

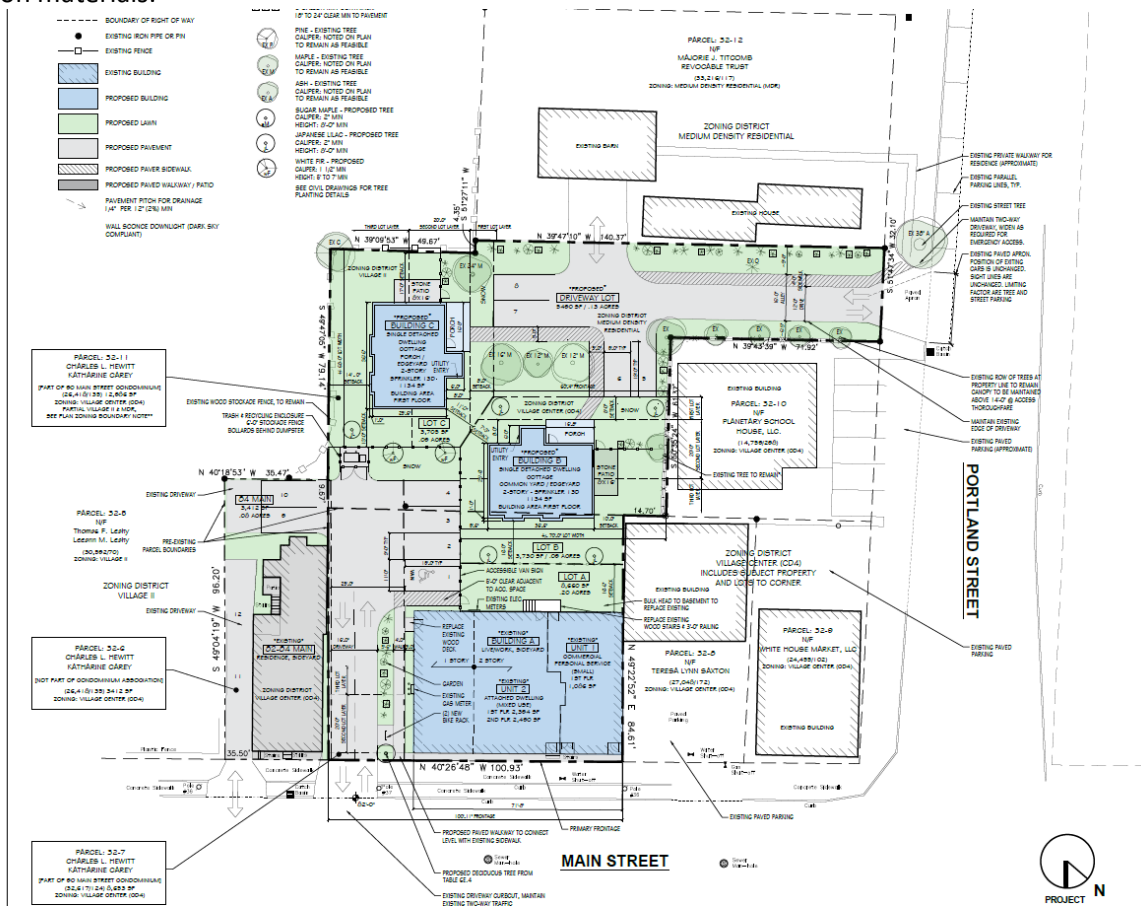


**TOWN OF YARMOUTH**  
200 Main Street, Yarmouth, Maine 04096  
[www.yarmouth.me.us](http://www.yarmouth.me.us)

**Planning Board Report**  
**90 Main Street**  
**Preliminary Development Plan, Building & Lot Plan, Major Site Plan, and Major Subdivision**  
**Charles Hewitt and Katherine Carey, Applicants**  
**Map 32 Lots 7 and 11; CD-4 Village Center Character District**  
**Prepared by Erin Zwirko, Director of Planning and Development**  
**Report Date: October 6, 2022; Planning Board Date: October 12, 2022**

**I. Project Description**

Mr. Hewitt and Ms. Carey submit for review the proposal for the 90 Main Street Condominium Development. The proposed development applies to the property at 90 Main Street (Map Lot 32-7) and the contiguous rear parcel (Map Lot 32-11) providing frontage on Main Street and Portland Street totaling 0.49 acres. The proposed development is the creation of two lots for single-family homes behind the existing mixed-use building at 90 Main Street. The Planning Board held two concept meetings on May 11, 2022, and July 20, 2022. The major change since the original concept is the elimination of the one-way Thoroughfare in favor of two driveways. Below is the preliminary master plan as presented in the application materials:



The Planning Staff took photos of the current frontage of the property along Main Street and Portland Street:



Main Street Frontage



Portland Street Driveway

## II. Project Review Process and Timeline

The application materials presented are preliminary in nature. The Planning Board is being asked to review the proposal pursuant to the following ordinances:

- CH. 703 Character Based Development Code (CBDC) Development Plan and Building and Lot Plan, CD-4 Village Center Character District,
- CH. 702, Major Site Plan,
- CH. 601, Major Subdivision, and
- CH. 701, Article X, Historic Preservation Advisory Ordinance for new construction in the Lower Village Historic District.

The Planning Board on July 20, 2022, authorized the Code Enforcement Officer to issue a demolition permit for the Outbuilding Garage/Shed located to the rear of the existing mixed-use building at 90 Main Street following a 30-day stay per Chapter 701, Article IX. The Demolition Permit was issued on September 22, 2022. Trees noted to remain are required to remain as a condition of the demolition permit. It does not appear that further review under Chapter 701, Article IX is necessary for the larger development scheme, although staff reserve the right to identify the requirement for further review under Chapter 701, Article IX.

On September 26, 2022, the Historic Preservation Committee met with the applicants and their representatives to review the project under Chapter 701, Article X, relative to new construction within the Lower Village Historic District. An advisory recommendation from the Historic Preservation Committee is attached and referenced in this staff report. The Planning Board may also direct the applicant to consult with the Historic Preservation Committee in more detail prior to consideration of a final approval.

The Planning Board will need to schedule a site visit per Chapter 601, Subdivision.

