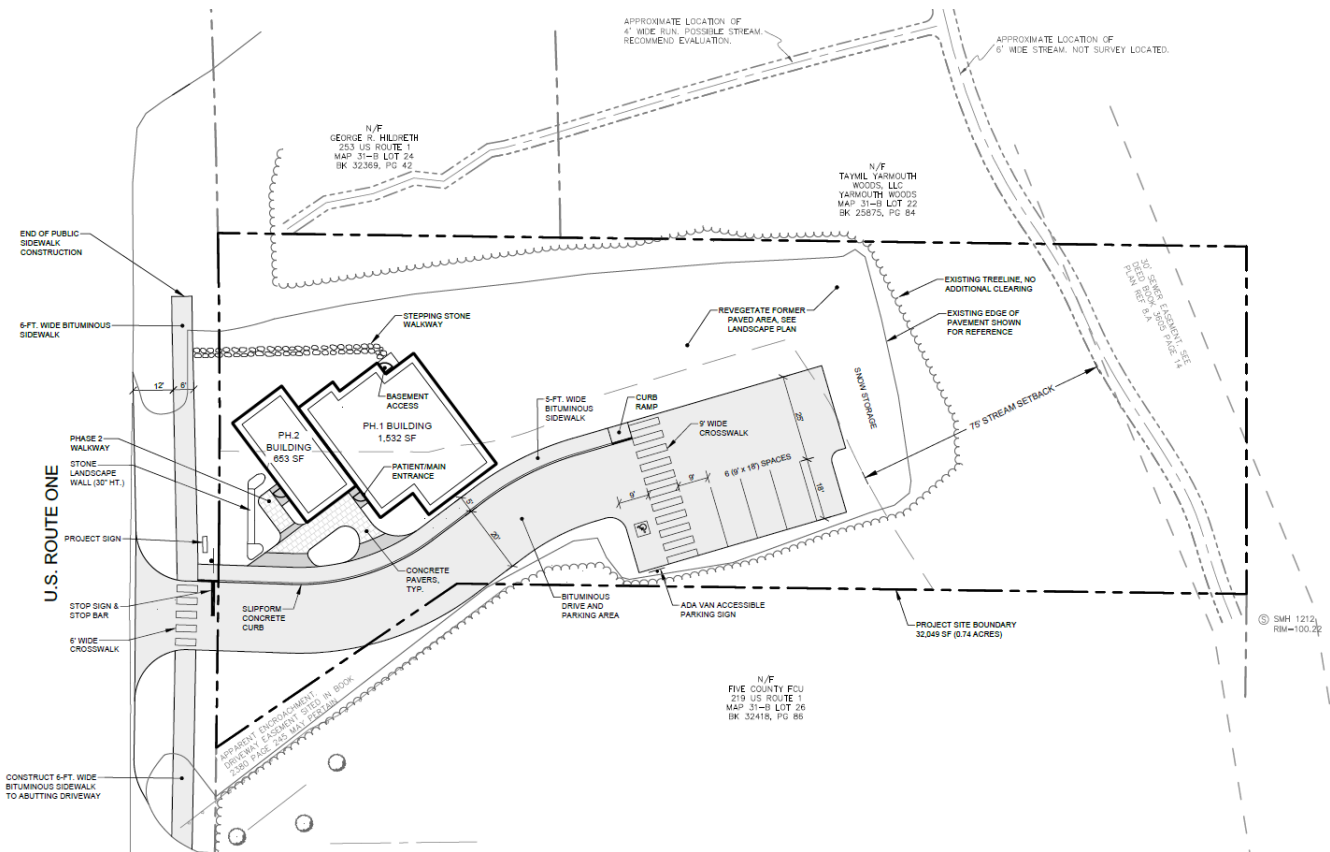
Google Streetview (November 2022) of the Existing Structure

The proposed practice will be located in generally the same location at the existing structure as a portion of the existing foundation will be used. The applicant expects to have 3 employees and a maximum of 4 patients per day. The building will utilize the existing public utilities surrounding the site, including public water, sewer and electrical and telecommunications services.



Route One Northbound Rendering

As noted earlier, the expansive parking will be significantly reduced, one of the driveway entrances will be closed, and a sidewalk connection and street trees will be added along the frontage. The existing restaurant structure is setback approximately 12 feet at its nearest point. The proposed building will be located in the same general position.



Final Nuance Dental Site Plan

The building is proposed to be constructed in two phases. The first phase of the building has a floor area of 1,474 square feet and the majority will be constructed on the existing building foundation. Phase one contains the minimum space required to operate the prosthodontist office. The second phase has a floor area of 576 square feet and will provide additional area for the practice. The applicant is seeking approval for the full build-out of the project. The application package shows both phases as a complete project.

At previous meetings, there was some discussion about whether the full development could be approved at this time. The applicant had indicated that Phase 2 would not be constructed immediately after Phase 1; rather, it might be constructed in five years. The Planning Board requested additional information from the staff whether a decision might incorporate approval for Phase 2. It was advised that since the timeline for construction is relatively far out, the site plan approval of up to 2 years for a substantial start of construction could not be extended due to the ordinance language to cover the construction of Phase 2. However, the decision could acknowledge that Phase 2 was disclosed and reviewed, and an amendment of the decision for Phase 2 could be limited to certain elements, such as architecture, and CBDC requirements, as the site improvement elements will be substantially covered by the decision.

The Planning Board held a concept review on June 28, 2023, and a preliminary review on September 13, 2023. Overall, the meetings have been focused on the requested waivers from the Character Based Development Code (CBDC) standards. The Town staff have found that the applicant has submitted a complete site plan package with the revisions made since the September meeting.

II. Public Notice and Comment

Notices of this public hearing were sent to 13 property owners in the vicinity (within 500 feet) of the proposed development. As of this writing, we have received no comments from the public. We have not received public comments on any of the previous submittals either.

The Parks and Lands Committee and the Economic Development Director recently submitted supportive letters on the project, which are attached to this staff report.

Uses in Vicinity: The surrounding neighborhood consists of:

- Route One North: Yarmouth Green Apartments, Five County Credit Union, Yarmouth Spinal Care, Subway, Sunoco and the multi-tenant commercial building at 305 Route One.
- Route One South: St. Lawrence and Atlantic Railroad right of way and MaineDOT Park and Ride.

The composition is driven by the desire to reuse a portion of the basement for the new structure. The applicant notes that the project is constrained by utilization of the existing foundation, and demonstrates modern structural elements centered in classical composition.

