



**TOWN OF YARMOUTH**  
200 Main Street, Yarmouth, Maine 04096  
[www.yarmouth.me.us](http://www.yarmouth.me.us)

**Planning Board Report**  
**Hancock Lumber Showroom Addition, 258 Main Street**  
**Preliminary Plans for Building & Lot Plan, & Major Site Plan**  
**L & S Limited Liability Company, Applicant**  
**Map 37 Lot 19; CD4 Village Center**  
**Prepared by Erin Zwirko, Director of Planning and Development**  
**Report Date: May 19, 2022; Planning Board Date: May 25, 2022**

## **I. Project Description**

L & S Limited Liability Company (Hancock Lumber) proposes to demolish the empty Bank of America building and construct a two-story addition to the existing retail store and office at 258 Main Street. The 4,070 square foot addition will be the future location of a showroom on the first floor and additional office space on the second floor. The former drive-through lane will be removed and revegetated, and new parking will be added to the property. The existing Hancock Lumber showroom is located at Yarmouth Crossing.

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, Village Center, and
- CH. 702, Major Site Plan.



Town GIS aerial with Proposed Site in Red



Existing Hancock Lumber Retail Store and Office (left) and former Bank of America building (right)

The proposed showroom will be a two-story addition within the footprint of the former Bank of American space. The two storefronts will be connected by covered accessible ramps.



Main Street elevation of the proposed Hancock Lumber retail store, offices, and showroom



Rendering of Main Street Elevation



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The existing structure at Hancock Lumber is considered nonconforming relative to the setbacks required by the CD4 District, which requires buildings to be set close to the property line and parking be located behind. This existing building may be extended as shown in the application per Chapter 703, Article I.Q and Chapter 701, Article III.C. The nonconformance requirements of the Zoning Ordinance (Chapter 701) are incorporated into the CBDC (Chapter 703) by reference and allows “...a Building which is nonconforming with respect to yard setback requirements may be expanded if the area of expansion does not reduce the existing yard setbacks of the Building.” It would not advance the goals of the CBDC to force a layout of the site in order to meet the setback requirements of the CBDC, but there are pedestrian and vehicular circulation improvements that could still be applied to meet the goals of the CBDC.

The Planning Board’s review of the proposal on May 25, 2022, will be a preliminary review and no vote will be taken. In this submittal, the applicant has identified two waivers (shopfront façade glazing and roof slope) from the CBDC standards which are outlined in the next section. The parking analysis was refined to show that a waiver from the parking standards is not necessary for this proposal. A trip generation analysis and a photometric plan were submitted and reviewed, although a waiver may still be necessary for the full stormwater report. Some lingering concerns still remain, including the extent of the streetscape improvements and the need for the second driveway, which the Planning Board will want to discuss in detail at the upcoming meeting. Town staff have identified appropriate conditions of approval for a future decision of the Planning Board.

## **II. Public Notice and Comment**

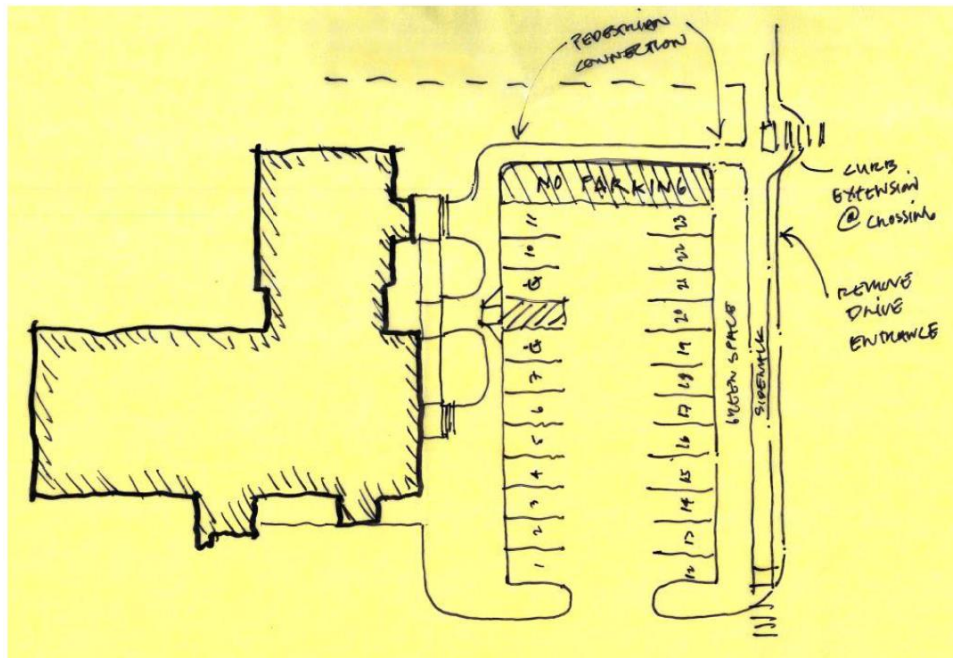
Notices of this public hearing were sent to 51 property owners in the vicinity (within 500 feet) of the proposed development. As of this writing, we have received a comment from one individual. The comment suggests that Hancock Lumber may utilize the portion of its property that fronts on Cleaves Street for employee parking thereby reducing the amount of parking along Main Street. The Planning Board may want to consider this comment in the context of the recommendations provided in this staff report about improving the connections between Main Street and the building entrance through closing the second (westerly) driveway.

**Uses in Vicinity:** The surrounding neighborhood consists of:

- Railroad Square – Downeast Energy, Strong Bodies fitness, Bickford Education Center, Artascope, antique truck pavilion.
- Main Street – Village Green Park, Gorham Savings Bank in Depot Building, Chinese Restaurant, Brickyard Hollow, Peoples United Bank, office building, Intermed and other office uses, office/commercial, Irving gas station, Peachy’s Smoothies.
- Yarmouth Crossing – current location of the Hancock Kitchen Center, Whilde Tutoring School, River School, Farmhouse Florist, offices.

### III. Character Based Development Code Review

The existing structure at Hancock Lumber is considered nonconforming relative to the setbacks required by the CD4 District, which requires buildings to be set close to the property line and parking be located behind. This existing building may be extended as shown in the application per Chapter 703, Article I.Q and Chapter 701, Article III.C. The nonconformance requirements of the Zoning Ordinance (Chapter 701) are incorporated into the CBDC (Chapter 703) by reference and allows *"...a Building which is nonconforming with respect to yard setback requirements may be expanded if the area of expansion does not reduce the existing yard setbacks of the Building."* It would not advance the goals of the CBDC to force a layout of the site in order to meet the setback requirements of the CBDC. However, there are still some site plan improvements for pedestrian and vehicular circulation that would ensure that the proposed project still meets the CBDC goals to the greatest extent practicable as illustrated below from the Code Enforcement Officer's comments:



Recommended Site Plan Updates Consistent with CBDC

As shown in the illustration above, the westerly driveway is eliminated, and the parking is reoriented (with a net gain of parking spaces over the resubmitted site plan). This layout offers a pedestrian connection from the sidewalk to the expanded retail and showroom building and is located away from the parking lot. This layout also removes the excessively long turnaround. The illustration above also notes that a bump out is shown at the existing crosswalk consistent with the Main Street Streetscape Master Plan. These elements should be considered by the Planning Board in order to achieve the CBDC goals to the greatest extent.

In the application materials received, the structure is described as having a modern farmhouse aesthetic, so it has strong residential elements, although supports a retail business. The shopfront standards of the CBDC are not incorporated into the building yet seems to still meet the requirements of the CD4's architectural standards. The Planning Board may find that the architecture is appropriate for the location set back from the Main Street frontage due to the building's pre-existing location. The Planning Board may want to see more symmetry across the building (i.e., overall height, roof lines, window placements, roofing materials), although the architecture does break up the mass of a relatively large building. The Planning Board may want additional details about the façade materials.

Below are the elevations provided with the application materials (note that the side elevation of the existing retail store is not provided and is presumably not changing):



Main Street elevation of the proposed Hancock Lumber retail store, offices, and showroom



Right elevation facing Village Green Park



Rear Elevation

## Waiver Requests

In this submittal, the applicant has identified two waivers from the CBDC standards: shopfront façade glazing and roof slope. Previously the staff thought that a waiver would be needed for parking, but the applicant has provided a parking calculation that indicates that a waiver is not necessary. 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 Planning Board may request additional information from the applicant to support the CBDC waivers.

Façade Glazing

The minimum shopfront façade glazing required in the CD4 District is 70%. The applicant identifies the façade glazing at 22% and states: *“While this amount is less than the required minimum, the style of building is meant to represent a farmhouse style aesthetic as well as display the actual residential windows that are sold by Hancock Lumber. Also, the existing footprint of the structure that the new door and window show room replaces is set back from the street frontage, so the proposed project does not fully meet the definition of a shopfront façade.”*

The limit of a CBDC waiver per CH.703, Art.1.N.1.b, is 35% of any established metric standard. Regarding the Façade Glazing requirement, the Planning Board should first determine whether this configuration constitutes a Shopfront as established in Table 5.H.2 as suggested by the applicant. If the configuration is a shopfront, the minimum Façade Glazing would be 45.5% with a maximum waiver. The applicant is proposing a façade glazing of 22%. If the configuration is not a shopfront, the minimum façade glazing is 20%, and the configuration is in compliance with this standard.

Roof Slope

An 12:12 artificial roofline/overhang has been applied along a portion of the front and side elevations with the actual roof pitch at 6:12, where an 8:12-14:12 is required. The applicant writes, *“The artificial 12:12 roofline exceeds the minimum roof pitch of 8:12 and serves to continue the horizontal line of the new roof covering the ADA ramps across the front of the building and around to the side elevation, breaking up the side elevation and mimicking the appearance of a dormer. The actual roof pitch of 6:12 is the result of providing the highest possible top of wall at the second floor without exceeding the height of the existing retail building.”*

The roof pitch of 6:12 is within the 35% waiver and could be supported.

Table 5.F.2A Character District Standards  
CD4 Village Center District

BUILDING PLACEMENT — PRINCIPAL BUILDING		
Front Setback, Principal Frontage	0 ft min, 16 ft max	A
Front Setback, Secondary Frontage	2 ft min, 12 ft max	B
Side	0 ft min	C
Rear Setback	greater of 3 ft min or 15 ft from center line of alley, if any or from any abutting residential zone	D
YARD TYPES		
	(see Table 5.G.1)	
Edgeyard	permitted	
Sideyard	permitted	
Rearyard	permitted	
BUILDING & LOT PRINCIPAL USE		
See Table 5.J.1		

LOT OCCUPATION

Lot Width	18 ft min, 120 ft max	E
Lot Coverage	85% max	
Frontage Buildout	40% min, 100% max at front setback	

BUILDING FORM — PRINCIPAL BUILDING

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

**Table 5.F.2A Character District Standards  
CD4 Village Center**

<b>Building Placement of the Principal Building</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Front Setback Principal Frontage	0' Min - 16' Max	95 feet	OK. Being an existing nonconforming building relative to the setback, the building may be extended at the setback per Chapter 701 and Chapter 703. See discussion above.
Front Setback Secondary Frontage	2' Min; 12' Max	n/a	There is no secondary frontage.
Side Setback	0' Min	20 feet	OK. The setback is to the existing structure.
Rear Setback	3' Min, or 15' from CL of alley	47 feet	OK. The setback is to the existing structure.

	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
<b>Yard Type</b>	Edge, Side or Rear Yard	Edge Yard	The existing structure on the property does not closely follow these requirements; however, appears to be closely related to an edge yard.

<b>Lot Occupation</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Lot width	18' Min; 120' Max	Existing lot width is 286 feet	OK. This is a condition of the existing lot.
Lot Coverage (Building & Pavement)	85% Max	Existing: 77% Proposed: 74%	OK. There is an improvement over existing conditions due to the removal of the drive through lane.
Frontage Buildout	40% Min  100% Max @ Front Setback	107'/286'=37%	OK. Being an existing nonconforming building relative to the setback, the building may be extended at the setback per Chapter 701 and Chapter 703. See discussion above.