## III. Zoning Analysis

The application brings to light an apparent discrepancy between the property boundaries shown on Yarmouth's tax maps and the documentation provided by the applicant regarding the property lines. Because of this discrepancy, the rear parcel (32-11) is shown as being zoned partially Village II and Medium Density Residential District (MDR). The applicant writes, *"The parcel behind 90 Main St., which is described as "Tax Map 32 11", is depicted on Yarmouth's Regulating Plan as being rectangular and "landlocked" without access to Portland Street. The deed for the property, dated October 20, 1960, describes the property as including a leg extending to Portland Street which gives a right of way to 12 Portland Street (32-10) and (32-6). When the deeded parcel, see the Survey dated November 2021, is overlayed on the Yarmouth Regulating Plan the parcel is bisected by three Zoning Districts. The majority of the parcel is in Village Center (CD4), the Driveway to Portland Street is in Medium Density Residential (MDR) and a small corner is in Village II. See Sheet C101 for visual representation. A tall stockade fence exists on the site today and roughly follows the property line behind Lot 32-5."*

It is likely if the Town had the property boundaries depicted accurately on the tax maps, the CD4 Village Center Character District would have extended to the property lines shown in the application materials. However, since there is this discrepancy, the Planning Board may look to a provision in the Zoning Ordinance regarding properties split by zoning districts (Article IV.D.4):

*"When a lot of record at the time of enactment of this Zoning Ordinance is transacted by a zoning district boundary, the regulations set forth in this Ordinance applying to the least restrictive zone of such lot may also be deemed to govern in the area beyond such zoning district boundary but only to an extent not more than thirty (30) feet beyond said zoning district boundary. This provision does not apply within the SOD and RPD."*

The properties involved in the development are lots of record when the Zoning Ordinance and the CBDC were enacted, and this provision could apply. Note that the Character Based Development Code (CBDC) does override certain provisions in the Zoning Ordinance and in Site Plan Review, but the CBDC notes that applicable provisions of the Zoning Ordinance continue to be applicable to matters not covered by the CBDC.



[illegible]

#### IV. Public Notice and Comment

**Uses in Vicinity:** The surrounding neighborhood consists of: **Main Street** – a mix of residential, professional, and businesses such as Fitness Success, Rosemont Market, and rug store, churches, and the North Yarmouth Academy campus; **Portland Street** - residential.

The project is subject to the Character Based Development Code (CBDC) and the applicant shall address all applicable standards. As described in Chapter 703, a Development Plan applies to the following parcels of land (Article 6.A.1):

- The 90 Main Street project triggers the Development Plan as the proposal would constitute a subdivision and the driveway (private road) would need to be classified as a Thoroughfare in order for the new lots to gain frontage. The following is the site plan provided in the application materials.



In addition, the applicant is seeking approval of Building & Lot Plans per Article 5 for the new lots created, the two single-family lots and the common space. Details regarding compliance with Article 5 is still required:

- Article 5.M, Architectural Standards
- Article 5.N, Private Lot Landscape Standards
- Article 5.P, Lighting Standards

At the initial concept meeting with the Planning Board, there was discussion regarding the one-way Thoroughfare proposal, especially due to the impact to the adjacent neighbor on Portland Street and their access to their property, as well as the design being inconsistent with the Thoroughfare standards. In the second concept submission, the applicant eliminated the one-way Thoroughfare in favor of two driveways, one of which is the existing driveway between 90 Main Street and 82-84 Main Street, and the other driveway from Portland Street would serve the two new residences proposed in addition to the neighbor on Portland Street. The Portland Street driveway still must be considered a Thoroughfare (Alley, specifically) as the two new lots must derive their frontage from a Thoroughfare.

The applicant moved in a direction that was recommended by the Planning Board at the concept meetings. In consideration of providing feedback, the Planning Board will want to think about how this development proposal meets the intent of the Character Based Development Code, namely *“that development and re-development should be compact, pedestrian-oriented and Mixed Use in appropriate areas and that larger development include a mix of residential and commercial uses”* (Chapter 703 Article 1.B), and whether the use of waivers to facilitate this development is appropriate when the development intensity could be achieved with a simpler and more straightforward project. A clear accounting of waivers that may be necessary is missing.

## **VI. Development Plan Requirements (Article 6.D)**

As further described by Article 6, the following materials are required for a Development Plan. The status of each item is provided below.

### **1. Existing and any proposed Thoroughfares, including any extension or change of design;**

The applicant eliminated the one-way Thoroughfare in favor of two driveways (one from Portland Street and the other from Main Street) which would be designated as private roads. Because the proposed lots need to derive frontage from a Thoroughfare, a Thoroughfare designation is still needed for the driveway from Portland Street, and the Alley Thoroughfare is proposed, although may require a waiver.

As defined in the CBDC, the Alley Thoroughfare is *“a vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements.”* Due to layout of the site plan, the Alley Thoroughfare does provide access to parking but is also to the front door. The Planning Board may want the applicant to provide an analysis of the Alley Thoroughfare to make a determination on granting any waivers for Thoroughfare standards.

No existing Thoroughfares will be extended or changed as a result of the proposal.

### **2. Thoroughfare Types and Standards;**

The applicant has not yet provided an analysis of the Alley Thoroughfare standards in order for the Town to assess whether any waivers are necessary. As noted above, an Alley is not an exact match to the site plan, and the Planning Board may want the applicant to provide an analysis on why the Alley is the best fit for the site prior to making a determination on any waiver.

### **3. Thoroughfare sections and specifications consistent with Chapter 601, (Subdivision, Technical Appendix, Roadway Design and Construction Chart), if applicable, or subject to the approval of the Town Engineer if not otherwise specified;**

The preliminary site plan included specifications for the pavement profile. The Town Engineer had no comments on the Thoroughfare sections and specifications.

#### 4. Pedestrian Sheds and their respective Common Destinations;

Per Article 6.D, Pedestrian Sheds and their respective Common Destinations must be shown on the Development Plan. The section goes on to state, *“Any proposed Development Plan shall include demonstration of connections and creation of non-motorized pathways and circulation systems within the Development Plan Pedestrian Shed(s) and demonstrate connection to any existing or planned trails, Open Spaces, or related public facilities in the vicinity.”* A Pedestrian Shed plan was provided:



#### 5. Existing and any required or proposed Civic Spaces and Civic Buildings;

No public civic spaces or civic buildings are proposed.

#### 6. Existing and any proposed Character Districts;

The Development Plan is located within the CD-4 Village Center Character District. No new character districts are proposed.

#### 7. Existing and proposed Special Districts, if any;

The Development Plan is located within the CD-4 Village Center Character District. No new special districts are proposed.

#### 8. Existing and proposed Special Requirements, if any;

Special Requirements are identified in Chapter 703, Article 6.I. The Special Requirements include retail frontage, terminated vistas, cross block passage, buildings of value, and residential development. The Building of Value special requirement is applicable; however, the Planning Board previously determined that the Garage/Outbuilding is not a Building of Value.