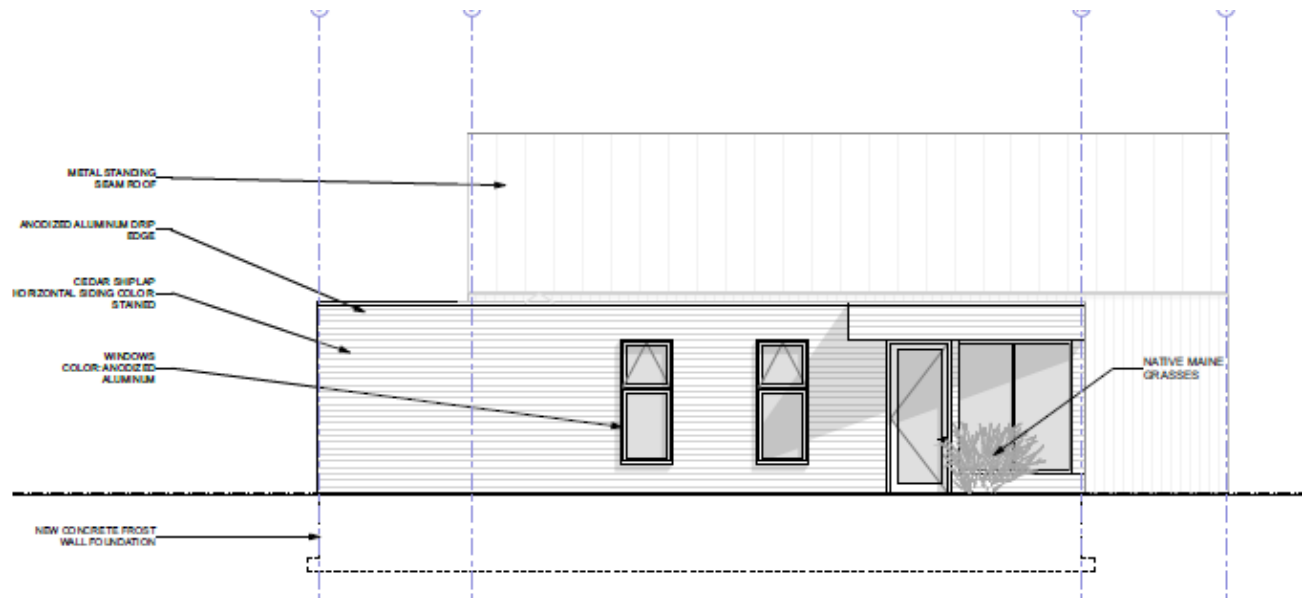
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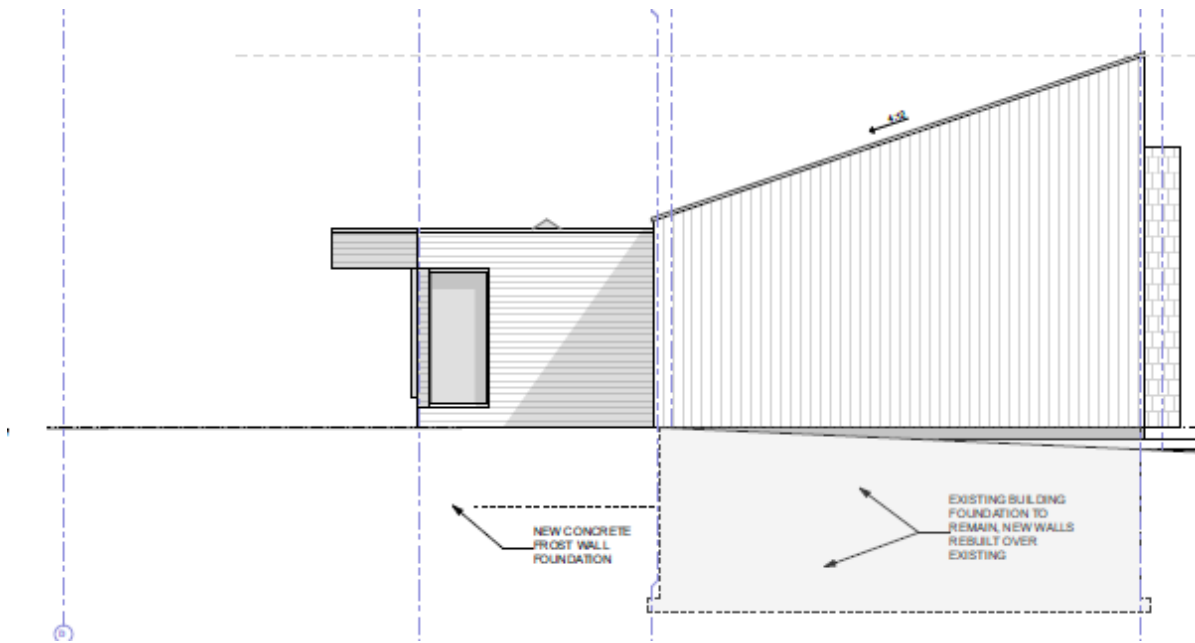


Route One Northbound Rendering

The applicant previously provided elevations of the Phase 1 building in the application materials:



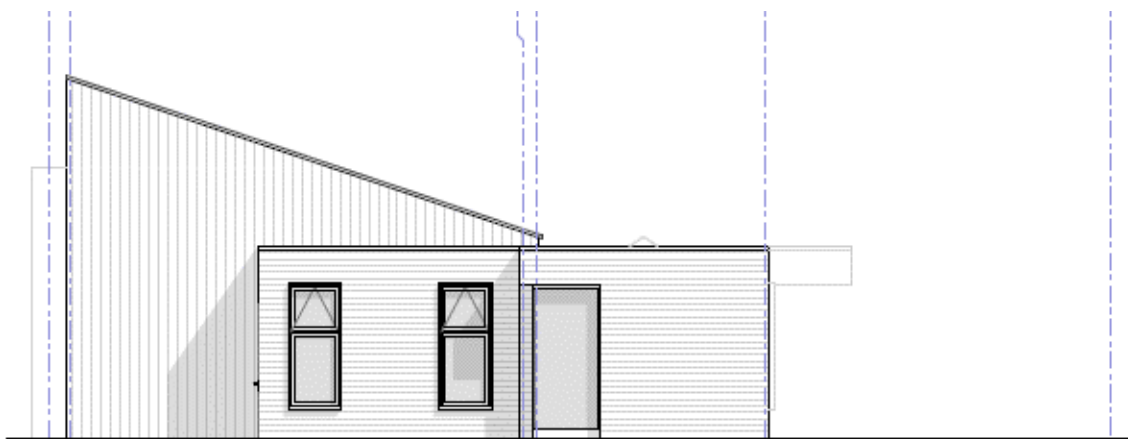
Route One (West) Elevation



South Elevation



East (Rear) Elevation



North Elevation

Waiver Requests

Regarding waivers, Chapter 703, Article 1.N.1.b.iii states: *"The applicant shall provide data and documentation of compelling and convincing evidence of substantial need for the Waiver, which shall not be granted merely for the convenience or preference of the applicant."* The limit of a CBDC waiver per CH.703, Art.1.N.1.b, is 35% of any established metric standard.

The applicant has responded to the criteria for approving waiver requests in their final submission. The staff recommend approval of each of these waivers.

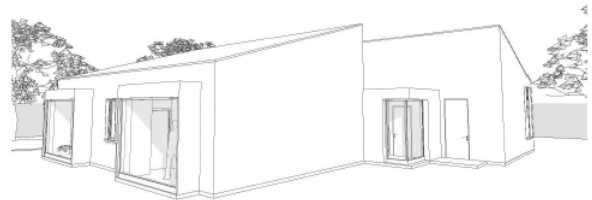
Roof Style, Slope, and Gable Ends

The applicant is proposing a shed roof. The applicant completed the architectural matrix and noted the advantage of the shed roof is that affords greater access to ambient, indirect light to the proposed operatories and the photography studio. The slope of the roof is 5:12 and can be approved with a waiver.