<b>Building Form</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Building Height	35' and 3 Stories Max	2 stories 30 feet 7 inches	OK
First Story Height	10' Min, 25' Max	11 feet 1 inch	OK
Upper Story Height	10' Min, 15' Max	8 feet	The upper story height is less than the requirement but matches the second floor extension across the building. This is a pre-existing condition.
Façade Glazing	Shopfront: 70% Min  Non Shopfront: 20% Min, 70% Max	22%	The Planning Board should determine whether the building configuration constitutes a shopfront due to the pre-existing configuration as discussed above. Depending on this determination, a waiver may be necessary.



Roof Type	Flat, Hip, Gambrel, Gable or Mansard	Gable	OK
Roof Slope	8:12 – 14:12 (.67 – 1.16)	Varies	An 12:12 artificial roofline/overhang has been applied along a portion of the front and side elevations with the actual roof pitch at 6:12, where an 8:12-14:12 is required. The Planning Board has been presented with a waiver request. See the discussion above.

Building Placement of any Outbuildings	Required	Proposed	Finding
Front Setback	Principal Bldg + 20'	NA	NA
Side Setback	0' Min	NA	NA
Rear Setback	3' Min	NA	NA

Parking	Required	Proposed	Finding
<b>Third Lot Layer (5.F.1)</b>	Principal Bldg + 20'	10 feet	OK. This is a condition of the existing lot.
<b>Parking (5.K.1)</b>	14,860 sf retail and office: min 30 spaces, max 60 spaces	50 parking spaces available across the lot	OK. With the refined calculations, the amount of parking required is within the range allowed by the CBDC. One EV charger will be installed as will a bike rack.

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

### Screening of Drive-Through and Parking (Article 5.L)

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 Hancock Lumber site is a pre-existing developed property within the CD4 District. The project proposes an expansion of the existing retail space and offices into the footprint of the former Bank of America branch. The property was developed with the parking within the first and second lot layer. To require the addition to comply with the setback requirements may create a layout that does not further the goals of the CBDC. Along the frontage are hedges that functionally operate like a streetscreen; however, the hedges also affect sight lines of vehicles exiting the property. Additionally, with the updates to the site plan to incorporate the Main Street Streetscape improvements, it appears that the trees and other vegetation may need to be replaced as the sidewalk will be into the root structure of these plants and trees. Some trees may need to be replaced if removed.

The Planning Board may also want to consider the safety of pedestrians on the sidewalk. As noted earlier in this section, a recommendation has been made to close the westerly driveway to improve pedestrian and vehicular circulation on the site in compliance with the goals of the CBDC. The recommendation eliminates the very long turnaround while providing a sidewalk connection from Main Street to the front of the retail and showroom building.

#### **Architectural Standards (Article 5.M)**

Composition	The composition is driven by the proposal to expand the existing structure into the Bank of America footprint. The entire structure is described as having a modern farmhouse aesthetic. Although the two sides of the building have different activities occurring inside and differences in the composition, the accessible ramp brings the two sides together. The Planning Board may want to see more symmetry across the building (i.e., overall height, roof lines, window placements, roofing materials). The Planning Board may want additional details about the façade materials.
Walls	The façade materials are compatible with the Yarmouth village. It appears that the proposal is generally in compliance with this architectural standard group.
Attachments & Elements	This accessible ramp is the primary element that is applicable to this architectural standard group. Other than the ramp being poured concrete, which may be acceptable for this application, it appears that the proposal is generally in compliance with this architectural standard group.
Roofs	An 12:12 artificial roofline/overhang has been applied along a portion of the front and side elevations with the actual roof pitch at 6:12, where an 8:12-14:12 is required for the CD4 District. Information regarding the request for a waiver has been provided and as is discussed above.
Openings Windows, & Doors	It appears that the proposal is generally in compliance with this architectural group. Confirmation that no single glass panes are larger than 20 square feet is still necessary.
Shopfront	This commercial building has a residential aesthetic rather than reflecting the retail nature of the business and does not meet the shopfront requirements for minimum façade glazing. The applicant appears to apply a consistent treatment across the addition to the pre-existing building; however, the façade glazing is at 22%. As discussed above, the Planning Board may want to determine whether the building configuration is a shopfront, and if it determines that the building is not a shopfront due to its configuration, a waiver may not be necessary.
Miscellaneous	It appears that the proposal is generally in compliance with this architectural standard group.

#### **Private Lot Landscape (Article 5.N)**

<b>Landscape</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
5.N.s Trees Required	1 tree per 30' frontage	9 trees exist along the frontage	These are existing trees along the frontage of the property. As noted in the discussion, with the updates to the site plan to incorporate the Main Street Streetscape improvements, it appears that the trees and other vegetation may need to be replaced as the sidewalk will be into the root structure of these plants and trees. These trees will need to be removed and replaced.

5.N.u Minimum Landscape	30% landscape in 1 <sup>st</sup> Lot Layer; 20% landscape overall	26% overall	Ok. The existing site meets the overall requirement, but the developed nature and layout of the site prevents meeting the first lot layer requirement.
5.N.ee.i Parking Lots	1 island per 20 spaces	5 islands	OK. The one existing island plus four curb islands at the end of the parking stalls meets this requirement.
5.N.ee.ii Parking Lots	1 tree per 2,000 s.f.	11 trees	OK.
5.N.ii	Pedestrian walkway of at least 5 feet through parking lot	None	The site plan indicates that a walkway is shown on the plans, but staff are unsure if this is referring the sidewalk adjacent to the building at the back of the parking spaces. An alternative recommendation is to remove the long turnaround and create a connection from the public sidewalk through the site to the building.

#### **Signage Standards (Article 5.O)**

The application materials indicate that the existing signage on Main Street will remain. The application materials indicate that no other signage is proposed.

#### **Lighting Standards (Article 5.P)**

A photometric plan for proposed lighting has been provided. The W2 fixture on the westerly side of the proposed building appears to provide lighting that exceeds the limit at the property line per the ordinance. The fixture shall be adjusted to ensure that light does not exceed 1.0-foot candle at the property line.



#### 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 Response:

*The proposed project consists of the expansion of an existing business, with the majority of new structure area being built in the footprint of an existing, vacant building. The project will also enhance the curb appeal for the site with the construction of a new cohesive store frontage, which will connect the existing and new buildings. For these reasons, it is believed that the project is in conformance with the Town of Yarmouth’s Comprehensive Plan.*

Staff Comments:

The Comprehensive Plan outlines a vision for the Village (in part):

*“Main Street or the Village Center will be a vibrant, pedestrian friendly, mixed-use street where people can live, work, shop, and take care of their other daily needs. A balance between residential and nonresidential activities in the Village Center will be maintained. Historic properties will be well maintained and their historic character preserved while allowing for the creative use of these properties. **New buildings or modifications of existing buildings shall be of similar scale, form, and disposition to the Village’s historic buildings and development pattern, thereby maintaining the visual integrity, livability and walkability of Main Street.** Parking will be improved to support a financially viable core of businesses and services but without detracting from the residential livability of the Village Center or adjacent residential neighborhoods and parks. Key municipal, community, and educational facilities will continue to be located in the Village Center. Pedestrians and bicyclists can move easily and safely throughout the Village Center and to and from the Village residential neighborhoods.” (emphasis added)*

Consolidating the Hancock Lumber businesses to the existing property at 258 Main Street provides the opportunity to upgrade the existing retail space and offices consistent with the goals identified in the Character Based Development Code.

- 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 Response:

*The proposed project should not add any burden to the existing traffic on Main Street. No traffic study was conducted as part of this application, but the proposed change from a bank with drive-thru to office space and showroom will not significantly change the traffic in and out of the project site.*

Staff Comments:

The applicant provided a trip generation analysis for the proposed expansion of the Hancock Lumber facility. As summarized in the analysis, the proposed use will generate fewer trips than the previous bank during all weekday periods and result in similar Saturday trips. The firm that prepared the trip generation analysis has been engaged in the preparation of capacity analyses for Main Street and has found no capacity concerns and recommended that a full traffic analysis is not necessary.

The Traffic Peer Reviewer found the methods and contents of the Trip Generation estimate to reasonable and concur that the project will have little impact on traffic mobility and safety in the project area.

- 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 Response:

*Parking calculations were revised and a minimum of 30 spaces and maximum of 60 spaces was calculated based on the parking requirements. There are 50 proposed parking spaces which is within the calculated range and therefore meets the requirements of this section. Additional landscape islands are provided within the parking area and the existing eastern entrance was realigned to promote safer traffic flow in and out of the site. Please see the construction management plan provided in Section 3. The contractor, Wright-Ryan, will fence off a portion of the site during construction of the building. The fence will be moved periodically to allow construction of the parking area. Sidewalk construction will be coordinated with the Town of Yarmouth. Construction vehicles are proposed to enter and exit the site through the western entrance.*

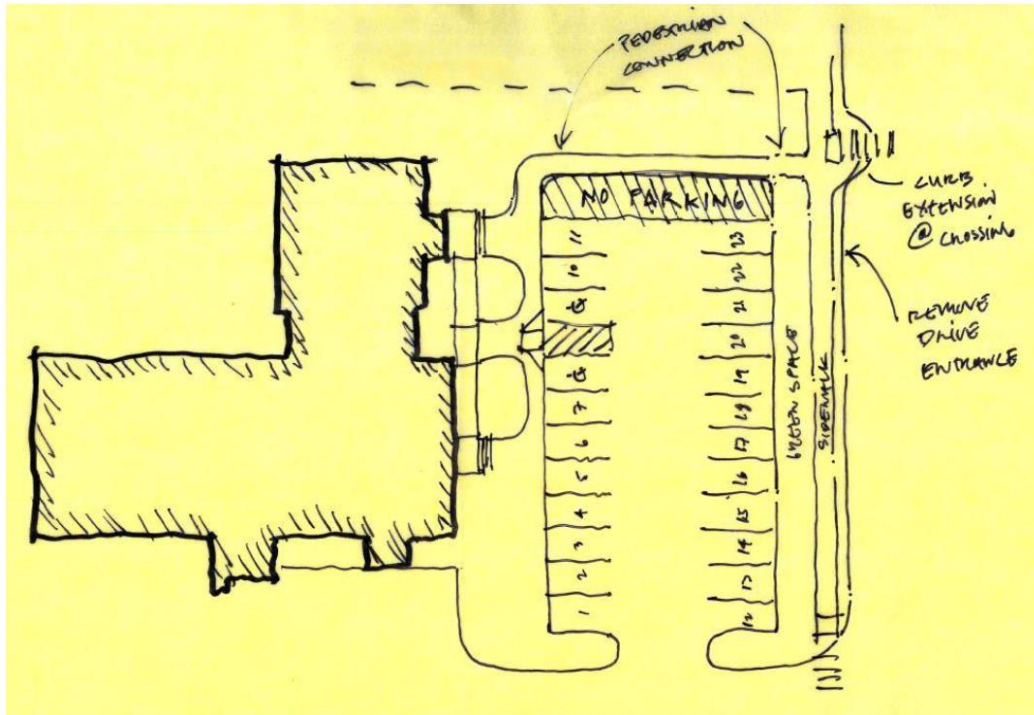
Staff Comments:

With the refined calculations, the amount of parking required is within the range allowed by the CBDC of a minimum of 30 spaces and a maximum of 60 spaces. The proposed 50 parking spaces are within the range by removing the parking located perpendicular to the westerly property line. One EV charger will be installed as will a bike rack. A waiver from the CBDC parking requirements is no longer necessary.

The Traffic Peer Reviewer acknowledges that large truck movements enter and exit the site, but a vehicle turning template should be provided justifying the 36-foot wide driveway and the 20-foot radii at the easterly driveway. There may be some room to tightening this driveway while still supporting the large vehicles that regularly visit the property.

The question regarding the need for the second driveway was discussed previously at the April 13<sup>th</sup> Planning Board meeting. The Traffic Peer Reviewer also recommends that given the traffic volume levels the property does not need two driveways. He writes, *"Given the urban location and desire to improve access conditions, it is my recommendation that the westerly driveway be closed. The space could be used for landscaping or additional parking. This driveway is also located adjacent to a Main Street crosswalk and elimination will improve pedestrian safety."* The Traffic Peer Reviewer also recommends that a pedestrian facility should be provided between the Main Street sidewalk and the building entrance. The Traffic Peer Reviewer also questioned the purpose of the extended turnaround area as it seems excessively long.