- 9. The proposed mix of uses and residential density per Character District. A Development Plan with three or more Building and Lot Plan sites in any mixed-use Character District (all variations of CD4) is encouraged to include a mix of residential and commercial functions;**

There is an existing live/work space and a commercial space located on Main Street. The two new Building and Lot Plan sites are residential.

- 10. The proposed Block Structure for the site in compliance with applicable Block Perimeter Standards, if the Development Plan site is 5 gross acres or more;**

The Development Plan site is less than 5 gross acres. This standard is not applicable.

- 11. Public Landscaping;**

A formal landscape plan must be submitted. An analysis of Article 5.N, Private Lot Landscaping, must be provided.

- 12. A conceptual or illustrative Building and Lot Plan for a first phase of Development;**

The Development Plan illustrates the basic information for a Building and Lot Plan. Additional information regarding compliance with Article 5 is necessary.

- 13. If associated with a Regulating Plan Amendment, a massing diagram of the proposed or allowable Development;**

A Regulating Plan Amendment is not required.

- 14. All existing and proposed Preserved or created Open Space; and**

None is provided.

- 15. All Buildings of Value present on the site.**

There is a presumption that the structure at 90 Main Street is a Building of Value due to its designation as a Contributing Structure per Chapter 701, Article X, Appendix A.4.5.3. The Planning Board has been requested to determine whether an outbuilding on the site is a Building of Value. The Planning Staff issued a separate report regarding the demolition of the outbuilding for the July 20<sup>th</sup> meeting. The Planning Board determined that the outbuilding is NOT a Building of Value and allowed the demolition to proceed with a 30-day stay.

## **VII. Development Plan Review Standards (Article 6.E)**

### Article 6.E.2.a, b, and c. Thoroughfare Standards

Thoroughfare standards are identified in Chapter 703, Article 6.E.2 as follows:

**Thoroughfares shall be intended for use by vehicular and non-vehicular traffic and to provide access to Lots and Open Spaces.**



Staff Comments: Based on the preliminary site plan, it appears that vehicular and non-vehicular traffic will be allowed on the private driveways. The Portland Street driveway still must be considered a Thoroughfare as the lots must derive their frontage from a Thoroughfare.

The applicant has not yet provided an analysis of the Alley Thoroughfare standards in order for the Town to assess whether any waivers are necessary. As noted above, an Alley is not an exact match to the site plan, and the Planning Board may want the applicant to provide an analysis on why the Alley is the best fit for the site prior to making a determination on any waiver.

**Thoroughfares shall consist generally of vehicular lanes, Sidewalks, Bikeways and Public Frontages.**

Staff Comments: The Portland Street driveway still must be considered a Thoroughfare as the lots must derive their frontage from a Thoroughfare.

The applicant has not yet provided an analysis of the Alley Thoroughfare standards in order for the Town to assess whether any waivers are necessary. As noted above, an Alley is not an exact match to the site plan, and the Planning Board may want the applicant to provide an analysis on why the Alley is the best fit for the site prior to making a determination on any waiver.

**Thoroughfares shall be designed in context with the urban form and desired design speed of the Character Districts through which they pass.**

Staff Comments: The applicant has not yet provided an analysis of the Alley Thoroughfare standards in order for the Town to assess whether any waivers are necessary. As noted above, an Alley is not an exact match to the site plan, and the Planning Board may want the applicant to provide an analysis on why the Alley is the best fit for the site prior to making a determination on any waiver.

**The Public Frontages of Thoroughfares that pass from one Character District to another shall be adjusted where appropriate or, alternatively, the Character District may follow the alignment of the Thoroughfare to the depth of one Lot, retaining a single Public Frontage throughout its trajectory.**

Staff Comments: The Development Plan spans only a single Character District. It appears that there is an appropriate relationship between the Public Frontages and the Thoroughfares.

**Pedestrian access, circulation, convenience, and comfort shall be primary considerations of the Thoroughfare, with any design conflict between vehicular and pedestrian movement generally decided in favor of the pedestrian.**

Staff Comments: Slow speeds and shared spaces prioritize the pedestrian. Additional treatments may further support this prioritization.

**Thoroughfares shall be designed to define Blocks not exceeding any applicable perimeter size prescribed in Table 6.F (Block Perimeter Standards), measured as the sum of Lot Frontage Lines and subject to adjustment by Waiver at the edge of a Development Parcel.**

Staff Comments: As noted in Article 6.D.2, which outlines the requirements for a Development Plan, the Block Perimeter Standards are required if the Development Plan site is 5 or more gross acres. The total development acreage is less than 1 acre. This standard is not applicable.

**Thoroughfares shall terminate at other Thoroughfares, forming a network, with internal Thoroughfares connecting wherever possible to those on adjacent sites.**

Staff Comments: While the one-way Thoroughfare met this standard closely, the Planning Board was not necessarily supportive of its application. The two-driveway concept is not clearly consistent with this standard, although may be appropriate in the context.

**Cul-de-sacs and dead end Thoroughfares are not allowed unless approved by Waiver to accommodate specific site conditions, and except that one single Lot may Enfront a dead end Thoroughfare to create a back Lot.**

Staff Comments: While the one-way Thoroughfare met this standard closely, the Planning Board was not supportive of its application. The two-driveway concept is not clearly consistent with this standard, although may be appropriate in the context.

**Each Lot shall Enfront a vehicular Thoroughfare, except that 20% of the Lots may Enfront a Passage.**

Staff Comments: The preliminary plan indicates that all the proposed lots enfront a Thoroughfare.

**Thoroughfares shall conform to the Thoroughfare Standards of Table 6.E.2A-6.E.2I (Thoroughfare Assemblies and Standards). See Illustration 6.E.1 (Turning Radius).**

Staff Comments: The applicant has not yet provided an analysis of the Alley Thoroughfare standards in order for the Town to assess whether any waivers are necessary. As noted above, an Alley is not an exact match to the site plan, and the Planning Board may want the applicant to provide an analysis on why the Alley is the best fit for the site prior to making a determination on any waiver.

The following Table 6.E2.A is provided from the CBDC. An Alley Thoroughfare is the simplest Thoroughfare available in the CBDC. As seen in the table, the assemblies are simple shared use lanes, parking is not envisioned, and the curb has a simple taper. Additionally, lighting is not required. It does appear that the selection of the Alley Thoroughfare is an appropriate type for the development scheme.