As requested by the Planning Board, the applicant prepared a study of different roof lines that were tested in the development of the proposed project:

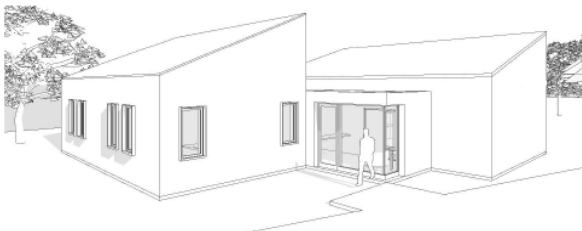


FRONT PERSPECTIVE - SHED

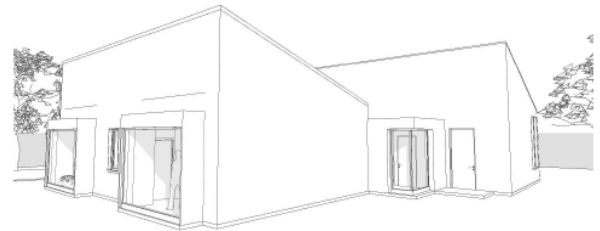


REAR PERSPECTIVE - SHED

Shed Roof (Proposed Style)



FRONT PERSPECTIVE - SAW SHED



REAR PERSPECTIVE - SAW SHED

Saw Shed Style



FRONT PERSPECTIVE - GABLE



REAR PERSPECTIVE - GABLE

Gable Style Roof

The applicant notes that the shed roof shape allows for a lower wall height at the street facing side of the building while allowing for a higher wall height and larger window openings at the back (lawn facing) side of the building. The reduced slope of the shed limits the height of the building while providing for the operational needs of the building's programming. The applicant notes that it is the least adjustment reasonable to satisfy the operational needs of the project and will have the least impact from the public frontage.

The staff note that the full build out is shown in the graphics above yet note that an approval would only be for the Phase 1 project. However, in full disclosure of the full build out anticipated, the applicant illustrates what the building would look like at completion. The Staff recommend approval of this waiver and note that the approval of the shed roof will drive the architecture of Phase 2.

Frontage Buildout

The structure is at an angle to Route 1, so that the primary façade does not run parallel to the primary frontage. The location is driven by a desire to reuse a portion of the existing structure's basement. The use of hardscape walls elongate the primary façade parallel to the primary frontage for a length of approximately 40 feet. It results in a frontage buildout of 28% and can be approved by waiver for the full build out.

The applicant in response to the Planning Board illustrates what the wedge-shaped connector would look like at the completion of Phase 1:



Nuance - Front 1 Wedge



Nuance - Front 1

The applicant indicates that the wedge-shape entrance connector is less appealing, provides less efficient use of the space, and would require the main entrance to fall the driveway, not Route 1. In particular, the main entrance facing the driveway versus Route 1 is not consistent with the architectural standards of the CBDC.

The applicant responds to the waiver criteria in the application materials pointing out that the reuse of the foundation and a desire to phase the project, drives the project. Reuse of the foundation is a cost-saving measure and utilizing the rectilinear connector allows for more efficient space and allows flexibility in the Phase 2 addition.

Further, the applicant and staff call attention to Article 1.N.1.c.ii of the CBDC:

Where a phased development project is proposed, or where the lot dimensions relative to the Development program make compliance impracticable, the Frontage Buildout requirements of Tables 5.2.F may be modified by the Planning Board provided that:

- a) The Building(s) are designed and located such that the long side of the Building(s) are sited along the street frontage to the maximum length practicable for the Building program/ use; and*
- b) Building(s) drives and other site features are sited to enable and accommodate future Building additions or additional Buildings to be constructed along the street frontage so as to ultimately meet the required Frontage Buildout; and*
- c) The Development employs architectural features such as Streetscreens, breezeways, pergolas, or other devices to create a strong vertical front built Element to achieve the visual effect of a Building form that achieves the required Frontage Buildout.*

In this case, the applicant is not precluding a future Phase 2 from meeting the build out requirements of the CBDC or at least improving on the proposed buildout. In response to the items above:

- The generally square building, driven by reuse of the foundation, is sited where the maximum length practicable;
- The parking located to the rear and the pre-existing setback of the existing foundation enables the Phase 2 build-out to occur at the front of the property, ensuring that the main entrance is always facing Route 1; and
- The use of hardscape streetwalls achieve the visual effect of frontage buildout.

The requested waiver covers the full development as shown in the site plans, and the future Phase 2 could improve or meet the required frontage build out at the appropriate time that Phase 2 comes forward.

Windows

The applicant did identify a waiver for the use of bay windows without a foundation. The applicant indicates that the proposed bay windows (at the rear of the building) are designed to be in character with the building's design and to minimize rework to the existing foundation and are supported by the floor structure. Further, no muntins are being used consistent with the contemporary design of the building.

The applicant indicates that the design team has taken a holistic approach to the design of the building, with the use of a shed roof establishing the framework. The combination of larger, more contemporary windows, without muntins, are complementary to the overall goal of providing greater ambient light and view corridors. The bay windows are consistent with the building's design and minimize the work required to the existing foundation. The bay windows will be supported by extending the floor framing.

Table 5.F.2B Character District Standards
CD4-C Route One Corridor District

BUILDING PLACEMENT — PRINCIPAL BUILDING

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

YARD TYPES

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

Edgeyard	permitted
Sidyard	permitted
Rearyard	permitted

LOT OCCUPATION

Lot Width	18 ft min, 200 ft max	E
Lot Coverage	85% max	
Frontage Buildout	50% min	

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, gable, gambrel, mansard	
Roof Pitch, if any	8:12 - 14:12	

BUILDING & LOT PRINCIPAL USE

See **Table 5.J.1**

**Table 5.F.2B Character District Standards
CD4-C Route One Corridor District**

Building Placement of the Principal Building	Required	Proposed	Finding
Front Setback Principal Frontage	0' Min - 16' Max	3 Feet 8 Inches	Ok
Front Setback Secondary Frontage	2' Min; 12' Max	n/a	There is no secondary frontage.
Side Setback	0' Min	Approx. 34 Feet (north) Approx. 22 Feet (south)	Ok
Rear Setback	3' Min, or 15' from CL of alley	219 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	Existing lot width is 144 feet	Ok. This is a condition of the existing lot.
Lot Coverage (Building & Pavement)	85% Max	27%	Ok.
Frontage Buildout	40% Min 100% Max @ Front Setback	Approx. 40 feet	A waiver is requested.

Building Form	Required	Proposed	Finding
Building Height	35' and 3 Stories Max	1 story	Ok
First Story Height	10' Min, 25' Max	18 feet 9 inches	Ok
Upper Story Height	10' Min, 15' Max	n/a	n/a
Façade Glazing	Shopfront: 70% Min Non Shopfront: 20% Min, 70% Max	27%	Ok
Roof Type	Flat, Hip, Gambrel, Gable or Mansard	Flat, Shed	A waiver is requested.