In reviewing the updated site plan, the Code Enforcement Officer offered an alternative layout for the parking lot that would bring the proposed project closer to meeting the CBDC goals without forcing a layout of the site in order to meet the setback requirements of the CBDC. The alternative is presented in the illustration below, which nets additional parking spaces, eliminates the need for the turnaround, and provides the pedestrian facility from Main Street to the building entrances:



Recommended Site Plan Updates Consistent with CBDC

Finally, as noted by the Code Enforcement Officer, there is some discrepancy on the plan regarding the number of accessible parking spaces. Some plan sheets show 2 spaces while others show 3. This should be clarified, and the applicant should note that each accessible parking space must have an adjacent access aisle and at least one van accessible space must be provided.

4. **Sanitary Sewerage:** The proposed development will not cause an unreasonable adverse effect to the Municipal sewerage treatment facilities and will not aggravate and existing unhealthy situation such as the bypassing of untreated sewerage into Casco Bay, the Royal River, or its tributaries. If a subsurface wastewater disposal system is to be used, the system conforms to the requirements of the State Plumbing Code.

**Applicant Response:**

*All sewer utilities will remain the same as existing. The proposed Hancock Lumber building will be in the footprint of the existing Bank of America building and will utilize the existing sewer connections.*

**Staff Comments:**

Reusing the existing sewer service is acceptable assuming that the existing service is in serviceable condition. A 4-inch diameter asbestos cement pipe is shown on the utility plan as the existing service. The applicant has indicated that there will be approximately 745 gallons per day of wastewater.

A video inspection of the sewer line was scheduled for April 28. The video is requested to be sent to the Town Engineer for review and concurrence that the service is adequate for reuse, otherwise it shall be replaced per Town standards.

Additionally, the Town Engineer notes:

- There is adequate capacity in the Town sewer system to accept sewage flow from the project.
- A sewer connection permit application and fee for the building will be required before the issuance of the building permit.
- It should be noted that during construction of all sewer infrastructure, all work must be inspected by Town staff prior to backfilling and all sewer work shall be constructed per Yarmouth Town Standards. A note to this effect shall be placed on the Utility drawings.



- All sewer infrastructure to be abandoned shall be as directed by the Town Engineer and a note to this effect shall be placed on the Utility Plan

The Town Engineer also has comments regarding revisions to the Utility Plan relative to the sewer service.

**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 Response:

*The new building will use the existing Bank of America service. No new services will be required as part of this redevelopment. The Yarmouth Water District has been contacted for this project and no issues with the existing water services are expected.*

Staff Comments:

The Yarmouth Water District confirmed that the District can serve the proposed project. Additional coordination between the applicant and the District is needed to determine whether the existing domestic service line is sized adequately for the proposed flow and the size of the meter that will be required. If the District determines that the existing domestic service is inadequate, a new service will need to be installed from the water main on Main Street which will require crossing the road at the applicant's expense.

In addition to coordination for the domestic water service, the applicant must coordinate with the District regarding the configuration for the fire sprinkler system and whether it is adequate for the expanded building. If a new fire sprinkler service is required, it must be installed from the water main on Main Street and will have a separate fire sprinkler service charge depending on the diameter of the service attached to the water main on Main Street.

As a future condition of approval, all requirements of the Yarmouth Water District shall be addressed to the satisfaction of the District Superintendent by the applicant.

**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 Response:

*The proposed building was designed by the Architect to have adequate fire safety features. The existing buildings are sprinkled and the new renovation will be sprinkled*

Staff Comments:

A sprinkler system must be installed due to the scope of the proposal, and the sprinkler system design must be reviewed with the Yarmouth Water District to determine whether a separate fire sprinkler service is needed.

**7. Buffering: The proposal provides for adequate on-site buffering in the vicinity of property boundaries, when required by this subsection. On-site buffering is required wherever commercial, industrial or mixed use developments are proposed adjacent to or across a street from residential districts or agricultural uses, where multi-family buildings are to be located adjacent to single family uses or districts, and when required by ARTICLE IV.S.3 of the Yarmouth Zoning Ordinance (Mobile Home Park Performance Standards). Buffer areas shall consist of an area ranging from a minimum of five feet to a maximum of twenty-five feet in width, adjacent to the property boundary, in which no paving, parking or structures may be located. The Planning Board may allow a buffer area of less width when site conditions, such a natural features, vegetation, topography, or site improvements, such as additional landscaping, beaming, fencing or low walls, make a lesser area adequate to achieve the purposes of this Section. Landscaping and screening, such as plantings, fences or hedges, are to be located in buffer areas to minimize the adverse impacts on neighboring properties from parking and vehicle circulation areas, outdoor storage areas, exterior lighting and buildings.**

Applicant Response:

*No buffers will be required on the site, as the amount of impervious area on the parcel will be reduced from the existing impervious area through the addition of new greenspace.*

Staff Comments:

The existing buffer along the westerly property line will be protected by construction fencing. As shown on the Landscaping Plan, additional vegetation will be added to the westerly property line increasing the buffer at this location.

- 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 Response:

*There are no natural resources located on the subject parcel. Greenspace will be increased on site.*

Staff Comments:

The applicant has requested a waiver of the soils report. The site is a developed property, and the project is within an already developed portion of the site. As the project is taking place on placed fill and compacted soils, a soil map and report is unnecessary.

The Town Staff agree 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 and a soils report is unnecessary. However, an appropriate future condition of approval would be the submittal of a geotechnical report for the building foundation design sealed by a Professional Engineer licensed in Maine.

- 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 Response:

*A photometric plan of proposed lighting is provided, however the applicant requests a waiver from providing photometrics on the portions of the site proposed to remain unchanged. There have been no complaints from the public regarding existing lighting and based on observation, building lighting is downcast and cutoff.*

Staff Comments:

A photometric plan for proposed lighting has been provided. The W2 fixture on the westerly side of the proposed building appears to provide lighting that exceeds the limit at the property line per the ordinance. The fixture shall be adjusted to ensure that light does not exceed 1.0-foot candle at the property line.

The applicant is also asking for a waiver to the lighting standard for the portions of the site that are not to be reconstructed as part of this project. Town Staff support this waiver; however, the new portions of work must meet the lighting standard as noted above.

- 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 Response:

*No additional stormwater treatment practices are necessary for the proposed construction. The work is contained to a relatively small portion of the overall lot, there is no increase to impervious area on the site, and the drainage patterns will remain unchanged from the existing site.*

*The proposed work for this project results in an overall decrease in impervious area on the site. The majority of the new building footprint will be where the existing Bank of America building is located, with the exception of the proposed expansion to connect the new Hancock Lumber showroom to the existing showroom/office space which is over the existing paved drive-thru lane. The project also proposes the revegetation of areas of existing paved surfaces that were utilized for the Bank of America drive thru, increasing the amount of greenspace on the site.*

*There will be no change to the drainage patterns to the site. The site currently generally drains to the southeast portion of the site. A catch basin is located in the eastern corner of the parking area off of Main Street. This catch basin is tied into the town drainage network. As the proposed project does not significantly change parking lot grades or the flowpaths across the site and as there is an overall decrease of impervious area on site, there will be minimal change to stormwater leaving the site.*

Staff Comments:

The proposed project decreases the impervious surfaces from 77% lot coverage to 74% lot coverage through the removal of the drive through lane in particular. The applicant has included drop edge filters for the new building and the underdrains will outlet to a catch basin on the property. The applicant will also revegetate the impervious surfaces to be removed by following the Cumberland County Soil & Water Conservation District Guidance on restoring impervious areas to pervious area. Incorporating drip edge filters and following the Conservation District guidance was recommended by the Town Engineer. The Town Engineer supports the inclusion of these low impact development (LID) best management practices (BMPs) and indicates that a detailed stormwater report is not necessary.

Hancock Lumber currently maintains a Stormwater Management Operations and Maintenance Manual (O&M Manual) for the site. The existing manual has been updated to include the proposed new site conditions and new stormwater BMPs. Employee training on the updated manual will be a future condition of approval.

Finally, the Town Engineer indicates that all storm drain infrastructure must conform to Yarmouth Town Standards, and all connections to Town infrastructure shall be per Town requirements. In particular, the Town Engineer notes the existing catch basin lead serving the catch basin at the northeasterly corner of the parking area is shown as "10" metal". The existing storm drainpipe shall be televised and forwarded to the Town Engineer to ascertain is condition and estimated remaining life and if substandard shall be rehabilitated via Cured In Place Pipe (CIPP) technology. Open cut replacement shall not be allowed since Main Street is under moratorium. This shall be a future condition of approval.

- 11. Erosion and Sedimentation Control: The proposed development includes adequate measures to control erosion and sedimentation and will not contribute to the degradation of nearby streams, watercourses or coastal lowlands by virtue of soil erosion or sedimentation. The erosion control measures are to be in conformance with the most current edition of the "Environmental Quality handbook, Erosion and Sedimentation Control", prepared by the Maine Soil and Water Conservation Commission.**

Applicant Response:

*An erosion and sedimentation control plan was provided within the application.*



Staff Comments:

The applicant previously submitted a site-specific Erosion and Sedimentation Control (ESC) Plan. However, an updated ESC plan that addresses the management of concrete washout activities and litter control as requested in the Town Engineer's March 25th memo must be submitted. Additionally, the ESC Plan shall be clearly referenced on the design drawings to ensure the construction contractor is aware of the requirements, particularly as it pertains to concrete washout. The stone construction entrance detail and a concrete washout BMP detail and instructions must be added to the Site Details.

During construction, the Town expects that the applicant and their construction manager/contractor will perform the required inspections and enforcement of the ESC Plan per MDEP requirements, including weekly inspections and documentation of inspections. The Town also performs site inspections and will review the inspection records per the Town's NPDES MS4 General Permit. All BMPs must be installed prior to the disturbance of site soils and vegetation.

- 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 Response:

*The only new building footprint area proposed in this project sources from the addition to connect the existing Hancock Lumber building to the proposed Hancock Lumber Showroom that will be located in the footprint of the existing Bank of America. After construction is complete, the total footprint of the building, with both existing and new buildings, is approximately 8,000 square feet. This is well below the maximum of 55,000 square feet stated in Chapter 702 Site Plan Review Ordinance. The proposed Hancock Lumber building will be the same height as the existing Bank of America building.*

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.

The existing structure at Hancock Lumber is considered nonconforming relative to the setbacks required by the CD4 District, which requires buildings to be set close to the property line and parking be located behind. This existing building may be extended as shown in the application per Chapter 703, Article I.Q and Chapter 701, Article III.C. The nonconformance requirements of the Zoning Ordinance (Chapter 701) are incorporated into the CBDC (Chapter 703) by reference and allows "...a Building which is nonconforming with respect to yard setback requirements may be expanded if the area of expansion does not reduce the existing yard setbacks of the Building." It would not advance the goals of the CBDC to force a layout of the site in order to meet the setback requirements of the CBDC, but there are pedestrian and vehicular circulation improvements that could still be applied to meet the goals of the CBDC.

- 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 Response:**

*The project will decrease the amount of impervious area on the subject parcel by revegetating existing paved areas located on the North-West side of the existing Bank of America building. The project will protect the trees that are feasible to protect, however the two trees located on the South-West side of the existing Bank of America building will have to be removed to allow for the construction of the new buildings.*

**Staff Comments:**

The site plan indicates that a maple tree behind the proposed addition will be protected. There are also other mature trees along the westerly property line and elsewhere on site that should be protected during construction. The construction plan indicates that this existing landscape will be located behind a construction fence.

A landscape plan was provided with a planting list. The landscape plan does not show that the maple tree behind the expanded building will remain, so the landscape plan may need to be cross referenced with the site plan more closely.