The proposed Alley Thoroughfare is intended to be located within a 24-foot right of way with pavement width of 16 feet. In previous comments the Fire Chief requested 20 feet of paved width, but provided recent comments that the Department will allow the road to be 16 feet in width as long as the existing trees are removed along the north side of the road in addition to other select trees. The sidewalk would have to be at the same level as the Thoroughfare.

As noted in the table, parking lanes are not provided with an alley. Locating the parking for the two new lots at the end of the alley is not necessarily inconsistent with the standards.

**Standards for any new types of Thoroughfares, if any, within proposed new Special or Character Districts associated with a Regulating Plan Amendment shall be established as part of the Regulating Plan Amendment approval and all Thoroughfares within such a Special or Character District shall conform to existing or any such new Thoroughfare Standards.**

Alley

CD4CD4-CSD1



THOROUGHFARE TYPE	ALLEY	
Right of Way	24 ft max	A
Pavement	12-16 ft	B
Movement	Yield Movement	
ASSEMBLIES		
Traffic Lanes	n/a	
Traffic Lane Width	n/a	
Bikeway Type	Shared use	
Parking Lanes	none	
Parking Lane Width	n/a	

PLANTER		
Planter Type	none	
Planter Width	n/a	
Landscape Type	none	
Species	n/a	
WALKWAY		
Walkway Type	Shared Use	
Walkway Width	n/a	
CURB		
Curb Radius	Taper	C
Curb Type	Inverted Crown	
LIGHTING	none required	

Staff Comments: A Regulatory Plan amendment is not necessary to advance this Development Plan within the existing CD-4 District.

**Thoroughfares may be public (dedicated for Town ownership) or private;**

Staff Comments: It appears that the developer intends to keep the Thoroughfare and the driveway from Main Street in private ownership. There may be a need to update the association documents to outline all roles and responsibilities, both operationally and financially, for infrastructure as well as common spaces. Additionally, the association agreement shall include a binding clause requiring approval by the Town Engineer for any potential future changes to the agreement. Once approved, no changes to the association agreement may be made without explicit consent from the Town of Yarmouth.

**All Thoroughfares in any mixed-use district (all variations of the CD4 districts), whether publicly or privately owned and maintained, shall be open to the public.**

Staff Comments: Although not explicit in the application materials, it is anticipated that the proposed Thoroughfare will be open to the public.

**All Thoroughfares shall comply with the Complete Streets Policy adopted by the Town.**

Staff Comments: Based on the conceptual review, it appears that the goals established for the Development Plan is consistent with the Complete Streets Policy. The Complete Streets Policy states, *"The Town of Yarmouth seeks to provide for all of its residents and visitors a transportation network that is safe, efficient, interconnected, and sustainable for all modes of travel. Doing so will help the Town remain competitive in economic growth and investment, and help appeal to a diverse, healthy, and motivated population and workforce that values transportation options and sustainability. A Complete Street is one that safely accommodates the needs of all street users – pedestrians, wheelchair users, bicyclists, transit users and motor vehicle users."* It appears that the project is compliant with the Complete Streets Policy.

**Thoroughfare design and construction standards shall adhere to Chapter 601 (Subdivision) Technical Appendices (Infrastructure Specifications), as determined to be the closest fit by the review authority, provided that the specifications of Table 6.E.2A - 6.E.2I shall pertain where in conflict with such Chapter 601 provisions.**

Staff Comments: The preliminary site plan included specifications for the pavement profile. The Town Engineer had no comments on the Thoroughfare sections and specifications.

**Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles, subject to the standards for vehicular lanes shown in Tables 6.E.2A-6.E.2I (Thoroughfare Assemblies and Standards).**

Staff Comments: The Alley Thoroughfare is a simple Thoroughfare choice which only requires the pavement width to be 12 to 16 feet as seen in the screen shot of Table 6.E.2.A above. The proposed Alley Thoroughfare is intended to be located within a 24-foot right of way with pavement width of 16 feet. In previous comments the Fire Chief requested 20 feet of paved width, but provided recent comments that the Department will allow the road to be 16 feet in width as long as the existing trees are removed along the north side of the road. The sidewalk would have to be at the same level as the Thoroughfare. The Main Street driveway pavement width is 16 feet, is existing, and not designated as a Thoroughfare. The Fire Chief does not have the same concerns regarding width as emergency services would access 90 Main Street and 82-84 Main Street from Main Street.

**A bicycle network consisting of Multi-Use Paths, Buffered Bicycle Lanes, Protected Bicycle Lanes, and Shared Use Lanes should be provided throughout the area, with Bicycle Routes and other Bikeways being marked and such network being connected to existing or proposed regional networks wherever possible. See Table 6.E.3 (Bikeway Types).**

Staff Comments: Providing the Shared Use Lane would make the proposal consistent with this standard.

**Advisory bike lanes are bicycle priority areas delineated by dashed white lines. The automobile zone should be configured narrowly enough so that two cars cannot pass each other in both directions without crossing the advisory lane line. Motorists may enter the bicycle zone when no bicycles are present. Motorists must overtake with caution due to potential oncoming traffic. See Table 6.E.3F. Such lanes are also beneficial to pedestrians in areas without dedicated sidewalks.**

Staff Comments: Based on the review, advisory lanes may not be appropriate for the Development Plan. The Alley Thoroughfare achieves similar results.

**Pedestrian accommodations for all users shall be provided in all Development in keeping with the Complete Streets Policy. Walkways or Sidewalks along all Thoroughfares, trails and/or maintained paths or other pedestrian infrastructure shall be provided.**

Staff Comments: As noted above, it appears that the project is compliant with the Complete Streets Policy. Additional details are still needed to determine whether the pedestrian accommodations throughout the Development Parcel include ADA compliance and universal access design within Thoroughfare.

**Pedestrian paths of travel to and within all sites shall be delineated in all Development Plans and Building and Lot Plans, with direct, convenient, and protected access to all Building entrances and site amenities.**

Staff Comments: Additional details may be necessary to assess this standard. As designed, it appears that there is open access, but additional delineations may be necessary.

**Where Thoroughfares require Sidewalks, equivalent or better alternative means of pedestrian access may be considered by the reviewing authority.**

Staff Comments: The Alley Thoroughfare does not require a sidewalk as it is envisioned to be a shared space between vehicular and nonvehicular traffic.