Roof Slope	8:12 – 14:12 (.67 – 1.16)	5:12	A waiver is requested. A 5:12 roof pitch is proposed.
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Building Placement of any Outbuildings	Required	Proposed	Finding
Front Setback	Principal Bldg + 20'	NA	n/a
Side Setback	0' Min	NA	n/a
Rear Setback	3' Min	NA	n/a

Parking	Required	Proposed	Finding
Third Lot Layer (5.F.1)	Principal Bldg + 20'	122 Feet	Ok
Parking (5.K.1)	2,079 sf office: min 4 spaces, max 8 spaces	6 parking spaces	Ok

Encroachments of Building Elements	Required	Proposed	Finding
Front Setback, Principal Frontage	8' Max	0	Ok
Front Setback, Secondary Frontage	8' Max	n/a	There is no secondary frontage.
Rear Setback	5' Max	0	Ok

Parking, Loading, Driveway, Service, Storage, Drive-Through, and 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. As a commercial property, the owner and applicant are not eligible to use the Transfer Facility.

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 proposed project will reduce the amount of impervious surfaces on the site by significantly reducing the parking lot to 6 parking spaces. The parking spaces are located 122 feet from the property line and will be obscured by the proposed structure and landscaping. It appears that the proposed project will be in compliance with this standard.

Architectural Standards (Article 5.M)

Composition	The composition is driven by the desire to reuse a portion of the basement for the new structure. The applicant previously noted that although the proposed structure is modern in execution, the proportions all utilize classic compositions and golden ratio principles.
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Walls	The applicant notes that the structure will receive contemporary treatments of authentic, durable materials that exist elsewhere in the Yarmouth Village. The primary exterior materials are natural wood, likely a cedar shiplap, and a metal roof.
Attachments & Elements	Modern bay windows are proposed for the rear of the property. The applicant provided additional information indicating that the use of the bay windows will need a waiver.
Roofs	The applicant notes that the advantage of the shed roof is that affords greater access to ambient, indirect light to the proposed operatories and the photography studio. Additional studies have been prepared in response to the Planning Board's request.
Openings Windows, & Doors	It appears that the proposal is generally in compliance with this architectural group.
Shopfront	It appears that the proposal is generally in compliance with this architectural group. Additional information was provided with regard to the façade glazing and it appears to be compliant for a non-shopfront.
Miscellaneous	It appears that the proposal is generally in compliance with this architectural standard group.

Private Lot Landscape (Article 5.N)

Landscape	Required	Proposed	Finding
5.N.s Trees Required	1 tree per 30' frontage	4 trees exist along the frontage	Ok
5.N.u Minimum Landscape	30% landscape in 1 st Lot Layer; 20% landscape overall	82%; 74%	Ok
5.N.ii Parking Lots	1 island per 20 spaces	n/a	n/a
5.N.ii Parking Lots	1 tree per 2,000 s.f.	n/a	n/a
5.N.ii	Pedestrian walkway of at least 5 feet through parking lot	A sidewalk is proposed from the parking area to the main entry to the practice.	Ok. A crosswalk from the ADA parking space to the sidewalk is provided. A second path is provided from the proposed Route 1 sidewalk to the building as well.

Signage Standards (Article 5.O)

It is likely that the new prosthodontics practice will require signage. A sign plan should be submitted with future application filings. There are no further comments from Town Staff.

Lighting Standards (Article 5.P)

A photometric plan for any proposed lighting has been submitted. It appears to be in compliance with Chapter 702 and Chapter 703 standards. There are no further comments from Town Staff.

IV. SITE PLAN STANDARDS REVIEW (CHAPTER 702)

Chapter 703 Article 1 Section C.3:

b. The Town Municipal Code (collectively, the “Existing Local Codes”), including without limitation Chapters 601 (Subdivision), 701 (Zoning) and 702 (Site Plan Review) thereof, shall continue to be applicable to matters not covered by this Chapter, except where the Existing Local Codes would be in conflict with this Chapter and except as may otherwise be provided in Section 1.C.3.c.i.

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.

Applicant Comments: The proposed development has been designed and located to conform with the Town’s Comprehensive Plan.

Staff Comments: The Comprehensive Plan considered Route One in 2010 noted that there was a lack of common vision for how the Town wants the corridor to change and develop, and ultimately, the adoption of the CBDC for Route One was a direct result of the lack of a coordinated vision. The Inner Southern Gateway was described as “[accommodating] a wide range of nonresidential uses in an attractive environment. Buildings will be professionally designed and meet design standards. Auto-oriented uses will be accommodated as long as they can be done in a way that maintains this area as an attractive “gateway” to Yarmouth including the retention of a landscaped, treed appearance along the street. Facilities for pedestrians and bicycles will be provided.”

The CBDC suggests that development and redevelopment should be compact, pedestrian-oriented and Mixed Use in appropriate areas and that larger development include a mix of residential and commercial uses. The Route One Corridor is described as “[consisting] of a medium- to-high density development with a mix of Building Types and Commercial, Retail and residential uses; it accommodates pedestrian, bicycle, and vehicular activity; there are shallow or no front Setbacks and shallow or no side Setbacks; it has variable private landscaping; and it has Streets with Curbs, Bikeways, Sidewalks and street trees that define medium to large Blocks.”

The proposed project is consistent with these goals. The Economic Development Director submitted a letter of support for the project.

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.

Applicant Comments: The proposed development will not have unreasonable traffic congestion and safety issues related to use of roads or pedestrian walkways. The traffic analysis memo indicated that there will only be a conservative 7 trips in the AM Peak Hour and 9 trips in the PM Peak Hour. These trips will have a negligible impact on traffic conditions. Furthermore, the existing two curb cuts will be redesigned into one curb cut and a sidewalk is proposed for the site frontage improving both pedestrian and vehicle safety conditions.

Staff Comments: The applicant submitted a traffic analysis and the memo has been peer reviewed by the Town’s Peer Reviewer, Tom Errico. Generally, it is projected that the new use will generate about 7 AM peak hour trips and 9 PM hour trips, which is not expected to create mobility or safety concerns. The parking, driveway design and pedestrian facilities appear to be adequate for the site. Mr. Errico did have several comments that were addressed by the applicant in this final submission, including adding pavement markings to the site plan, reevaluating the curb radii from Route 1, and documenting the sight distance from the driveway.

Of note is that the applicant proposes to close one of the curb cuts, leaving one curb cut from Route One. This is supported by the Planning staff and the Bike and Pedestrian Committee.

There are no further comments from the Town Staff.

- 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.**

Applicant Comments: The proposed development is designed to provide adequate parking needs and vehicle circulation. It is anticipated that there be three employees and a total of 4 patients throughout the day. As such, 6 parking spaces have been provided including one handicap space. This is adequate for the anticipated number of patients. A 25' drive isle has been provided for maneuverability to back in and out of each parking space for circulation.