With the Main Street Streetscape improvements incorporated into the site plan along the Hancock Lumber frontage, the DPW Director notes that the sidewalk will impact the existing trees and plants. This existing landscaping should be removed, and planting that meet the requirements of the CBDC and reflect the streetscape plan should be replanted. Any new trees will need to be installed in structural soil that will provide strength for the sidewalk and the tree roots space to grow without impacting the sidewalk. A detail for structural soil planting needs to be provided. This provides an opportunity to remove the nuisance and invasive species in favor of native plantings.

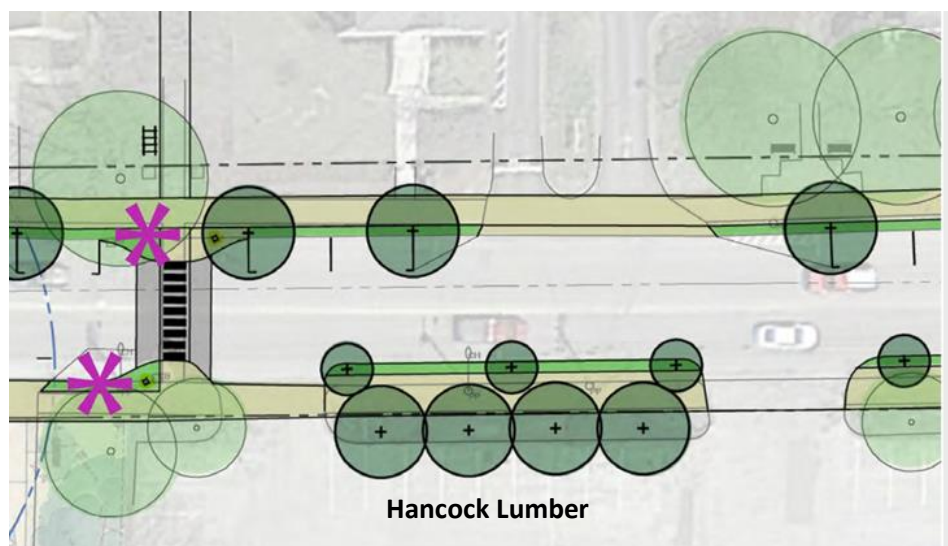
**14. Infrastructure: The proposed development is designed so as to be consistent with off premises infrastructure, such as but not limited to sanitary and storm sewers, waste water treatment facilities, roadways, sidewalks, trail systems and street lights, existing or planned by the Town.**

**Applicant Response:**

*All proposed infrastructure will be in accordance with surrounding infrastructure. Infrastructure will remain as existing where possible.*

**Staff Comments:**

Following the April 13<sup>th</sup> meeting, the applicant has incorporated elements of the [Main Street Master Plan](https://yarmouth.me.us/vertical/sites/%7B27541806-6670-456D-9204-5443DC558F94%7D/uploads/Yarmouth%20Streetscape%20Final%20Report%20082420A%20Reduced(1).pdf)<sup>1</sup> in the site plan, in particular the sidewalk and the esplanade as seen in the image capture below:



<sup>1</sup> [https://yarmouth.me.us/vertical/sites/%7B27541806-6670-456D-9204-5443DC558F94%7D/uploads/Yarmouth Streetscape Final Report 082420A Reduced\(1\).pdf](https://yarmouth.me.us/vertical/sites/%7B27541806-6670-456D-9204-5443DC558F94%7D/uploads/Yarmouth Streetscape Final Report 082420A Reduced(1).pdf)

The proposed site plan shows the removal of the existing sidewalk and the replacement of that area with a six-foot concrete sidewalk and a 3-foot esplanade. The existing granite curb will not be disturbed. It appears that the only improvements proposed are between the two driveways. The Planning Board may want to see the applicant to include the bump out of the westerly side of the crosswalk, and as the Traffic Peer Reviewer notes, extended to the easterly property boundary to present a consistent frontage condition and eliminate the angled crosswalk.

The DPW Director reviewed the application of the streetscape improvements along the frontage and supports the design. However, he notes that the new sidewalk will impact the existing trees and plantings. This existing landscaping should be removed, and planting that meet the requirements of the CBDC and reflect the streetscape plan should be replanted. Any new trees will need to be installed in structural soil that will provide strength for the sidewalk and the tree roots space to grow without impacting the sidewalk. A detail for structural soil planting needs to be provided. This provides an opportunity to remove the nuisance and invasive species in favor of native plantings.

Additionally, the DPW Director notes that the sidewalk will be located partially outside of the right of way along the frontage. The sidewalk would either need to be moved out into the right of way or an easement would need to be issued to the Town to allow for pedestrian traffic and Town maintenance activities. Executing an easement with the Town may be an appropriate future condition of approval.

The new sidewalk shall meet all Town and ADA requirements and the cross slope shall not be greater than 2% maximum. Additionally, while these improvements are under construction, the contractor must provide a pedestrian and bicycle detour around the work area. A detour plan must be approved before work begins and must be MUTCD compliant. This would be a future condition of approval.

**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 Response:

*No changes to signage are proposed.*

Staff Comments:

The applicant indicates that no changes to the existing signage is proposed.

**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 Response:

*The project consists mostly of upgrades to the existing features on the site.*

Staff Comments:

The proposed architecture is generally consistent with the village aesthetic identified in Character Code. The proposed addition and the centralized accessible ramp tie the two sides of the building together. Differentiating the activities by using two different colors on the building may not be necessary, although it may serve the purpose to break up the mass of the building. Further, although the property is not located within the Upper Village Historic District and the existing structure is not designated as part of the Historic District, the traditional aesthetic reasonably relates to the surrounding existing structures that are designated as part of the Upper Village Historic District.

The Town Engineer notes that the existing granite marker and plaque in the frontage area should be removed, protected, and restored to the landscaped area. This should be added to the existing conditions and demolition plan.

**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 Response:

*No loss of scenic vistas and areas will result from this project. The area of construction is already almost entirely developed.*

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 Response:

*Existing utilities will be utilized for the new building.*

Staff Comments:

The applicant shall address the site plan review comments from Mr. Johnson and Mr. Street.

**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 Response:

*The proposed project meets the requirements of Article I.J of Chapter 702 Site Plan Review Ordinance.*

Staff Comments:

As discussed under Lighting above, a photometric plan for proposed lighting has been provided. The W2 fixture on the westerly side of the proposed building appears to provide lighting that exceeds the limit at the property line per the ordinance. The fixture shall be adjusted to ensure that light does not exceed 1.0-foot candle at the property line.

**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.

Applicant Response:

*This project proposes no work that will interfere with the Route One Corridor. The entrance to the parking areas from Main Street will remain as existing.*

**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 Response:

*The applicant has sufficient right, title and interest in the site of the proposed use to be able to carry out the proposed development. Refer to Section 4 of the application.*

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 Response:

*The applicant has the technical and financial ability to meet the standards of this section. Refer to Section 6 & 7 of the application.*

Staff Comments:

The Town has no concerns. There are no further comments.

**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.

Applicant Response:

*No special exception standards will be violated by the proposed project.*



## VI. Motions for the Board to Consider - Building & Lot Plan and Site Plan

In this submittal, the applicant has identified two waivers (shopfront façade glazing and roof slope) from the CBDC standards which are outlined in the next section. The Planning Board may still need to discuss the applicability of the shopfront to the proposal. The parking analysis was refined to show that a waiver from the parking standards is not necessary for this proposal. A trip generation analysis and a photometric plan were submitted and reviewed, although a waiver may still be necessary for the full stormwater report. Some lingering concerns still remain, including the extent of the streetscape improvements and the need for the second driveway, which the Planning Board will want to discuss in detail at the upcoming meeting. Town staff have identified appropriate conditions of approval for a future decision of the Planning Board.

### A. SITE PLAN REVIEW WAIVER OF STORMWATER ANALYSIS

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 XXXX for Building & Lot Plan and Major Site Plan, L&S Limited Liability Company, Applicant; 258 Main Street, Map 37 Lot 19, regarding compliance with the applicable regulations and standards of Chapter 702, Site Plan Review, the Planning Board hereby finds and concludes a waiver of a stormwater analysis **[meets/does not meet]** the required standards 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 OF ROOF SLOPE

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 XXXX for Building & Lot Plan and Major Site Plan, L&S Limited Liability Company, Applicant; 258 Main Street, Map 37 Lot 19, regarding compliance with the applicable regulations and standards of Chapter 703, the Character Based Development Code, the Planning Board hereby finds and concludes a waiver of the roof slope **[meets/does not meet]** the required standards 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. BUILDING & LOT PLAN & SITE PLAN

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated XXXX for Building & Lot Plan and Major Site Plan, L&S Limited Liability Company, Applicant; 258 Main Street, Map 37 Lot 19, regarding the compliance with the applicable regulations of Chapter 703, the Character Based Development Code, and the applicable regulations and standards of Chapter 702, Site Plan Review, the Planning Board hereby finds and concludes that the Building and Lot Plan and Major Site Plan **[meets/does not meet]** the required standards and is therefore **[approved/not approved]** subject to the following conditions of approval:

1. Conditions...

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 5/9/2022
2. Erik Steet, DPW Director – Memo 5/17/2022
3. Nicholas Ciarimboli, Code Enforcement Officer – Memo 5/12/2022
4. Eric Gagnon, Yarmouth Water District – Letter 4/22/2022
5. Tom Errico, TY Lin, Traffic Peer Reviewer – Letter 5/10/22
6. Public Comment – Ed Ashley – Email 4/25/2022
7. Comprehensive Plan Excerpt

## 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: May 9, 2022  
Re: Final Major Site Plan Application: Hancock Lumber, 258 Main Street

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Erin:

I have reviewed the subject application from Esther Bizier, P.E., of Main Land Development Consultants, Inc. on behalf of L&S Limited Liability Company (Hancock Lumber) for redevelopment of a portion of 258 Main Street dated April 27, 2022.

I have the following technical comments on the application that amend my memorandum to you dated March 25, 2022:

1. General: The applicant is proposing to demolish an existing structure, formerly a Bank of America branch office, and construct a new two (2) story building with commercial and office space. The applicant is proposing approximately 4,100 square feet of retail and office space on two floors. The existing lot is located in the Village Center (CD4) District.
2. Rights, Title: The applicant has submitted adequate right, title, and interest in the property to perform the project.
3. Solid Waste: The applicant has indicated that the site is currently serviced by a contracted waste hauler, and it is anticipated that the existing hauler will service the new building. This is acceptable. As noted in my prior memo, the applicant should be aware that collection of dumpster waste should not occur before 5:00 AM or after 10:00 PM, per Chapter 306 Solid Waste Ordinance.
4. Water: The applicant has indicated that the proposed new building will reuse the existing domestic service that served the bank. The applicant has submitted evidence of the capacity to serve from the Yarmouth Water District (District). The applicant must submit information to the District regarding peak domestic flow as well as fire sprinkler flow which MAY require new domestic and fire suppression services. As a condition of approval, all requirements of the Yarmouth Water District shall be addressed to the satisfaction of the District Superintendent by the applicant.
5. Traffic\Parking: The applicant has submitted a traffic trip generation analysis report performed by Diane Morabito, P.E., of Sewall Company. The analysis is being

reviewed by Tom Errico, P.E. of TY Lin International. I will reserve my comments until I review Mr. Errico's report.

The applicant is proposing twenty (20) parking spaces in front of the new building and of these two (2) are ADA accessible parking spaces. The applicant has provided one (1) space served by an Electric Vehicle (EV) charging station.