#### Article 6.E.3. Public Frontages

Public Frontage standards are identified in Chapter 703, Article 6.E.3 as follows:

**The Public Frontage shall contribute to the character of the Character District or Special District, and include the types of Sidewalk, Curb, planter, bicycle facility, and street trees, allocated within Character Districts and designed in accordance with Table 6.E.2A-6.E.2I (Thoroughfare Assemblies and Standards), Table 6.E.3 (Bikeway Types), Table 6.E.4 (Public Planting), and Table 6.E.5 (Public Lighting).**

Staff Comments: The Public Frontages is the area between the paved width and the right of way edge. The Alley Thoroughfare is limited in the application of different amenities. While it appears that much of the mature vegetation on the site will be protected in the updated plan, it also appears that many of the public amenities (bike facilities, public plantings, and public lighting) that are required within this area are no longer included, potentially due to the change in the circulation. The applicant should prepare a plan that is consistent with the various sections of Chapter 703 that detail the requirements for these elements, or document where waivers are needed by reviewing the appropriate sections of Article 5 and Article 6.

**Within the Public Frontages, the prescribed types of Public Planting and Public Lighting shall be as shown in Table 6.E.2A-6.E.2I (Thoroughfare Assemblies and Standards), Table 6.E.4 (Public planting), and Table 6.E.5 (Public Lighting); provided that the spacing may be adjusted by Waiver to accommodate specific site conditions.**

Staff Comments: An Alley Thoroughfare is the simplest Thoroughfare available in the CBDC. As seen in the table provided above, the assemblies are simple shared use lanes, parking is not envisioned, and the curb has a simple taper.



Additionally, lighting is not required. The applicant should prepare a plan that is consistent with the various sections of Chapter 703 that detail the requirements for these elements, or document where waivers are needed by reviewing the appropriate sections of Article 5 and Article 6.

**The introduced landscape shall consist primarily of durable native species and hybrids that are tolerant of soil compaction and require minimal irrigation, fertilization and maintenance.**

Staff Comments: It is anticipated that the landscape plan will consist of native plants. A landscape plan and planting list were submitted. The Tree Advisory Committee recommends that a more detailed tree preservation plan be prepared that documents how existing trees will be protected. The applicant shall work with the Tree Warden to select native species.

**The Public Frontage shall include trees planted in a regularly-spaced Allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one Story.**

Staff Comments: Based on the preliminary plans, it appears that existing trees planted along the Portland Street driveway were identified to be preserved. However, the Fire Chief has indicated that the trees along the northern side of the Portland Street driveway would need to be removed in order to be compliant with the NFPA regulations in addition to other select trees.

#### Article 6.E.4. Public Landscaping

Public Landscaping standards are identified in Chapter 703, Article 6.E.4 as follows:

**Thoroughfare Trees and any other landscaping within the Public Frontage shall comply with the standards of Article 5.N (Private Lot Landscape Standards).**

Staff Comments: Based on the preliminary plans, it appears that existing trees planted along the Portland Street driveway were identified to be preserved. However, the Fire Chief has indicated that the trees along the northern side of the Portland Street driveway would need to be removed in order to be compliant with the NFPA regulations. The applicant should review the standard and determine whether the existing vegetation meets the requirements or if additional street trees need to be planted. The current site plan does not provide enough information for the staff to assess whether the street trees and other landscaping complies with the standards of Article 5.N.

Article 5.N outlines a number of standards regarding placement, horizontally and vertically, from upper story building elements, underground and aboveground utilities, and pavement surfaces. The sections provided suggest that the street trees will be planted in an appropriate location along pavement surfaces, but does not show the relationship of street trees with utilities, upper story building elements, ground level obstructions, etc. It appears that the spacing may require a waiver

The applicant shall work with the Tree Warden to select native species.

**Thoroughfare Trees shall be placed minimally two (2) feet from walkways, curbs, and other impervious surfaces if planted in a tree well or continuous planter; or with such placement as described in Article 5.N.1.b.**

Staff Comments: As noted above, once additional details are provided regarding street trees within the Public Frontages (and throughout the Development Plan), staff will provide an assessment of consistency with this particular standard and the standard identified in Article 5.N, which provides detailed information about the spacing required. (Note that the reference in the standard above should be 5.N.2.b.)

The sections provided suggest that the street trees will be planted in an appropriate location along pavement surfaces, but does not show the relationship of street trees with utilities, upper story building elements, ground level obstructions, etc.

**The soil structure of planting strips shall be protected from compaction with a temporary construction fence. Standards of access, excavation, movement, storage and backfilling of soils in relation to the construction and maintenance of deep utilities and manholes shall be specified.**

Staff Comments: Construction details as required by this standard must be submitted as the preliminary plans do not provide enough detail to assess compliance with this standard.

#### **VIII. Block Perimeter Standards (Article 6.F)**

**Each Block shall conform to the applicable Block Perimeter Standards. The CD-4 standard is a maximum of 2,000 feet.**

Staff Comments: As noted in Article 6.D.2, which outlines the requirements for a Development Plan, the Block Perimeter Standards are required if the Development Plan site is 5 or more gross acres. The total development acreage is less than 1 acre. This standard is not applicable.

#### **IX. Civic Space Standards (Article 6.G)**

Staff Comments: Because the Development parcel is less than 2 acres, this section does not apply, and no Civic Spaces are required.

#### **X. Open Space (Article 6.H)**

Staff Comments: Although the CBDC reserves this section for future amendments, the Development Plan includes common open space. There may be a need to update the association documents to outline all roles and responsibilities, both operationally and financially, for infrastructure as well as common spaces. Additionally, the association agreement shall include a binding clause requiring approval by the Town Engineer for any potential future changes to the agreement. Once approved, no changes to the association agreement may be made without explicit consent from the Town of Yarmouth.

#### **XI. Special Requirements (Article 6.I)**

**Retail Frontage. Block frontages may be designated for mandatory and/or recommended Retail Frontage requiring or advising that each Building satisfy the Frontage Buildout requirement with a Shopfront Frontage at Sidewalk level along the entire length of the Private Frontage, except at any allowed Driveways or Streetscreen areas. The Shopfront Frontage shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the Sidewalk as generally illustrated in Table 5.H.2 (Private Frontage Types) and specified in Article 5. The first floor shall be confined to Retail Principal Use through the depth of the Second Lot Layer. See Illustration 5.F.1 (Lot Layers).**

Staff Comments: There is no new retail frontage proposed.