Staff Comments: The large parking lot that supported the shuttered restaurant will be eliminated and replaced with a small 6 parking space lot. The proposed number of parking spaces is within the range of parking spaces allowed for the office use. An accessible route through the parking lot, which is set back from the building in compliance with the CBDC, is shown on the site plan. No bike rack is proposed and the CBDC does not require it due to the size of the parking lot.

The Parks and Lands Committee recently submitted comments supporting the significant reduction in impervious surfaces related to the parking lot.

There are no further comments from the Town Staff.

- 4. Sanitary Sewerage: The proposed development will not cause an unreasonable adverse effect to the Municipal sewerage treatment facilities and will not aggravate an 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.**

Applicant Comments: The proposed development will not cause unreasonable adverse effects to the Municipal sewer system. An existing sewer line will be tapped for all sewage needs on site. There are no capacity concerns as the previous use of the site was for a restaurant which has higher sewage requirements than the proposed use. All sewer work will be inspected by Town Staff prior to backfilling and will be constructed to Town standards.

Staff Comments: The Town Engineer notes that there is adequate capacity in the Town sewer system for the proposed project. The Town Engineer also requests that the applicant televise the existing sewer connection and provide the video in order to make a determination on the acceptability of the service for reuse. This note is seen on the Utility Plan. 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 has been placed on the Utility drawings.

Finally, the Town Engineer noted that the practice may fall under the requirements of the US EPA dental effluent pretreatment standards for mercury containing amalgam waste as required by the Clean Water Act. The applicant confirmed that they are in compliance with the various requirements for operating their practice.

There are no further comments from the Town Staff.

- 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.**

Applicant Comments: The proposed development will not cause the depletion of the local water resources. An existing water line will be tapped for all water needs on site. There are no capacity concerns as the previous use of the site was for a restaurant which has higher water requirements than the proposed use.

Staff Comments: The applicant submitted evidence of the capacity to serve the project from the Yarmouth Water District. The existing water service is adequate. The Fire Chief has not indicated that a sprinkler system is required for the building. As the project moves toward final approval, the applicant should continue to coordinate with the Water District.

- 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.**

Applicant Comments: The proposed development is located and designed in such a way that meets all fire safety requirements. The building will be designed to standard building code requirements which will include all fire safety measures, smoke and fire alarms, etc. A sprinkler system is not required as part of this project as it does not meet the requirements of section 317-3.2.1.

Staff Comments: While the proposed building will not require a sprinkler system, the Fire Chief has requested a number of items in his comments, including the requirement for a 20-foot access road. The proposed driveway is 20 feet wide.

There are no further comments from the Town Staff.

- 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 as 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.

Applicant Comments: The proposed development will result in a reduction of paved area in which landscaping is proposed, the existing wooded buffer between the abutting credit union, and automotive shop will generally be increased as a result of this project, and exceed the requirements of this standard.

Staff Comments: With the removal of a significant amount of impervious surfaces, the buffers on the proposed project exceed the requirements of this standard. There are no further comments from the Town Staff.

- 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.

Applicant Comments: The proposed development improves natural areas by returning a significant portion of the existing impervious area to a natural state. There are stream channels to the north and east of the site that flow directly into the Royal River but due to the reduction of impervious area, there are no anticipated adverse effects.

Staff Comments: The Town Staff believe that there will be no significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife or marine habitats and natural fisheries. There are no further comments from the Town Staff.

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.

Applicant Comments: The proposed development includes two pole mounted lights, one in the parking lot and one at the beginning of the driveway, and one building mounted light. These light fixtures provide adequate illumination for the safety and welfare of the public. A photometric plan is provided with details of the proposed lights and illumination area, which provides adequate lighting for safety while not disturbing neighboring properties.

Staff Comments: The applicant submitted a photometric plan that meets the requirements of Chapter 702 and Chapter 703 with a future submission. There are no further comments from the Town Staff.

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.

Applicant Comments: The proposed development will be utilizing the existing building foundation and reducing the existing impervious area and therefore the post development runoff rate will be less than the predevelopment runoff rate. Therefore, no storm water management facilities are needed. A Stormwater report is provided which shows the pre and post development stormwater runoff for 2, 10 and 25-year storm events.

Staff Comments: The Town Engineer reviewed the stormwater management report and found it adequate. The post construction impervious area will be substantially reduced and converted to vegetative cover. As such, it is anticipated that the post construction runoff rate will be significantly reduced for all design storm events.

As part of the conversion of paved areas to vegetative cover, it is important that the underlying materials are scarified such that rainwater will easily infiltrate into the ground. The applicant shall process all converted impervious areas per the Cumberland County Soil and Water Conservation District Removal of Impervious Surfaces standard. This standard still needs to be added to the site plan set and is recommended as a condition of approval.

Additionally, the Town Engineer reviewed the site-specific Operations and Maintenance Manual (O&M Manual) for the stormwater BMPs used on this project and found it acceptable. Snow storage areas at the back of the parking lot have been identified on the site plan. There are no further comments from the Town Staff.

Finally, the applicant submitted a medium intensity soils report that notes the soils are likely adequate for the proposed development. However, the Site Plan Ordinance requires the submission of a high intensity soils report for the project. The staff recommend a waiver of this requirement since the design will be reducing the existing impervious area and revegetating this portion of the site. The medium intensity report is adequate for this particular project site.

- 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.

Applicant Comments: The proposed development will utilize erosion control measures outlined in the erosion and sediment control plan and is not expected to contribute to the degradation of natural areas surrounding the site.

Staff Comments: The required ESC Best Management Practices for the project have been noted on the site plan and meet Maine Department of Environmental Protection (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 very important that the BMPs be installed prior to the disturbance of site soil and vegetation.

There are no further comments from Town Staff.

- 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.

Applicant Comments: The proposed building will have a footprint of approximately 2,185 square feet, the total height will be 18’9” and is located partially on the foundation of the existing building. The building is within the setbacks of the CD4-C District. The project is expected to result in increased landscaped areas as shown on the plan set including revegetation of native species.

Staff Comments: The structure will not cause health or safety problems within the existing area. This standard suggests smaller scale buildings within the Town of Yarmouth and the scale of the building is in keeping with that standard. There are no further comments from Town Staff.

- 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.

This Standard is superseded by the Character Based Development Code as per Article 1.c.3.

Applicant Comments: The project will not result in significant clearing of existing vegetation. The project will result in increased landscaped area within the site area.

Staff Comments: A landscape plan was previously submitted. The selected street trees include those recommended by the Tree Advisory Committee in their preferred tree list. The Parks and Lands Committee in their recent comment stresses the importance of selecting native vegetation. There are no further comments from Town Staff.

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.

Applicant Comments: The project will utilize the existing sanitary sewer & water line. The change of use from a restaurant to a dental office is not expected to result in a decrease of demand on these utilities. Stormwater runoff is expected to be reduced as a result of this project. A new sidewalk is proposed along the site's Route 1 Right of Way to connect to the existing sidewalk to the south. Street trees are proposed as part of the landscaping plan.

Staff Comments: The applicant provided additional information about the water service, sewer service, and stormwater system.