6. Sewers: The applicant has indicated that the new building will use the existing sanitary sewer service for the main building and will connect via the internal plumbing. This is acceptable assuming that the existing service is in serviceable condition. The applicant has shown the existing sewer service on the utility plan, and it is noted to be a 4" diameter asbestos cement (A/C) pipe. The applicant has noted that the service will be televised. As a condition of approval, the applicant shall forward a copy of the video to the Town Engineer for review and concurrence that the service is adequate for reuse, otherwise it shall be replaced per Town standards.
  - A. There is adequate capacity in the Town sewer system to accept sewage flow from the project, which has been projected to be a combined flow of 745 gallons per day (GPD) with the flow from the expansion estimated to be 325 GPD.
  - 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 shall be placed on the Utility drawings.
  - D. All sewer infrastructure to be abandoned shall be as directed by the Town Engineer and a note to this effect shall be placed on the Utility Plan.
  - E. Additionally, please see my comments regarding the utility plans noted below.
7. Storm Drains: All storm drain infrastructure must conform to Yarmouth Town Standards. Additionally, all connections to Town infrastructure shall be per Town requirements.
8. Drainage, Stormwater Management:
  - A. The applicant has not submitted a formal stormwater analysis for the project; however, they have included the use Low Impact Development (LID) BMPs in the stormwater management of the site, including drip edge filters and restoration of existing impervious area to pervious area. This is very much appreciated. I also recommend that the requirement for a full stormwater analysis be waived.
  - B. The applicant currently maintains a Stormwater Management Operations and Maintenance Manual (O&M Manual) for the site. The existing manual has been updated to include the proposed new site conditions and new stormwater BMP's. Employee training on the updated manual shall be a condition of approval.
9. Erosion and Sediment Control: The applicant previously submitted a site-specific Erosion and Sedimentation Control (ESC) Plan which is very much appreciated. However, an updated ESC plan that addresses the management of concrete washout activities and litter control as requested in my March 25<sup>th</sup> memo must be submitted.

Additionally, the ESC Plan shall be clearly referenced on the design drawings to ensure the construction contractor is aware of the requirements, particularly as it pertains to concrete washout. 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 soils and vegetation.

10. Soils: The applicant is requesting a waiver to this requirement stating that the site is on placed fill and compacted soils. I am amenable to waiving the normal soils report, however, prior to the issuance of a building permit the applicant shall provide a full Geotechnical report for the building foundation design sealed by a Professional Engineer licensed in the State of Maine. The proposed new structure will be two stories rather than a single story like the existing structure so a Geotech report shall be a condition of approval.
11. Site Plan/Ordinance Requirements:
  - A. The applicant has proposed one (1) bike rack on the Main Street side of the building for public use.
  - B. Buffering: The applicant shall protect the existing landscape buffering on the adjacent Town Park parcel during the construction activities. Additionally, the applicant shall protect existing mature trees as much as possible during the construction.
12. Lighting: A photometric plan for proposed lighting has been provided. The W2 fixture on the westerly side of the proposed building appears to provide lighting that exceeds the limit at the property line per the ordinance. The fixture shall be adjusted to ensure that light does not exceed 1.0-foot candle at the property line.
13. Waivers: The applicant has requested several waivers as follows:
  - A. Waiver to providing a full stormwater analysis. The applicant is providing LID BMPs for a significant portion of the existing impervious surface. As such, I recommend that the Planning Board grant this waiver.
  - B. Waiver to providing a soils report. The applicant notes that the site is fully developed, and the redevelopment is occurring on placed fill and compacted soils. I recommend that the Planning Board grant this waiver of a soils report submission.
  - C. Waiver to the lighting standard. The applicant is asking for a waiver to the lighting standard for the portions of the site that are not to be reconstructed as part of this project. I would recommend that the Planning Board grant this waiver, however, the new portions of work must meet the lighting standard as noted above.
14. Off-site Improvements: The applicant has proposed to install a concrete sidewalk and esplanade along the project frontage as visualized in the Main Street Master Plan. The new sidewalk shall meet all Town and ADA requirements and the cross slope shall not be greater than 2% maximum. Also, the existing granite curb shall not be disturbed unless authorized by Erik Street, Public Works Director.



## 15. Plan Review Comments:

## A. Site Overview Plan Sheet C1.0

1. (For all plan sheets) The plans show ADA access ramps and painted cross walks at both driveway curb cuts. This is not standard MUTCD practice for curb cuts and should be removed from the plans.

## B. Existing Conditions and Demo Plan Sheet C1.1

1. A note shall be added to the drawings to require that all erosion and sedimentation control BMPs shall be installed prior to the commencement of disturbance or construction activities.
2. The existing granite marker and plaque in the front landscape area should be removed, protected, and restored to the landscaped area.

## C. Site Layout Plan Sheet C2.1

1. See A1 above.

## D. Grading and Erosion Control Plan Sheet C3.1

1. See A1 above.
2. A six (6) foot wide ADA sidewalk accessible route across both drive aprons have a maximum cross slope of 2% shall be shown in the grading.

## E. Site Utilities Plan Sheet C4.1

1. See A1 above.
2. The existing catch basin lead serving the catch basin at the northeasterly corner of the parking area is shown as "10" metal". The existing storm drainpipe shall be televised and forwarded to the Town Engineer to ascertain is condition and estimated remaining life and if substandard shall be rehabilitated via Cured In Place Pipe (CIPP) technology. Open cut replacement shall not be allowed since Main Street is under moratorium.
3. The sewer service proposed to be abandoned shall be excavated 5 feet from the building foundation, cut flush and a watertight rubber cap installed with two (2) stainless steel bands to limit infiltration of ground water or the conveyance of gas vapors. This work shall be inspected prior to backfill by the Town Engineer or their designee.
4. The delineation of the area to be converted from impervious area to pervious area shall be clearly delineated with a note.

## F. Site Details Sheet C9.1 and C9.2

1. A stone construction entrance detail shall be added.
2. A sewer service pipe abandonment detail shall be added.
3. Concrete washout BMP detail and instructions.

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, bike rack, EV charging station, CIPP restoration work, (if required), stormwater BMP's and landscaping. Also, prior to issuance of building permits or the commencement of work, the applicant and their selected construction contractor shall attend a pre-construction conference with Town staff at a mutually agreeable date and time. Attendance at the pre-construction conference should be a condition of approval. Also, prior to issuance of building permits, the applicant shall satisfy all Town concerns and provided updated drawings as required. All other permit applications and fees will be required prior to the release of a building permit.

Town of Yarmouth ME

Director of Public Works

## **MEMORANDUM**

**To:** Erin Zwirko -AICP, LEED AP - Director of Planning & Development

**From:** Erik S. Street, Director of Public Works



**CC:** Steve Johnson, PE, Town Engineer, Wendy Simmons, Karen Stover

**Date:** 5-18-22

**Re:** 258 Main Street – Hancock Lumber – Major Site Plan Review 5-18-22

- 
1. **General:** Applicant is proposing to demo the existing building that used to serve as a bank and build a new structure connected to the existing Hancock Lumber Store. The new structure will be two stories, 4100 SF divided between retail and office.
  2. **Rights, Title:** No concerns.
  3. **Easements:** No concerns.
  4. **Homeowner Associations / Road Maintenance Agreements:** Hancock Lumber has an O&M manual for the site – New structures, facilities, improvements, and maintenance practices need to be incorporated into that plan. **Completed.**
  5. **Financial Capacity:** No concerns.
  6. **Technical Ability:** No concerns.
  7. **Solid Waste:** Applicant states the existing waste management plan for Hancock will serve the new complex as well. The Yarmouth Recycling Committee and I strongly encourage Hancock Lumber to support the waste hierarchy by supporting and strengthening recycling practices. Reminder that all waste / recycling practices are governed by Chapter 306, the Town's Solid Waste Ordinance.
  8. **Water:** Applicant states that the new structure will be serviced by the existing service. Supporting documentation from the Yarmouth Water District needs to be provided confirming the line is acceptable in both its size and condition. **Done.**
  9. **Building Demo:** Applicant states they will be demolishing the existing building. Applicant should provide information on how the on-site vehicle and pedestrian traffic will be handled during this process. Applicant should also delineate a work area on the plan and explain how the area will be protected from the public while the work is being done. **Applicant has addressed.**

Air blown dust, paper, insulation, and other debris is a concern during the demolition work. Care should be taken to ensure the contractor is responsible for containment and clean-up of any debris on the site or that finds its way onto adjacent or abutting properties. *Notes have been added to the plan.*

10. **Traffic / Parking:** I support the Engineer's comments that the applicant shall submit a traffic analysis for the site that includes potential impacts to Main Street. Applicant should also review sight views as they pertain to vehicle traffic exiting the site and pedestrian traffic on the Main Street sidewalk. *Analysis has been provided and is being reviewed by TY-Lin.*

11. **Storm Drains:** All drainage infrastructure must conform to Town of Yarmouth standards. The existing catch basin on site needs to be depicted on the plan, inspected, and confirmed that its condition is acceptable. *Applicant still needs to verify the condition of the structure and pipe before moving forward.*

12. **Drainage, Stormwater / Snow Management:** While I believe a stormwater analysis is not necessary for this project, I do support the Town Engineer's comments of incorporating LID BMPs into the project. *Applicant has shown LID's. Do not recommend any further stormwater analysis.*

The applicant needs to show snow storage locations within the project area, as well as the rest of the site. The O&M should capture those locations and any changes resulting from the new project area. It should also address how the parking spaces will be maintained during the winter or if snow storage will impact them. *Applicant has shown the snow storage for the yard area inside the gate. It is not clear where the snow from the parking area will be stored.*

13. **Sewers:** I support the Town Engineer's comments.

14. **Erosion and Sediment Control:** All erosion & sediment controls need to be installed before any site work begins and be consistent with the plan. Management / inspection practices of the ESC must be performed as required by MEDEP. No track-out from the site will be allowed and must be controlled through on-site BMP's. Any tracking within the yard must be cleaned up daily and kept from reaching Main Street or the catch basin on site.

15. **Soils:** No concerns.

16. **Site Plan / Ordinance Requirements:** I support the Town Engineer's comments regarding the bike rack and buffering (A&B).

17. **Lighting:** If lighting is proposed, a photometric plan shall be provided by the applicant. *Lighting plan has been provided and is acceptable, providing that one fixture is corrected.*

18. **Waivers:** No waivers have been requested at this time. *I support all three waivers.*



19. **Off-Site Improvements:** No off-site improvements have been proposed. However, the applicant should be required to improve their sidewalk frontage and esplanade area to conform with the new Main Street Master Plan. This should be done by requiring the actual construction to take place with this project or by capturing adequate funding to be used for this frontage at a later date. If construction of the sidewalk is not selected, the applicant should be required to pave the other lot entrance apron, as it is starting to deteriorate and is a potential safety issue for pedestrians crossing it.

Applicant has shown making sidewalk improvements inline with the Main Street Master Plan. While I support the design, the new sidewalk will be into the existing trees and shrubs. The existing landscaping should be removed, and the plantings shown in the Master Plan should be installed. The new trees will need to be installed in structural soil that will provide strength for the sidewalk and allow the tree roots space to grow.

The proposed sidewalk design is partially outside the right of way along this frontage. The sidewalk would either need to be moved out into the right of way or an easement would need to be issued to the Town, to allow for pedestrian traffic and Town Maintenance activities.

When sidewalk is under construction, contractor shall provide pedestrian / bicycle detours around the work area. A detour plan must be approved before work begins and must be MUTCD compliant.

20. **Plan Review Comments:**

Sheet C1-1

Applicant should show work area and address how vehicles and pedestrians will be protected from construction activity and traffic. Construction Plan has been provided and is acceptable.

Applicant should provide a note regarding the management of demo debris – maintenance and clean-up of the site and neighboring properties. Done

Sheet C2-1

Applicant should show location of the existing sewer and water service on the plan. Shown on C4.1

C2.1

Applicant shows ADA panels at the driveway entrances – not required and should be removed.

Applicant shows underdrain in detail C1. What will this connect to and where does it ultimately drain to? Does it daylight or tie into some other on-site drainage system? Applicant has answered the question and shown the connection point. Condition of the CB and outlet pipe still need to be verified.

Snow Storage areas for the new project area and the entire site should be shown. Applicant has shown storage inside the lumber yard area. Where will the front parking lot snow be stored? Does not seem feasible it will all be plowed or carried into the lumber yard area.

Existing catch basin needs to be shown on the plan Done

C9.1

Granite curb detail should show concrete behind each joint -for areas in the Town Right of Way.

Concrete Sidewalk Detail – Should be 4000 PSI with Fibers -Not 5000. For areas in the Town right of way.

Tree Planting detail – for trees with root balls adjacent to the sidewalk – “Structural Soil” shall be used.

If you have any questions, please let me know. I reserve the right for further comment as information is added or changed.

No further comments at this time.

Thank you.