**Terminated Vistas. Designations for mandatory and/ or recommended Terminated Vista locations, may require or advise that the Building or Structure that terminates the vista be provided with architectural articulation of a type and character that responds visually to the location, as approved by the Planning Board.**

**a. Architectural features required at a Terminated Vista shall intersect the centerline axis of the view to which they respond, and may encroach into the front setback if necessary.**

**b. Terminated Vista features may comprise a Cupola, chimney, steeple, entry feature, tower, or other significant architectural features.**

Staff Comments: As defined in Chapter 703, a Terminated Vista is *“a location at the axial conclusion of a Thoroughfare or other visual axis. A Building located at a Terminated Vista designated on a Regulating Plan is required or recommended to be designed in response to the axis.”* It does not appear that the Regulating Plan adopted with Chapter 703 identified

any Terminated Vistas within the vicinity of the project. It also does not appear that the Development Plan would create any Terminated Vistas.

**Cross Block Passage.** A designation for Cross Block Passages, requiring that a minimum 10-foot-wide pedestrian access be reserved between Buildings.

Staff Comments: It does not appear that this standard is applicable.

**Buildings of Value.** Buildings and Structures of Value may be altered or demolished only in accordance with the provisions of Chapter 701 (Zoning), Article IX, (Demolition Delay).

Staff Comments: There is a presumption that the structure at 90 Main Street is a Building of Value due to its designation as a Contributing Structure per Chapter 701, Article X, Appendix A.4.5.3. The Planning Board has been requested to determine whether an outbuilding on the site is a Building of Value. The Planning Staff issued a separate report regarding the demolition of the outbuilding for the July 20th meeting. The Planning Board determined that the outbuilding is NOT a Building of Value and allowed the demolition to proceed with a 30-day stay.

**Residential Development.** A Development Plan with three or more Building and Lot Plan sites in any mixed-use Character District (all variations of CD4) is encouraged to include a mix of residential and commercial functions.

Staff Comments: There is an existing live/work space and a commercial space located on Main Street. The two new Building and Lot Plan sites are residential.

**XII. Character District Standards, CD4 Village Center District**

<b>BUILDING PLACEMENT — PRINCIPAL BUILDING</b>		
Front Setback, Principal Frontage	0 ft min, 16 ft max	<b>A</b>
Front Setback, Secondary Frontage	2 ft min, 12 ft max	<b>B</b>
Side	0 ft min	<b>C</b>
Rear Setback	greater of 3 ft min or 15 ft from center line of alley, if any or from any abutting residential zone	<b>D</b>
<b>YARD TYPES</b>	(see <b>Table 5.G.1</b> )	
Edgeyard	permitted	
Sidyard	permitted	
Rearyard	permitted	
<b>BUILDING &amp; LOT PRINCIPAL USE</b>		
See <b>Table 5.J.1</b>		
<b>LOT OCCUPATION</b>		
Lot Width	18 ft min, 120 ft max	<b>E</b>
Lot Coverage	85% max	
Frontage Buildout	40% min, 100% max at front setback	
<b>BUILDING FORM — PRINCIPAL BUILDING</b>		
Building Height	3 stories and 35' max	<b>F</b>
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- Principal Building</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Front Setback Principal Frontage	0' Min - 16' Max	Building B: 8 ft Building C: 8 ft 90 Main St: 3 ft	OK.
Front Setback Secondary Frontage	2' Min; 12' Max	NA	Removing the one-way Thoroughfare eliminated the secondary frontage for the existing building at 90 Main Street. Buildings B and C do not have secondary frontages.
Side Setback	0' Min	Building B: min 6 ft 9 in Building C: min 7 in 90 Main St: 0 ft	OK.
Rear Setback	3' Min or 15' from CL of alley, if any of from any abutting residential zone	Building B: min 10 ft Building C: min 13 ft 6 in, and min 15 ft from abutting residential zone  90 Main St: 16 ft 6 in	OK.

	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
<b>Yard Type</b>	Edge, Side or Rear Yard	Edge	OK.

<b>Lot Occupation</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Lot width	18' Min; 120' Max	Building B: 68 ft Building C: 70 ft 90 Main St: 100 ft 11 in	OK.
Lot Coverage (Building & Pavement)	85% Max	Building B: 36% Building C: 36% 90 Main St: 78%	OK.
Frontage Buildout	40% Min  100% Max @ Front Setback	Building B: 60% Building C: 60% 90 Main St: 71%	OK.



Building Form	Required	Proposed	Finding
Building Height	35' and 3 Stories Max	Building B: 29 ft Building C: 29 ft 90 Main Street: preexisting	Ok.
First Story Height	10' Min, 25' Max	Building B: 10 ft Building C: 10 ft 90 Main Street: preexisting	Ok.
Upper Story Height	10' Min, 15' Max	Building B: 9 ft Building C: 9 ft 90 Main Street: preexisting	The second floor of Buildings B and C are shown to be 9 feet, one foot less than the requirement. This should be revised, or the applicant must include it on a list of waivers and provide justification.
Façade Glazing	20% Min, 70% Max	Unknown  90 Main Street: preexisting	Additional details are necessary.
Roof Type	Flat, Hip, Gambrel, Gable or Mansard	Gable  90 Main Street: Flat	OK.
Roof Slope	8:12 – 14:12  (.67 – 1.16)	Building B: 8:12 & 12:12  Building C: 8:12 & 12:12  90 Main Street: Flat	Ok.

Building Placement-Outbuilding	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
Third Lot Layer (5.F.1)	Principal Bldg + 20'	4 spaces are provided to the rear of 90 Main Street, outside of the	It appears that the location of the parking spaces to the rear of

		first lot layer.  4 spaces are provided at the terminus of the Alley Thoroughfare (the driveway off of Portland Street)	90 Main Street is compliant.  The location of the other 4 spaces at the end of the Alley Thoroughfare is not in strict compliance.
<b>Parking (5.K.1)</b>	1,086 sf office – 2 spaces 3 DU – 6 spaces	8 spaces provided	OK

<b>Encroachments of Building Elements</b>	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
Front Setback, Principal Frontage	8' Max	NA	NA
Front Setback, Secondary Frontage	8' Max	NA	NA
Rear Setback	5' Max	NA	NA

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

Section 5.L.2 states that *Drive-throughs, Parking Areas and Parking Lots shall be screened from the Frontage by a Building or Streetscreen*. The location of some parking spaces is off of the Alley Thoroughfare (the driveway off of Portland Street). This arrangement is not in strict compliance with the Thoroughfare standards, and a waiver may still be necessary, but based on the discussion at the concept meetings, this arrangement could be desirable.

The proposed trash and recycling enclosure is appropriately screened.

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

The applicant has not yet completed the architectural matrix. This must be submitted. In particular, an analysis of the façade glazing is required.