The applicant is proposing to construct a sidewalk in the Route One Right of Way along the parcel frontage to connect to the existing sidewalk to the south. The Town's Traffic Peer Reviewer suggested that the applicant construct the public sidewalk from the proposed northerly end to the parcel property line, about 18 additional feet. Due to the existing grades, the construction of these 18 feet will be technically challenging, expensive and will not connect to anything. However, the applicant is proposing to construct an additional 28 feet of sidewalk beyond their southerly property line to make connection to an existing sidewalk in front of the credit union. The Town Engineer and Planning staff recommend that making the southerly connection is better use of resources at this time.

Additionally, the applicant will connect a walkway from the public sidewalk to the building entrance and parking area. This work includes street trees, the location of which will need to be approved by the DPW Director and the Tree Warden prior to installation and are recommended as a condition of approval. These improvements are supported by the Town Staff and the Bike and Pedestrian Committee.

There are no further comments from Town Staff.

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.

This Standard is superseded by the Character Based Development Code as per Article 1.c.3.

Applicant Comments: The proposed lighting fixtures conform to the photometric standards of the Town of Yarmouth and will not affect the abutting parcels.

Staff Comments: A signage plan was not submitted, although is not necessarily required. Signage that meets the requirements of the CBDC can be submitted for review by the Department of Planning & Development separate from the site plan review submittal. There are no further comments from Town Staff.

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.

Applicant Comments: The project is constrained by utilization of the existing foundation, and demonstrates modern structural elements centered in classical composition. The site landscaping has been designed to increase green space and enhance the proposed architectural design.

Staff Comments: The composition is driven by the desire to reuse a portion of the basement for the new structure. The applicant notes that although the proposed structure is modern in execution, the proportions all utilize classic compositions and golden ratio principles. There are no further comments from Town Staff.

- 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.**

Applicant Comments: There are no known scenic vistas in this area.

Staff Comments: There are no scenic vistas in this area. 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.**

Applicant Comments: Existing utilities will continue to be used.

Staff Comments: Some coordination will be necessary during construction, which is recommended as a condition of approval, but there are no further comments from Town Staff.

- 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.**

Applicant Comments: The project will conform to all applicable technical standards of the ordinance.

Staff Comments: It appears that all of the technical standards are met. There are no further comments

- 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.

- 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.**

Applicant Comments: Proof of ownership of the parcel has been submitted.

Staff Comments: The applicant has submitted adequate evidence of right, title, and interest in the parcel. There are no further comments.

- 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**

Applicant Comments: Town Staff have previously expressed no concern with the project team.

Staff Comments: The Town Staff has no concerns with the project team.

- 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.

This Standard is superseded by the Character Based Development Code as per Article 1.c.3.

VI. Motions – Waivers, Site Plan, and Building & Lot Plan

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

A. WAIVER – Site Plan Review Requirements

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 October 19, 2023 for Building & Lot Plan and Major Site Plan, Cone Cladicals, LLC, Applicant; 233 Route One, Map 31 Lot 25, regarding the compliance with the applicable regulations and standards of Chapter 702, Site Plan Review, the Planning Board hereby finds and concludes that the waiver of a high intensity soils report **[is/is not]** consistent with Chapter 702, Site Plan Review, and is therefore **[approved/not approved]**.

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

(note members voting in opposition, abstained, recused, or absent, if any).

B. WAIVER – Roof Style, Slope, and Gable Ends

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 October 19, 2023 for Building & Lot Plan and Major Site Plan, Cone Cladicals, LLC, Applicant; 233 Route One, Map 31 Lot 25, regarding the compliance with the applicable regulations and standards of Chapter 703, Character Based Development Code, the Planning Board hereby finds and concludes that the waiver of the roof style, slope, and use of gable ends **[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, _____.

(note members voting in opposition, abstained, recused, or absent, if any).

C. WAIVER – Frontage Buildout

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 October 19, 2023 for Building & Lot Plan and Major Site Plan, Cone Cladicals, LLC, Applicant; 233 Route One, Map 31 Lot 25, regarding the compliance with the applicable regulations and standards of Chapter 703, Character Based Development Code,, the Planning Board hereby finds and concludes that the waiver of the frontage buildout **[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, _____.

(note members voting in opposition, abstained, recused, or absent, if any).

D. WAIVER – Windows

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 October 19, 2023 for Building & Lot Plan and Major Site Plan, Cone Cladicals, LLC, Applicant; 233 Route One, Map 31 Lot 25, regarding the compliance with the applicable regulations and standards of Chapter 703, Character Based Development Code,, the Planning Board hereby finds and concludes that the waiver of the use of bay windows without a foundation **[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, _____.

(note members voting in opposition, abstained, recused, or absent, if any).

E. SITE PLAN & 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 October 19, 2023 for Building & Lot Plan and Major Site Plan, Cone Cladicals, LLC, Applicant; 233 Route One, Map 31 Lot 25, regarding the compliance with the applicable regulations and standards of Chapter 702, Site Plan Review, and the regulations and standards of Chapter 703, Character Based Development Code, the Planning Board hereby finds and concludes that the Major Site Plan and the Building and Lot Plan **[meets/does not meet]** the required standards and is therefore **[approved/not approved]** subject to the following conditions of approval:

1. This decision applies to Phase 1 of the proposed project, although the site plans clearly depict a portion of the building as being Phase 2. If the applicant pursues Phase 2 at a later date, the applicant shall return to the Planning Board for amendment of this approval, but the review shall be limited to the applicable standards of the Town of Yarmouth Ordinances Chapter 703, Character Based Development Code.
2. Should the applicant return to the Planning Board to amend this approval, the applicant is not required to seek another waiver for the Roof Style, Slope, and Gable Ends or the Windows. The applicant is required to meet or exceed the waiver granted for the Frontage Buildout.
3. Prior to the issuance of a building permit, the applicant shall update the site plans to include the Cumberland County Soil and Water Conservation District Removal of Impervious Surfaces standard and to update the Bituminous Sidewalk Detail as outlined in the Town Engineer's memorandum dated October 11, 2023.
4. Prior to the issuance of a building permit, the applicant shall televise the existing sewer service line to be reused and submit the video file to the Town Engineer for review and approval. Any improvements required to the existing sewer service shall be completed by the applicant as directed by the Town Engineer.
5. A sewer connection permit application and fee for each building shall be required prior to the issuance of any building permit. 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 all be as directed by the Town Engineer.
6. 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 Maine Department of Environmental Protection 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.
7. All storm drain infrastructure shall conform to Yarmouth Town Standards. All connections to Town infrastructure shall be per Town requirements.
8. Prior to the installation of the street trees, the applicant shall receive approval from the Tree Warden, Director of Public Works, and Director of Planning & Development on the location of the four street trees.
9. 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 infrastructure located in the public right of way as well as the site drainage, stormwater BMPs, erosion and sedimentation control (ESC), 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. Also, 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.