## Attachment 3

Nicholas Ciarimboli, LEED AP, Code Enforcement Officer

E-Mail: [nciarimboli@yarmouth.me.us](mailto:nciarimboli@yarmouth.me.us)

Tel: 207-846-2401

Fax: 207-846-2438



### TOWN OF YARMOUTH

### INTERNAL MEMORANDUM

**TO:** Erin Zwirko, AICP, Director of Planning

**FROM:** Nicholas Ciarimboli, Code Enforcement Officer

**DATE:** April 4, 2022, UPDATED May 11, 2022

**RE:** Major Site Plan – Hancock Lumber Showroom/ Office Space Expansion

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Ms. Zwirko:

I have added additional comments for the most recent submission dated April 28, 2022 from the previously mentioned applicant. My original comments have been grayed out for clarity but may continue to be applicable. I have reviewed the subject application from Main-Land Development Consultants, Inc c/o Esther Bizier on behalf of L&S Limited Liability Company for 258 Main St. Map 37, Lot 19 (Hancock Lumber) dated March 14, 2022.

The property is located within the Character Based Development Code (CBDC) CD4 Village Center and requires review under CH. 702 Site Plan as well as CH. 703 CBDC - Building and Lot Plan. In this respect, I offer the following comments:

CBDC Building Form standards may require waivers for; Upper Story Height – Second story appears to measure at 8'-0" minimum required 10'-0", Façade Glazing – No calculations provided, as shopfront minimum 70% glazing required, and Roof Pitch – an 12:12 artificial roofline/overhang has been applied along a portion of the front and side elevations with the actual roof pitch at 6:12, an 8:12-14:12 is required.

The limit of a CBDC waiver per CH.703, Art.1.N.1.b is 35% of any established metric standard. Regarding the Façade Glazing requirement, the Planning Board should determine whether this configuration constitutes a Shopfront as established in Table 5.H.2. If so, the minimum Façade Glazing would be 45.5% for a Shopfront with a maximum waiver. The applicant is proposing a façade glazing of 22%. The applicant is also proposing a 6:12 roof pitch which is within the 35% allowance. No new information was provided in response to the height of the 2<sup>nd</sup> story, but as proposed, this too would be within the 35% allowance. It may also be pertinent to state that the standards for issuing waivers are established in ordinance. Per Article 1.N.1.b.iii, "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 applicant shall provide additional information regarding compliance with the Article 5.M Architectural Standards.

Additionally, a preliminary building code analysis noted the potential need to provide an accessible route to the upper level as a scoping requirement. This is based on the 2015 International Existing Building Code (IEBC) Section 1105.

**1105.1 Minimum requirements.**

*Accessibility provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, primary function shall comply with the requirements of Sections 705, 806 and 906, as applicable.*

**806.2 Stairways and escalators in existing buildings.**

*In alterations where an escalator or stairway is added where none existed previously, an accessible route shall be provided in accordance with Sections 1104.4 and 1104.5 of the International Building Code.*

As the second level is not exempt from the accessibility requirements of 2015 International Building Code (IBC) Chapter 11 Section 1104.4 Multistory buildings and facilities, all new work on the level shall be accessible. Also, in accordance with 2015 IEBC Section 705.2 an accessible route shall be provided from site arrival to the affected primary function areas including toilet rooms and drinking fountains serving those spaces.

**705.2 Alterations affecting an area containing a primary function.**

*Where an alteration affects the accessibility to a, or contains an area of, primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities and drinking fountains serving the area of primary function.*

**Exceptions:**

- 1.The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.*

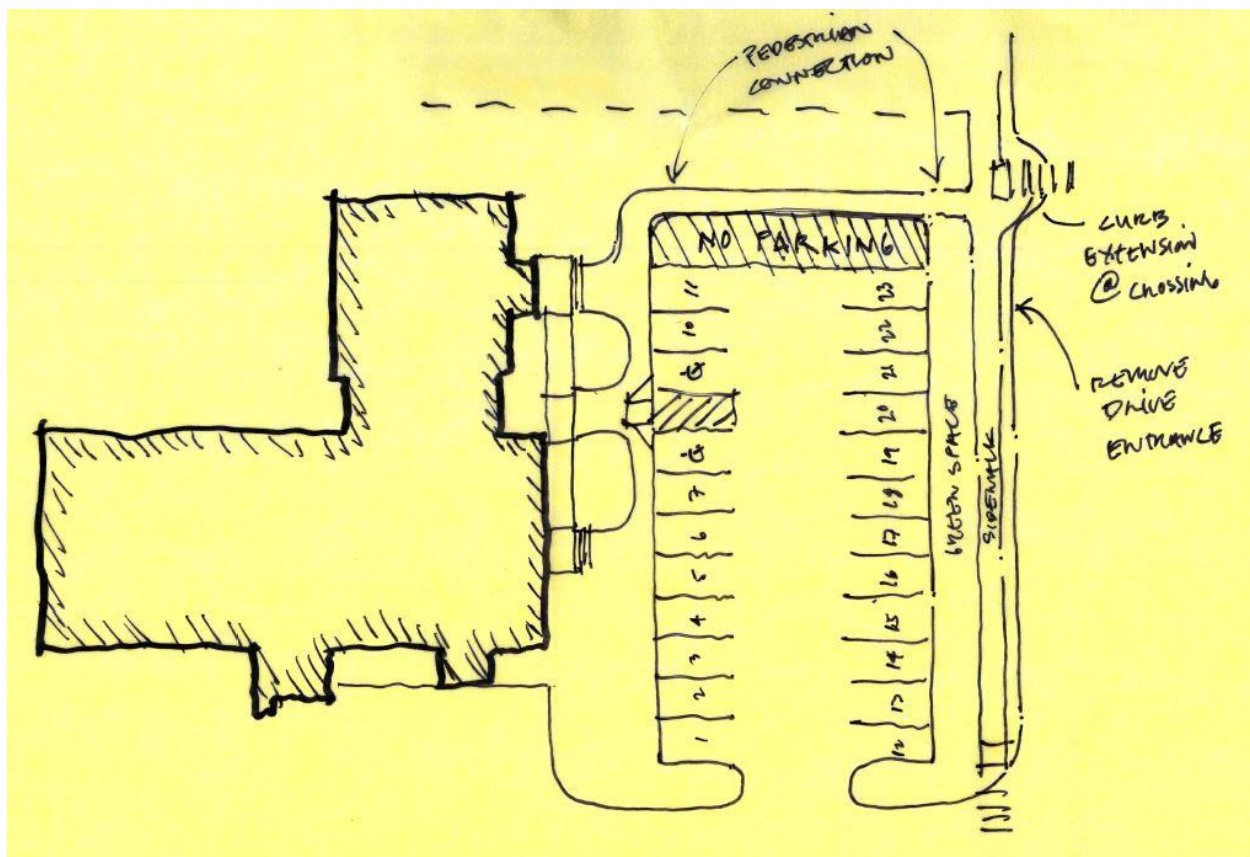
An NFPA13 sprinkler system shall also be provided throughout the facility due to the height and area requirements of 2015 IBC Chapter 5 and Town of Yarmouth Fire Sprinkler Ordinance, CH. 317.

While a complete code review will be performed in conjunction with the Building Permit application, these items may affect the overall design approach and may be pertinent at this phase of the project. If you have any questions, please let me know. Thank you for your time.

Additional scope that may be required of the applicant would be coordination with the Main Street Sidewalk and Streetscape Master Plan. Page 25 of this document appears to indicate a curb extension at the existing crosswalk.



Due to the non-conforming location of the proposed structure, the applicant should also provide a pedestrian connection path between the sidewalk and the proposed entrances. Ideally this would be located in a way as to not cross parking areas. Additional pedestrian safety may also be achieved by eliminating the most westerly entrance drive.

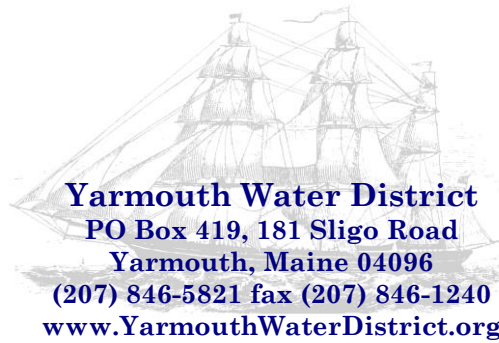


There also appears to be some discrepancy in the number of accessible parking spaces with some plans showing two while others indicate three. Please note that each accessible parking space shall have an adjacent access aisle and at least one van accessible space shall be provided.

Very Respectfully,

Nicholas J. Ciarimboli

Eric Gagnon  
Superintendent



Irving C. Felker, Jr.  
Chairman, Board of Trustees

April 22, 2022

Esther K. Bizier, P.E.  
Maine-Land Development Consultants, Inc.  
Via Email: esther@main-landdci.com

RE: Hancock Lumber Expansion, 258 main Street, Yarmouth, Maine

Dear Esther,

This letter is to inform you that the Yarmouth Water District can serve the above-referenced project and will provide service in accordance with Maine Public Utilities Commission and the Yarmouth Water District Terms and Conditions.

Your previous correspondence included fixture count information which is used to determine peak flow calculations. There is still a question regarding the style of toilets that will be used in the new building, and this will impact the peak flow calculation. Once that fixture style has been determined we can ensure the existing domestic service line size is adequate and size the new meter that will be required. If it is determined that the existing domestic service is inadequate, a new service will need to be installed from the water main on Main Street which will require crossing the road at the developer's expense.

We also need to know the configuration of the fire sprinkler system for the new building. The existing fire sprinkler service from the current Hancock office can be used if a fire sprinkler system designer ensures the system is adequate. If a new fire sprinkler service is required, it must be installed from the water main on Main Street and will have a separate fire sprinkler service charge depending on the diameter of the service attached to the water main on Main Street.

Please keep us informed as the project progresses. If you can have questions or concerns, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Gagnon", is written over a horizontal line.

Eric Gagnon  
Superintendent

CC: Erin Zwirko, Town of Yarmouth





May 10, 2022

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

Subject: Hancock Lumber Expansion Project, Main Street, Yarmouth – Traffic Peer Review

Hi Steve:

In accord with your request, TYLin is pleased to submit our traffic peer review comments with respect to the Hancock Lumber Expansion Project. My review is based upon a Trip Generation Analysis prepared by Sewall dated April 28, 2022, and a Site Plan prepared by Main-Land Development Consultants, Inc. My comments are noted as follows.

1. I find the methods and contents of the Trip Generation estimate to reasonable and concur that the project will have little impact on traffic mobility and safety in the project area.
2. In my professional opinion the project does not require two driveways given traffic volume levels. Given the urban location and desire to improve access conditions, it is my recommendation that the westerly driveway be closed. The space could be used for landscaping or additional parking. This driveway is also located adjacent to a Main Street crosswalk and elimination will improve pedestrian safety.
3. While large truck movements enter and exit the site, the applicant should provide a vehicle turning template analysis justifying the 36-foot wide driveway and 20-foot radii.
4. A pedestrian facility should be provided between the Main Street sidewalk and the building entrance.
5. Town staff should note if detectible warning fields are required. They are not required at private driveways.
6. The applicant has conducted a parking demand analysis according to Town standards and determined the site should provide between 30 and 60 parking spaces. The applicant is proposing 50 parking spaces. I would suggest that the

pg. 2

Hancock Lumber Traffic Peer Review

applicant review ITE Parking Generation information and site specific needs to determine the appropriate supply.

7. The sidewalk improvements should be extended to the easterly property boundary. The sidewalk east of the 36-foot driveway does not have a esplanade and thus is inconsistent with conditions to the west. It also creates an angled crosswalk at the driveway.
8. The applicant should note the purpose of the extended turnaround area depicted on the westerly boundary. It seems excessively long.