The Historic Preservation Committee provided recommendations based on its review of new construction in the Lower Village Historic District and offered the following recommendations:

- Show wider trim (5/4 x 4 minimum) at the doors and windows, including a historic sill;
- Look at dividing the arched attic windows (as labeled on the East and the West Elevations of buildings B and C - the orientation of building C is incorrect on the elevation drawing, it should be north and south) so that they look like the 2/1 double hung windows below, i.e. a divided lite top sash and a single lite bottom sash. This could be done with simulated divided lites on a casement or fixed window. Or consider circular windows, 2/2;
- Look at separating the two windows in the stairway with a paneled band;
- Make all of the sliding doors look more like the hinged in-swing French door on the balcony;
- The entrance door should have three lites across the top;
- Review the balcony railing and finish, building wall-mounted lights, and any bollard/pole lights; and
- Consider removing the small windows in the small dormers.

The Planning Board should consider directing the applicant to incorporate these recommendations as the new structures are located within the Lower Village Historic District.

**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	8 new trees, 12 existing trees	Clarity is still needed with the preliminary plan. Based on the preliminary plans, it appears that existing trees planted along the Portland Street driveway were identified to be preserved. However, the Fire Chief has indicated that the trees along the northern side of the Portland Street driveway would need to be removed in order to be compliant with the NFPA regulations in addition to other select trees. The Tree Advisory Committee recommends that a more detailed tree preservation plan be prepared that documents how existing trees will be protected. The applicant shall work with the Tree Warden to select native species.
5.N.ee.i Parking Lots	1 island per 20 spaces	NA	NA
5.N.ee.ii Parking Lots	1 tree per 2,000 s.f.	Unknown	Additional details are necessary
5.N.u Minimum Landscape	30% landscape in 1 <sup>st</sup> Lot Layer; not less than 20% landscape overall except when the coverage exceeds 85%	Unknown	Additional details are necessary

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

The applicant must submit a photometric plan that meets the requirements of Chapter 702 and Chapter 703.

**Summary**

While quite a bit of information was provided with the preliminary plan, there is still significant information missing from this submittal as identified throughout this section:

- An analysis of the Alley Thoroughfare to determine whether any waivers are necessary. The Planning Board may want to review the definition of an Alley Thoroughfare to first determine whether it is the most appropriate Thoroughfare designation;
- Adjustment to the Upper Story Height, or request a waiver with justification on why the requirement cannot be met;
- An analysis of the façade glazing of Building B and Building C to determine compliance;

- Completion of the architectural matrix;
- Analysis of the requirements of Article 5.N, through the preparation of a landscape plan and tree preservation plan and consultation with the Tree Warden; and
- Preparation of a photometric plan.

Without these items, Planning staff cannot fully determine whether any waivers are necessary. The submittal of these items is recommended as conditions of approval for the preliminary approval.



### XIII. 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 project is designed to be in conformance with the Town’s Comprehensive Plan. The project increases the residential uses of the village district utilizing a village infill lot for single family homes of a scale conforming to the surrounding neighborhood. It is designed to be pedestrian friendly and enhances the character of the Main St. by removing parking at the frontage, reducing the opening width, and adding landscaping. The existing Mixed-Use building on the street will also be maintained as part of this project.*

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)*

This infill project is consistent with the Comprehensive Plan that looks to create vibrant mixed-use areas with residential uses, businesses, services, and municipal and community facilities. The additional details of the new structures and the Thoroughfare will help ensure that the scale, massing, and treatment is consistent with the Character Based Development Code, which was adopted in response to the Comprehensive Plan. The structure at 90 Main Street, having historical significance to the Lower Village Historic District, remains.

#### 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 project adds two single family homes to the existing property, and it is not anticipated this will have a significant impact on existing traffic. A traffic assessment has been provided for review.*

Staff Comments:

The applicant provided a traffic assessment that was reviewed by the Town’s traffic peer reviewer, Tom Errico of TY Lin. The project is estimated to add two trips during the AM peak hour and three trips during the PM peak hour. This level of traffic generation would not be expected to create safety or mobility deficiencies.

In the concept reviews, the DPW Director and Town Engineer both commented on the sight distances at the Portland Street driveway. The preliminary site plan and traffic assessment offers some information about available site distance. Mr. Errico writes, *“Sight distance from the two project driveways was measured and determined to meet Town standards. Both driveways exceed Town standard. The Portland Street driveway is constrained by both a large tree and on-street parking look south when exiting the driveway. It is likely that motorists exiting the driveway will move forward to see around the tree or parked vehicle. Given that the users of this driveway will be familiar with conditions (mostly residents that live at the units), traffic volumes from the site are extremely low, and Portland Street is a low speed roadway, particularly as it approaches Main Street, in my professional opinion conditions will function safely.”* The Town Engineer concurs with Mr. Errico’s findings.

Finally, Mr. Errico notes that the driveway design and parking layout is acceptable due to the low traffic volumes. However, the applicant must provide a turning movement diagram on how trucks will access the dumpster off of Main Street.

- 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:**

*Access to the site is proposed to be limited to one way traffic in a new Thoroughfare Alley utilizing existing curb cut entrances, starting at Main St. and ending at Portland St. Currently cars enter and exit the existing parking lot off Main St., the proposed layout would create a safer condition.*

*Parking was calculated using the CBDC Chapter 703 – Table 5.K.1 Parking Requirements. Ten (10) parking spaces are required, and the site plan provides twelve (12) total. There will be one ADA/Van spot that will be appropriately marked and include a code compliant sign.*

**Staff Comments:**

The revised application materials indicate that 12 parking spaces will be provided, including an ADA/Van space. It appears that the applicant is counting the required parking for 82-84 Main Street, where two parking spaces are marked behind 82-84 Main Street and two parking spaces are marked along the eastern property line. The Planning Board may recall that where parking spaces 11 and 12 are marked, the applicant previously received approval for the construction of porches alongside this building. Fortunately, the CBDC only requires 1 parking space per dwelling unit, so the loss of these spaces does not impact the project. However, the applicant should show the porches along the westerly side of 82-84 Main Street to accurately reflect the approvals that they have received, or clearly indicate to the Department of Planning & Development that the porches for 82-84 Main Street are no longer an element of the project for which there is an active building permit.