Such motion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

Attachments:

1. Steve Johnson, Town Engineer – Memo 10/11/2023
2. Mike Robitaille, Fire Chief – Email 9/29/2023
3. Erik Street, DPW Director – No Comments 10/13/2023
4. Tom Errico, Traffic Peer Reviewer – Letter 10/9/2023
5. Scott LaFlamme, Economic Development Director – Email 10/16/2023
6. Brian Caprari, Parks and Lands Committee – Email 10/13/2023

**Town of Yarmouth,
ME****Town Engineer**

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: October 11, 2023
Re: Final Major Site Plan Application: 233 US Route 1

Erin:

I have reviewed the subject application from Patrick Booth of Woodhull on behalf of Cone Cladicals, LLC for re-development of 233 US Route 1 dated September 27, 2023.

I have the following technical comments on the application that append my memorandum to you dated August 30, 2023, and are highlighted in **RED**:

1. General: The applicant is proposing to demolish an existing 2,357 square foot (SF) wood framed building and construct a new 2,079 SF commercial building for medical use (prosthodontics). The existing lot, Map 31, Lot 25, is located in the CD4-C District and is not located in a flood zone.
2. Rights, Title: As noted before, the applicant has submitted adequate right, title, and interest in the property to perform the project. **No additional comment.**
3. Solid Waste: The Applicant has indicated that very little solid waste is anticipated to be generated and will be collected and disposed of by a private hauler. The applicant is not planning to utilize a dumpster and will store the solid waste in the building until it is ready for disposal. **No additional comment.**
4. Water: The applicant has submitted evidence of the capacity to serve the project from the Yarmouth Water District (District). Additionally, the new structure will NOT require fire suppression sprinklers per Chief Robitaille. **No additional comment.**
5. Traffic\Parking: The applicant has submitted a traffic analysis memorandum for the project developed by Matthew Pelletier, P.E. of Terradyne Consultants, LLC. and the memo has been peer reviewed by Thomas Errico, P.E. of TY Lin, a licensed professional traffic engineer. Generally, it is projected that the new use will generate about 7 AM peak hour trips and 9 PM hour trips, which is not expected to create mobility or safety concerns. The parking, driveway design and pedestrian facilities

appear to be adequate for the site. Mr. Errico did have several comments that should be addressed by the applicant in the final submission. Additionally, Mr. Errico suggested that the applicant construct the public sidewalk from the proposed northerly end to the parcel property line, about 18 additional feet. Due to the existing grades, the construction of these 18 feet will be technically challenging, expensive and will not connect to anything. However, the applicant is proposing to construct an additional 28 feet of sidewalk beyond their southerly property line to make connection to an existing sidewalk in front of the credit union. I would suggest to the Board that making the southerly connection is better use of resources at this time and when the adjacent parcel to the north is redeveloped, it will make more technical and economic sense for that applicant to complete the northerly 18 feet of sidewalk with a future project. Otherwise, I have no concerns with the traffic and pedestrian flow. **The applicant has adequately addressed all of Mr. Errico's comments. We have no additional comment.**

The applicant is proposing six (6) on-site parking spaces and of these, one (1) is ADA compliant.

6. Sewers: The applicant has indicated that the projected sewage flow anticipated from the new building use will be 280 GPD.
 - A. There is adequate capacity in the Town sewer system to accept sewage flow from the project.
 - B. A sewer connection permit application and fee for the building 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. A note to this effect has been placed on the utility drawings.
 - D. The existing building is currently served by public sewer. The applicant is proposing to use the existing sewer service and will televise the line and forward the video file to me for review. A note to this effect has been included in the drawing set and is appreciated. **No additional comment.**
 - E. The applicant may fall under the requirements of the US EPA dental effluent pretreatment standards for mercury containing amalgam waste as required by the Clean Water Act. ([Dental Effluent Guidelines | US EPA](#)) As part of the final submission, the applicant shall provide information on how the practice will address the requirements, if any, of this set of regulations. **The applicant has adequately addressed this comment.**
7. Storm Drains: All storm drain infrastructure must conform to Yarmouth Town Standards. Additionally, all connections to Town infrastructure shall be per Town requirements. **No additional comment.**
8. Drainage, Stormwater Management:

- A. The applicant has submitted an acceptable stormwater analysis report for the project. The post construction impervious area will be substantially reduced and converted to vegetative cover. As such, it is anticipated that the post construction runoff rate will be significantly reduced for all design storm events. This is very much appreciated. As part of the conversion of paved areas to vegetative cover, it is important that the underlying materials are scarified such that rainwater will easily infiltrate into the ground. The applicant shall process all converted impervious areas per the Cumberland County Soil and Water Conservation District Removal of Impervious Surfaces standard. I would be happy to forward this document to the applicant. **A note regarding the impervious area conversion shall be placed on the landscape plan as noted below. I have attached to this memo the standard for the convenience of the applicant.**
 - B. The applicant has submitted an acceptable site-specific Operations and Maintenance Manual (O&M Manual) for the stormwater BMPs used on this project. The applicant should also outline snow plowing and sand & salt practices as well as snow storage areas. Snow storage areas should be marked on the plan. **No additional comment.**
- 9. Erosion and Sediment Control: The required ESC Best Management Practices for the project have been noted on the site plan and 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 very important that the BMP's be installed prior to the disturbance of site soil and vegetation. **No additional comment.**
- 10. Soils: The applicant has submitted a medium intensity soils report that notes the soils are likely adequate for the proposed development. However, the code of ordinances requires the submission of a high intensity soils report for the project. In this case, I would recommend that the Board waive the requirement of a high intensity soils report since the design will be reducing the existing impervious area and revegetating this portion of the site. The medium intensity report is adequate for this particular project site. **The applicant is requesting a waiver of a high intensity soils report. I support this waiver request.**
- 11. Site Plan/Ordinance Requirements: The applicant has provided adequate information addressing the Review Criteria of Chapter 702 Site Plan Review Ordinance Section H. Review Criteria. **No additional comment.**
- 12. Lighting: The applicant has submitted an acceptable photometric plan per Town standards and the proposed lighting design meets the standards. **No additional comment.**

13. Waivers: The applicant has indicated that several waivers will be requested for the architectural standards, which I will leave to your professional judgement. I would recommend that the Board grant a waiver to the requirement of a high intensity soils report as noted above. **No additional comment.**
14. Off-site Improvements: The applicant is proposing to construct a sidewalk in the Route 1 Right of Way (ROW) along the parcel frontage as well as the southerly adjacent parcel to connect to the existing sidewalk to the south. Additionally, the applicant will connect a walkway from the public sidewalk to the building entrance and parking area. This work includes street trees. **No additional comment.**
15. Plan Review Comments: **See comments below.**
 - A. Site Details Sheet C-6.1
 1. The Bituminous Sidewalk Detail must be updated as follows: The sidewalk base shall be 12" of Type A aggregate base and the cross slope shall be 1/4"/ft MAXIMUM.
 - B. Landscape Plan Sheet L-1.0
 1. This sheet should include the CCSWCD Removal of Impervious Surfaces document and the areas to be converted shall be clearly delineated.
16. An irrevocable letter of credit or cash escrow and a non-refundable (2%) inspection fee will be required for the estimated cost of the infrastructure located in the public right of way as well as the site drainage, stormwater BMP's/ESC 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. All other permit applications and fees will be required prior to the release of a building permit.