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:** Edward Ashley <edwardashley02@gmail.com>  
**Sent:** Monday, April 25, 2022 4:14 PM  
**To:** Erin Zwirko  
**Subject:** Hancock lumber application: parking

Dear Madam Chair and Planning Board Members;

I sent you comments on this application by email dated April 6, 2022. The second paragraph of that memo addressed the issue of parking on Applicant's lot, and this is to explore that in further detail. As I stated, Applicant's parcel has an unusual configuration, which includes an undeveloped portion to the rear of the property, abutting Cleaves Street. Having taken a look at the rear of the lumber yard, it appears that there is no easy vehicular connection between the main portion of the lumberyard and this triangular portion of the lot, due to the incised gully of the stream which underlies Brickyard Hollow, which stream abuts Applicant's lot all along the easterly side of the lumberyard. The gully effectively divides the lumberyard from the backs of the houses on the westerly side of Cleaves Street.

However, there is perfectly good level access onto the triangular portion of the Hancock land where it fronts on Cleaves Street. An employee parking lot could easily be installed there, with vehicular ingress and egress via Cleaves Street, a pervious gravel surface on the parking lot itself, and vegetated or fenced buffering to screen the parked vehicles from the adjacent house. At present it is an unsightly tangle of trees and assorted vegetation including invasive species. Employees could either walk down Cleaves Street and up Main St. to the lumberyard, a short walk, or applicant could construct an inexpensive timber foot bridge for employee access into the rear of the lumberyard.

The application triggers a review of the entire lumberyard lot insofar as Code requirements are concerned, and this is an excellent opportunity for applicant to substantially reduce the parking enfronting Main Street, to better comply with Code policy, without losing any of its parking for employees, by simply relocating that parking, and putting that currently unused portion of the full property to good use. This would enable reduction of existing impervious surface and the addition of improved tree and other vegetation plantings at the westerly end of the Main Street frontage, and all along the Main Street frontage. The unnecessarily wide curb cut of the main entrance onto Main Street could be reduced in size, the planter esplanade along the Main Street sidewalk could be widened, enabling additional vegetation, without impairing sight lines, and with the introduction of parallel parking alongside the esplanade, rather than the current head-in vertical parking. The secondary curbcut opposite the current bank branch drive-through entrance could be eliminated completely, there no longer being a need for it.

## 6.1

As I said before, this would remove a great deal of the current parking usage of the Main Street frontage, enabling a more creative and more extensive landscaping effort on the part of the applicant. This could be a dramatic complement to the Main Street landscaping plan, enhancing the adjoining properties, adding to the Main Street plan and the attractiveness of Main Street along applicant's frontage, and not least of all, adding to the attractiveness and welcoming nature of applicant's own premises, including the newly constructed addition. It could greatly improve Applicant's curb appeal without interfering with its operations or adding to any of the existing constraints on operations, by simply utilizing a currently unused portion of the property for uses encouraged by the Code to be set back and concealed from the streetscape.

Thank you for your attention.

Edward Ashley  
20 Spartina Point  
Yarmouth, ME 04096

remain in place during this period and that major policy changes be undertaken as part of the transition. This may result in some inconsistencies between the Town's policies and land use regulations during that period. A fundamental strategy for implementing this Plan is to fund and undertake the background work needed to adopt Form-Based Codes.

## C. THE VILLAGE

### 1. BACKGROUND

The "Village" – ask any two residents what Yarmouth Village is and you are likely to get two different responses. For some people, the Village is Main Street and the historic homes adjacent to it. For others, the Village is the older built-up area of the Town that includes Main Street and the residential



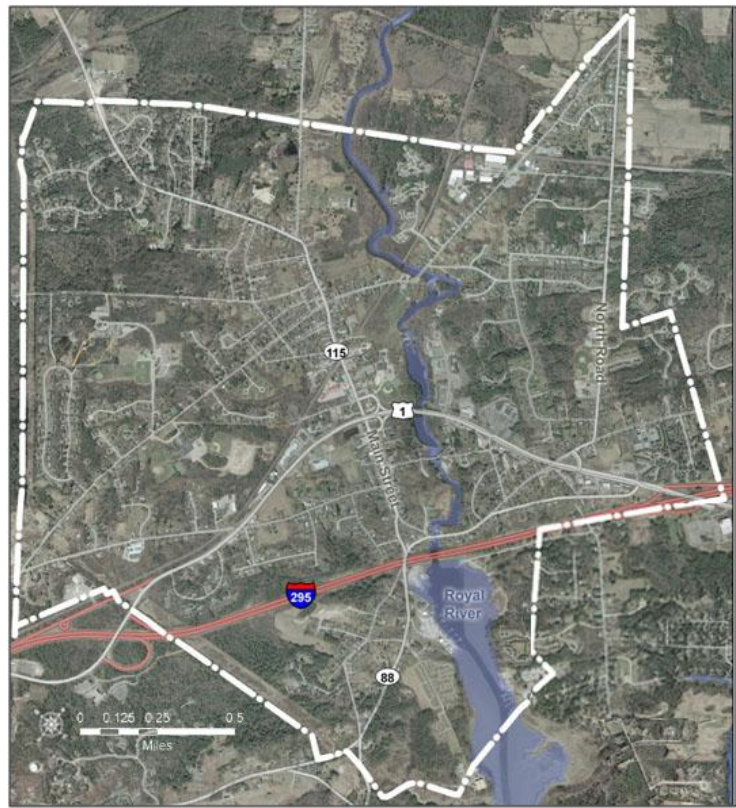
areas developed before 1970 where the lots are small and people can easily walk around. And for some people, the Village includes most of the town except for the coast and the islands.

For the purpose of this plan, the "Village," in conceptual terms, is considered to include the following:

- Main Street
- the historic residential neighborhoods adjacent to Main Street
- the older residential neighborhoods developed through the 1960s
- the newer, more suburban residential areas developed since the 1970s on the fringe of the older portion of the Village.

This “Village” area encompasses the area that potentially is an integrated walkable community. This concept of the “Village” is larger than what some people currently consider the village to be. It includes the area that is currently zoned Village I & II along Main Street, the entire Medium Density Residential Zone, and the commercial areas along Route One. This “Village” extends, generally, from the town line with Cumberland on the south to North Road/East Main Street on the north, and from the railroad line on the west to I-295 on the east including the Pleasant Street neighborhood east of I-295 (see Figure 1-3). When this plan talks about the “Village,” it refers to this area.

FIGURE 1-3: THE “VILLAGE”



Historically the Village offered residents a full lifestyle. You could live in the Village, send your children to school in the Village, do much of your shopping on Main Street, work in the Village or nearby coastal areas, go to church in the Village, and do most of what you needed to do in the Village. In the 1970s, Yarmouth began to change and the Village changed with it. That pattern of change continued and even accelerated in the 1980s. The construction of I-295 fueled the transformation of Yarmouth into a bedroom community. The grocery store on Main Street was replaced by a supermarket on Route One. Vacant land on the fringe of the older village was transformed into housing developments, single-family subdivisions and apartments at first, and later condominium developments. Yarmouth became an “upper class suburb.” Older homes along Main Street were converted into offices and other non-residential uses. Fewer people lived in the center of the Village.

The Town responded to these changes and tried to manage or limit the change. The required lot size for housing in the village area and fringes was gradually increased to the one acre per unit that is the current requirement to try to control new residential development. The zoning for Main Street, the Village-I Zone, limited the conversion of homes to non-residential uses and prohibited new infill commercial buildings as a way of “protecting” the older homes and trying to maintain a residential base in the center of the Village. In the process of trying to manage the change in the community, many older homes were made non-conforming and the ability of property owners to use their homes “creatively” was limited. Investment in non-residential property along Main Street was limited.

Recently, the Town has been working to address some of these concerns. Adjustments have been made in some of the zoning requirements to reduce the number of properties that are nonconforming. The provisions for home occupations and accessory dwelling units have been liberalized. The Town has used contract zoning to accommodate desirable development and expansion of nonresidential uses along Main Street.

During the preparation of this revision of the Town’s Comprehensive Plan, a number of key issues emerged with respect to the Village including:

- Maintaining Main Street as a truly mixed-use area with viable businesses and services, community and educational facilities, and people who live there.
- Ensuring that the historic homes along Main Street are not demolished or inappropriately modified to allow commercial development.
- Ensuring that new construction or the modification of buildings along Main Street is done in a way that is compatible with the visual character and development pattern of the Village.

### ***Contract or Conditional Zoning***

*Contract or conditional zoning is an approach to zoning that allows the Town to create special zoning requirements that apply to a particular property. It is a technique to allow a use or development that might not otherwise be allowed by imposing additional requirements on it to make it acceptable. In many cases, the provisions of the contract or conditional zone establish additional requirements on the use and development of the property beyond what are typically addressed in traditional zoning standards such as design requirements or limits on the types of occupants of the building. A contract or conditional zone must be consistent with the Town’s adopted Comprehensive Plan. Once a contract or conditional zone is established, the development and future use of the property must follow the detailed requirements of the “contract” or “conditional” zone.*



- Reducing the amount of non-conforming situations resulting from the Town's zoning provisions.
- Allowing the owners of older homes some flexibility in the use of their property to allow them to continue to maintain them.
- Accommodating additional residential uses within the Village in ways that reinforce the concept of a walkable village and expand the diversity of housing available.
- Increasing the diversity of the housing available in Yarmouth and, therefore, increasing the diversity of the Town's population.

## 2. *VISION*

Yarmouth Village will continue to be a highly desirable, walkable New England Village with a vibrant, mixed-use center along Main Street. The Village will continue to offer a wide variety of housing from large, historically significant single-family homes, to smaller, more modest homes for both older residents and young families, to apartments and condominiums, to small flats in mixed-use buildings or older homes.

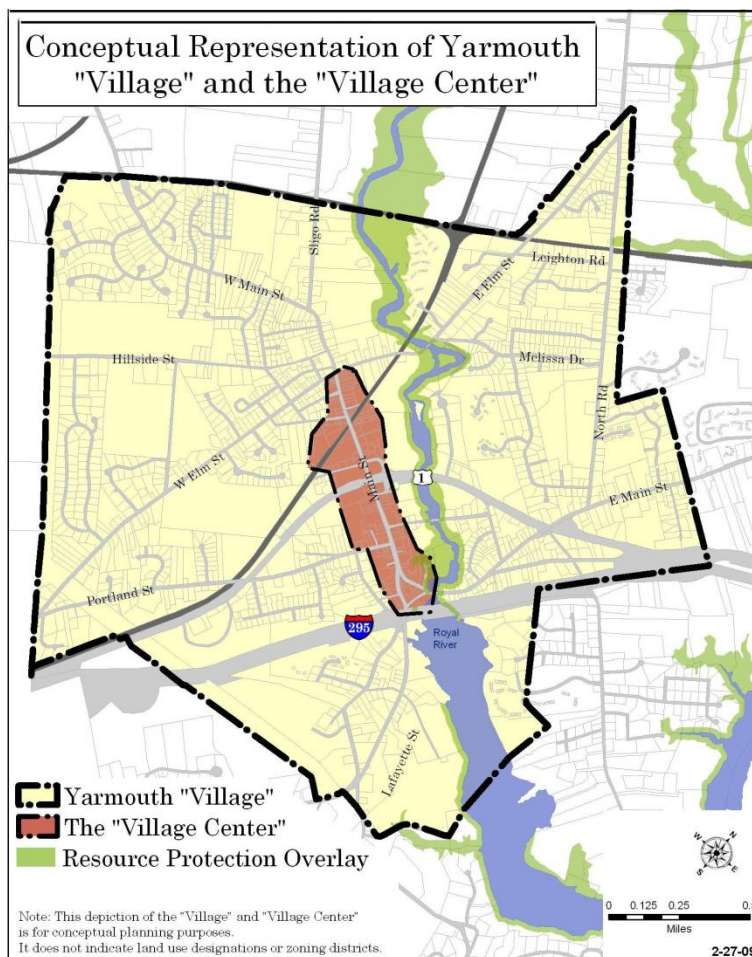
Main Street or the Village Center will be a vibrant, pedestrian friendly, mixed-use street where people can live, work, shop, and take care of their other daily needs. A balance between residential and nonresidential activities in the Village Center will be maintained. Historic properties will be well maintained and their historic character preserved while allowing for the creative use of these properties. New buildings or modifications of existing buildings shall be of similar scale, form, and disposition to the Village's historic buildings and development pattern, thereby maintaining the visual integrity, livability and walkability of Main Street. Parking will be improved to support a financially viable core of businesses and services but without detracting from the residential livability of the Village Center or adjacent residential neighborhoods and parks. Key municipal, community, and educational facilities will continue to be located in the Village Center. Pedestrians and bicyclists can move easily and safely throughout the Village Center and to and from the Village residential neighborhoods.