From: [Mike Robitaille](#)
To: [Wendy Simmons](#)
Subject: RE: Request for comment - 233 US Route One - DUE 10/13
Date: Friday, September 29, 2023 11:51:48 AM
Attachments: [image001.png](#)

I have no further comments

Michael S. Robitaille
Chief of Department
Yarmouth Fire Rescue

From: Wendy Simmons <WSimmons@yarmouth.me.us>
Sent: Thursday, September 28, 2023 2:35 PM
To: Andrew Dolloff; Brian Caprari; Dan Gallant; Eric Gagnon; Erik Donohoe ; Karyn MacNeill; Lisa Small; Mike Robitaille; Mike Tremblay; Nat Tupper; Scott LaFlamme; Tree Warden
Subject: Request for comment - 233 US Route One - DUE 10/13

For your review

Thanks. Wendy

Wendy Simmons, SHRM-CP
Administrative Assistant
Planning, Code Enforcement & Economic Development

200 Main Street, Yarmouth ME 04096
207-846-2401
207-846-2438 - Fax

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TOWN OF YARMOUTH

**200 Main Street
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(207)846-2401

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NOTICE OF PLANNING DEPARTMENT FILING & REQUEST FOR COMMENT

Date Rec'd.: 9/27/23

Agenda Date: 10/25/23

Project Description: Major Site Plan - Final

Project Location: 233 US Route 1

Applicant: Cone Cladicals, LLC

Agent/Contact: Patrick Booth - patrick.booth@woodhullmaine.com

Project Description:

Demolition of existing building and new construction to house a dental office.

*I have NO
Further comments
or concerns with
This Project
10-13-23
EJS*

- ☐ Review For Completeness/Checklist
- ☐ Respond To Applicant Re: Completeness
- ☐ Staff Input/Request Sent:

Date Completed:

9/28/23

9/28/23

9/28/23

1. Director of Public Works (full size)
2. Town Engineer (full size)
3. Fire Chief (pdf)
4. Police Chief (pdf)
5. Director of Community Svcs (pdf)
6. Yarmouth Water District (pdf)
7. Code Enforcement Officer (full size)
8. Town Manager (pdf)
9. Harbormaster (pdf)
10. School District (pdf)
11. Tree Warden (pdf)
12. Tree Committee (pdf)
13. Economic Development Director (pdf)
14. Planning Director (full size)
15. Assessor - Subdivision Only (pdf)
16. Bike & Ped Committee (pdf)
17. Parks & Lands Committee (pdf)
18. Historic Preservation Committee (pdf)
19. Traffic Peer Review - TYLin (pdf)

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- ☐ Notice Letters Created/Sent
- ☐ Agenda To PB
- ☐ Agenda Posting:

1. Forecaster
2. Website
3. Bulletin Board

- ☐ Copy Of Findings And Decision In File

October 9, 2023

Steven Johnson, P.E.
Town Engineer
Town of Yarmouth
200 Main Street
Yarmouth, Maine 04096

Subject: Nuance Dental Office – Final Traffic Peer Review Comments

Hi Steve:

Per your request, T.Y. Lin International (TYLin) is pleased to provide the following final traffic peer review comments for the Nuance Dental Office project located at 233 Route 1. Our review was based upon updated information contained in the September 27, 2023 submission and the site plan prepared by Terradyn Consultants, LLC.

- The applicant conducted a traffic analysis that included a review of trip generation and safety conditions. The project is expected to generate 7 AM peak hour trips and 9 PM peak hour trips. This level of traffic generation would not be expected to create mobility or safety concerns and is likely less intense than the previous restaurant land use. The safety analysis did not identify any concerns. I concur that the project will have negligible impacts on traffic mobility and safety.

Status: I have no further comment.

- I have reviewed the site plan and generally find the site layout to be acceptable. The project is reducing the number of curb cuts on Route 1 and installing a sidewalk along their frontage. I find the layout of parking, driveway design and on-site pedestrian facilities to be acceptable. I do have the following comments.

- I would suggest the sidewalk on Route 1 be extended to the northerly property boundary.

Status: The applicant has provided a sidewalk to the southerly abutting driveway and I find this construction in lieu of constructing a sidewalk to the northerly property boundary to be acceptable.

- I would suggest a crosswalk be painted across the driveway, and a STOP sign and STOP bar be painted.

Status: The plans have been revised and I have no further comment.

- The driveway curb radii seem large, when considering low traffic volumes and most vehicles will be passenger cars. Reducing the size should be considered.

Status: The plans have been revised and I have no further comment.

- My observation is that sight distance from the driveway is acceptable, but the applicant should document it.

Status: Sight distance information has been provided and acceptable sight distance will be provided. I have no further comment.

- While the driveway is located close to the Five County Credit Union driveway, in my professional opinion conditions are improved as compared to existing conditions and therefore I find the driveway location to be acceptable.

Status: I have no further comment.

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

Erin Zwirko

From: Scott LaFlamme
Sent: Monday, October 16, 2023 1:53 PM
To: Erin Zwirko
Cc: Wendy Simmons
Subject: Nuance Dental Letter of Support

Erin,

Please accept this letter in support of Nuance Dental's proposed improvements to 233 Route 1 that are currently being reviewed by the Yarmouth Planning Board.

The building and adjacent surface lot located at 233 US Route 1 play an important role in the continued development of Yarmouth's Route 1 commercial corridor. The adapted reuse of the existing footprint brings the site in compliance with Route 1 Character Based Development Code (CBDC) and allows for immediate improvements to the building's current form and condition. However, I'm most excited about the possibility for additional density on the site in the future. I look forward to continued collaboration with the property owners.

The proposed improvements are consistent with the Economic Development Advisory Board's (EDAB) economic development market analysis priorities and the new Tax Increment Financing (TIF) value will allow for continued public investment in critical infrastructure improvements along this section of Route 1, as well as other business-related programming community-wide.

Thank you for your consideration and feel free to reach out if you have any questions.

Sincerely,
Scott LaFlamme
Director of Economic Development

Scott LaFlamme, M.P.A
Director of Economic Development

200 Main Street, Yarmouth ME 04096
207-846-2401

www.yarmouth.me.us



Wendy Simmons

From: brian caprari>
Sent: Friday, October 13, 2023 12:39 PM
To: Wendy Simmons
Subject: Re: Request for comment - 233 US Route One - DUE 10/13

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Thank you Wendy,

Comments from PLC have not changed much from the last filing for this property.:

- Non-porous materials are going to be shrunk from original plans, which is seen as a good improvement by PLC
- There's a large increase in street trees and plantings, we would like to stress that we prefer natives, but the increase in plantings is welcomed and encouraged.
- We would like to commend their plans as they are seen as an improvement on the property.

let me know if you would like anything additional from me.

Have a great weekend!

Thanks,
 Brian

"

On Thu, Sep 28, 2023 at 2:36 PM Wendy Simmons <WSimmons@yarmouth.me.us> wrote:

For your review

Thanks. Wendy

Wendy Simmons, SHRM-CP

Administrative Assistant

Planning, Code Enforcement & Economic Development

200 Main Street, Yarmouth ME 04096

207-846-2401