The older Village Residential neighborhoods will continue to be desirable, walkable areas. Historic residential properties will be well maintained and their



historic character preserved. Sidewalks, pedestrian paths, and bicycle facilities will be improved to provide universal accessibility and allow safe movement within the neighborhood as well as movement to and from the Village Center and community facilities such as the schools and recreation areas. Well-designed infill development will occur at density, scale, form and disposition that is compatible with the historic pattern of development. The types of housing and the availability of affordable housing may be expanded through creative use of existing buildings. Property owners in these neighborhoods will have flexibility to use their properties creatively as long as the use is compatible with the neighborhood and new development standards are satisfied.

FIGURE 1-4 CONCEPTUAL REPRESENTATION OF YARMOUTH "VILLAGE"



The Village Fringe areas that experienced lower-density suburban style development will become more integrated into the Village. Sidewalks, pedestrian paths, and bicycle facilities will be improved to allow universal accessibility and safe movement from these areas to the Village Center and community facilities such as the schools and recreation areas. Infill development will occur at higher densities than 1 unit per acre and property owners outside of the larger subdivisions will have flexibility to use their property creatively.

### 3. POLICIES AND STRATEGIES

For the Town to achieve this vision, we must establish clear policy directions that will guide both the Town's land use regulations and its day-to-day decisions about operations and expenditures and identify the actions that the Town will need to take to implement those policies.

***Policy C.1. Ensure that the immediate Main Street area that is the Village Center continues to be a vibrant mixed-use area with residential uses, businesses, services, and municipal and community facilities.***

Strategy C.1.1 – Adopt a formal policy that key municipal uses that are used by the public continue to be located in the Village unless no viable option exists.

Strategy C.1.2 – Revise the current zoning requirements for the Village I and II Districts (and consider renaming them Village Center I and II) to allow existing buildings to be converted to nonresidential use or modified or expanded to create additional nonresidential space, and new buildings to be constructed that include nonresidential space provided that there are provisions for residential occupancy within the building.

Strategy C.1.3 – Revise the current zoning requirements for the Village I District and the nonconforming use provisions to allow existing nonresidential uses that might not otherwise be allowed in the Village Center to modernize and expand as long as they become more conforming with the village character as defined by the study proposed in Strategy C.2.2.

Strategy C.1.4 – Develop a strategy for marketing and promoting the Village Center as a desirable business location for offices, service businesses, and small-scale, low-intensity retail uses.

Strategy C.1.5 – Adopt a “renovation code” for older properties to allow modifications that are consistent with the age of the property while ensuring basic standards of safety and accessibility.

Strategy C.1.6 – Consider revising current zoning requirements of Village I and II District to allow for construction of new infill commercial structures.

#### ***Form-Based Codes***

*Form-Based Codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. These codes are adopted into city or county law as regulations, not mere guidelines. Form-Based Codes are an alternative to conventional zoning. Form-Based Codes typically address both site design and building design considerations to establish a relatively consistent development pattern. Further explanation of Form Based Code can be found beginning on page 76.*

***Policy C.2. Maintain the architectural and visual character of the Village Center as a New England village and ensure that renovations/expansions of existing buildings as well as***

*new buildings reflect this character both in the design of the building as well as the location of the building, parking, and other improvements on the lot.*

The goal of this policy is to ensure that the scale, massing, and treatment of the building and the location of the building with respect to the street are consistent with the village character as defined by the study proposed in Strategy C.2.2. It is not the goal to require that new buildings or changes to existing buildings that are not of historic significance be designed to look like “old New England buildings.”

Strategy C.2.1 – Establish “Form-Based” development standards for the Village I and II Districts that focus on the design and placement of the building on the site with less emphasis on the specific use of the property to ensure that the modification/expansion of existing buildings and the construction of new buildings including the replacement of existing buildings conform to the visual character and traditional development pattern of Main Street.

Strategy C.2.2 – Adopt design standards for the Village I and II Districts. These standards should address site design, building configuration and disposition, landscaping, pedestrian movement and bicycle facilities, signage, low-impact lighting and similar elements of the built-environment. The proposed standards should be based on a study/analysis of the visual characteristics of the Village center to identify the features and patterns that should be incorporated into the proposed standards. The proposed standards should be consistent with the proposed revisions to the zoning requirements (see Strategy C.2.1.).

*Policy C.3. Work with property owners to maintain the exterior appearance of historically significant properties while allowing these owners the opportunity to improve and update the buildings in ways that respect their historical importance* (see historic character section for additional details and strategies).

This character includes both the exterior of the building and the public frontage (portion of the lot between the building and public street(s)). The following strategy is also included in Section E that addresses historical character.

Strategy C.3.1 – See Strategy E.2.2.

*Policy C.4. Allow residential use of property within the Village in ways that are more similar to the historic pattern of development and intensity of use than is allowed by the current zoning requirements.*

This policy supports increasing the allowed density of residential use within the Village but with two important limitations:

- 1) New residential units within the Village (in either new buildings or modifications of existing buildings) be designed and built to be compatible with the character of the village (density, scale, form, and disposition) and minimize impacts on adjacent properties.
- 2) Property owners who take advantage of the opportunity for higher density pay an offset fee to be used by the Town to protect open space, make infrastructure improvements, enhance the village character such as with streetscape improvements, the upgrading of pedestrian and bicycle facilities, or adding pocket parks, or provide for affordable housing by either setting aside units as “affordable housing” or paying an affordable housing offset fee to the Town to be used for maintaining or creating affordable housing (see housing diversity section for additional details).

Strategy C.4.1– Create a new Village Residential (VR) zone out of part of the current Medium Density Residential District. The new VR District should include the older built-up areas of the Village. Figure 1-5 on the following page shows the possible boundaries of the proposed VR area. The final location of the boundaries will need to be determined when this proposal is implemented and will need to take into consideration the ongoing planning process of the Town including the Royal River Corridor Study and the updating of the Town’s Shoreland Zoning. The major objectives in creating this new zone are to reduce the number of existing lots/buildings that are nonconforming in terms of the Town’s zoning requirements and to allow residential uses (including infill development and more flexible use of existing properties) at higher densities than the current one acre per unit requirement of the MDR District. In return for allowing increased density in this area of the Village, the new VR District should include expanded development standards (excluding architectural design standards) to ensure that new buildings or modifications to existing buildings occur in a manner that is compatible with the village character and minimizes impacts on adjacent properties.

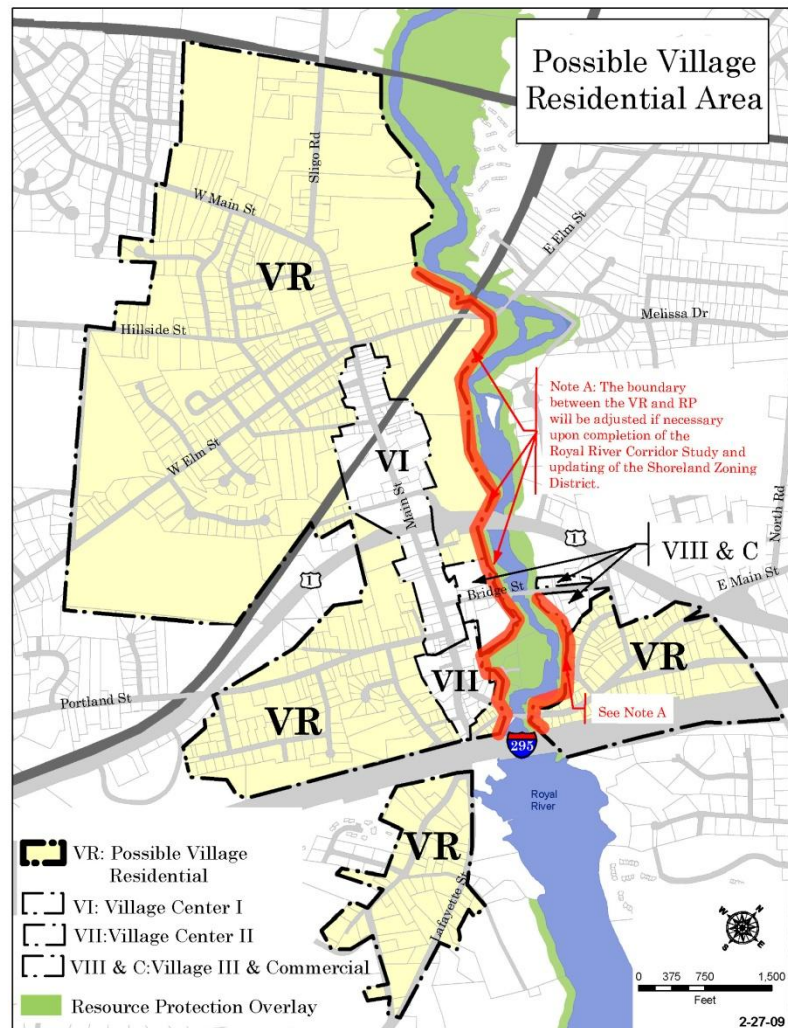


Strategy C.4.2 –Revise the development standards for the MDR District. Consider incorporating the MDR into the new “Village Residential” district. The major objectives in revising these requirements are to reduce the number of existing lots/buildings that are nonconforming in terms of the Town’s zoning requirements and to allow residential uses (including infill development and more flexible use of existing properties) at higher densities than the current 1 acre per unit requirement of the MDR District. The revised MDR District should include expanded development standards to ensure that new buildings or modifications to existing buildings occur in a manner that is compatible with the village character and minimizes impacts on adjacent properties. To accomplish this strategy, the Town shall:

- Analyze existing land use development patterns to determine appropriate adjustments in development standards, including but not limited to block size, street assemblies, density, building configuration and disposition, setbacks, lot occupation, and standards for conversion of single-family homes.

***Policy C.5. Ensure that the Village is “walkable” and “ADA compliant” so that all people can easily and safely travel within their neighborhood as well as being able to walk or bike to the Village Center and other key centers of activity such as the schools and recreation areas.***

FIGURE 1-5 POSSIBLE VILLAGE RESIDENTIAL AREA



Strategy C.5.1 – Develop and implement a plan to provide appropriate pedestrian and bicycle facilities and link the various parts of the Village including the established residential areas in the existing MDR zone.

Strategy C.5.2 – Revise the Town’s development standards to require that new development in the Village be “pedestrian and bicycle friendly” in terms of site layout, pedestrian and bicycle facilities and circulation to/from/within the site.

***Policy C.6. Improve the availability and management of parking in the Village Center in a manner that does not detract from the essential character of the surroundings to maintain an attractive, diverse, and vibrant mixed-use area.***

Strategy C.6.1 – Conduct a parking study in the Village Center to determine the actual use of existing public and customer parking, identify deficiencies in the supply or management of parking, identify opportunities to encourage alternative transportation and explore ways to improve parking in the Village Center in a way that is compatible with the character of the area.

Strategy C.6.2 – Explore possible approaches for funding parking improvements in the Village Center including the creation of a parking district, the use of impact fees, and similar techniques.

Strategy C.6.3 – Establish reduced parking standards for development or redevelopment in the Village Center if the parking study determines that the actual demand for parking is less than that required by the current parking standards.

## **D. DIVERSITY OF THE POPULATION**

### *1. BACKGROUND*

Historically, Yarmouth was “home” to a wide range of people – young families and elderly residents; people who worked in the community and people who commuted elsewhere; people of relatively modest means and those who were more affluent. The population of Yarmouth is getting older. The number of residents over 45 years of age is projected to increase significantly while those under 45 are projected to decrease. The number of younger households has been decreasing and is projected to continue to decrease. The number of Yarmouth residents between 30 and 44 years old dropped by almost 15% during the 1990s and is projected to drop another 20% by 2015. Similarly, the number of school aged children is projected to drop over 5% between 2000 and 2015.