The following is the parking chart for the overall development scheme:

Use	Parking Requirement per Chapter 703	Min. Spaces	Max. Spaces
3 residential units	Min of 1 per dwelling unit, Max of 2 per dwelling unit	3	6
82-84 Main Street (2 units)	Min of 1 per dwelling unit, Max of 2 per dwelling unit	2	2 (see discussion above)
1,086 square foot Office	Min of 2, Max of 4 per 1,000 square feet	2	2
<b>Total</b>		<b>7</b>	<b>10</b>

The applicant eliminated the one-way Thoroughfare in favor of two driveways, one of which is the existing driveway between 90 Main Street and 82-84 Main Street, and the other driveway from Portland Street would serve the two new residences proposed. The Portland Street driveway still must be considered a Thoroughfare (Alley, specifically)

as the lots must derive their frontage from a Thoroughfare. The location of some parking spaces is off of the Alley Thoroughfare (the driveway off of Portland Street). This arrangement is not in strict compliance with the Thoroughfare standards, and a waiver may still be necessary, but based on the discussion at the concept meetings, this arrangement could be desirable.

The applicant proposes an exterior bike rack with a capacity of two bicycles. The Bicycle and Pedestrian Committee recommends secured, covered bicycle parking is recommended in addition to the publicly accessible bike rack just behind the property line. Adding the secured, covered bicycle parking is recommended as a condition of preliminary approval.

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

Applicant Response:

*The scale and use of the project should not have any significant impacts on Municipal facilities. There is no subsurface wastewater disposal system planned.*

Staff Comments:

The Town Engineer will require that the new residential structures be connected to Town sewer per Town standards. It appears that the site plan indicates a tie into the existing sewer system in Main Street. 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.

The Town Engineer notes that the sewer work note is not on the appropriate plan sheet. This is recommended as a condition of preliminary approval.

- 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 scale and use of the project should not have any significant impacts on the Yarmouth Water District. Plans have been sent to Eric Gagnon at the Yarmouth Water District for review and approval. We will forward their ability to serve letter as soon as it is received.*

Staff Comments:

As of the writing, a capacity to serve letter has not been received from the Yarmouth Water District. The Town Engineer recommends that the applicant submit evidence of the capacity to serve from the Yarmouth Water District as well as incorporate all required District standards into the project with future submissions. It should be noted that the new residential structures shall require fire suppression sprinklers per Yarmouth's Code of Ordinances.

The submittal of a capacity to serve letter from the Water District is recommended as a condition of preliminary approval.

- 6. Fire Safety: The proposed development is located and designed in such a way as to provide adequate access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate fire**

**safety features such as but not limited to fire lanes, smoke and fire alarms and sprinkler systems, as part of the proposed development.**

Applicant Response:

*The two new proposed buildings will meet current local, state, and federal life safety code standards and provide adequate egress, interconnected smoke detectors, Gas Detectors, Carbon Monoxide detectors, required House Numbers, and will be fully sprinklered per NFPA 13D. Revisions to the emergency access has been discussed with the fire chief and further review is expected..*

Staff Comments:

The proposed Alley Thoroughfare is intended to be located within a 24-foot right of way with pavement width of 16 feet. In previous comments the Fire Chief requested 20 feet of paved width but provided recent comments that the Department will allow the road to be 16 feet in width as long as the existing trees are removed along the north side of the road in addition to other select trees. The sidewalk would have to be at the same level as the Thoroughfare.

It is recommended as a condition of preliminary approval to document the conditions required by the Fire Chief.

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

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

Applicant Response:

*Areas abutting the Medium Density Residential District shall be screened adjacent to parking areas with plantings in accordance with the Yarmouth Ordinances on buffering. See plantings on attached site plan.*

Staff Comments:

Clarity is still needed with the preliminary plan and is recommended as a condition of preliminary approval. Based on the preliminary plans, it appears that existing trees planted along the Portland Street driveway were identified to be preserved. However, the Fire Chief has indicated that the trees along the northern side of the Portland Street driveway would need to be removed in order to be compliant with the NFPA regulations in addition to other select trees. The Tree Advisory Committee recommends that a more detailed tree preservation plan be prepared that documents how existing trees will be protected. The applicant shall work with the Tree Warden to select native species.

- 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 wetlands on the site, significant geographic features, significant wildlife and marine habitats and natural fisheries. The site is an urban infill lot.*

Staff Comments:

No further comments.

- 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:

*The project proposes exterior lighting fixtures to provide adequate lighting for safely navigating the site. All exterior fixtures shall be dark sky compliant and shielded / directed so as not to shine across neighboring property lines. New down light sconces are proposed for entrances at the interior of the property. Street lighting, primarily for illuminating the parking and trash area, will provide ambient light to the thoroughfare. Additional information will be provided.*

Staff Comments:

A photometric plan for any proposed lighting must be provided with future submittals that meets the requirements of the applicable ordinances. This is a recommended condition of preliminary approval.

- 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:

*A stormwater management plan has been prepared and included with the submission materials for review. The design mimics the existing conditions by detaining and infiltrating stormwater on the property with an appropriately sized overflow at the same location as pre-development conditions. The proposed stormwater system will eliminate stormwater discharges for most smaller storms and be an overall benefit to the neighboring properties.*

Staff Comments:

The Town Engineer writes, *"The applicant submitted a formal stormwater analysis for the project and the design will provide for both stormwater quality treatment as well as for runoff volume control to the pre-development runoff rate. The runoff was analyzed for both a 2- and 25-year recurrence event. For the 2-year event the pre-runoff rate is 0.9 CFS and the post-runoff rate is 1.0 CFS. For the 25-year event the pre-runoff rate and post runoff rate are the same, 2.4 CFS. This is acceptable."*

Additionally, the applicant must submit an Operations & Maintenance Manual for the site BMPs as part of future submissions. The existing Condo Association documents shall also be revised to include responsibilities of individual owners and the association relative to stormwater management. Both of these documents must be submitted and are recommended as conditions of preliminary approval.

Regarding the drainage system, the DPW Project Manager notes that all storm drain infrastructure must conform to Yarmouth Town standards, but the details are missing for the frame and cover. Additionally, the DPW Project Manager recommends moving the dry well away from the driveway connection to 18 Portland Street in case of future settlement. It is recommended that the structure be moved. This should be revised and is recommended as a condition of preliminary 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 has been prepared and included with the submission materials.*

Staff Comments:

The applicant submitted an acceptable site-specific Erosion and Sedimentation Control (ESC) Plan. 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 particularly important that the BMPs be installed prior to the disturbance of site soils and vegetation.

The ESC Plan indicates that the construction entrance will be from Portland Street. It should be relocated to Main Street due to the sight distances and the fact that it will interfere with the access to 18 Portland Street. Additional coordination is necessary and is recommended as a condition of preliminary approval.

- 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 two proposed detached single family dwellings will be of a scale keeping with the mixed use neighborhood and will not cause health or safety issues for the surrounding neighborhood. The sections above relating to Shopping Centers do not apply.*

Staff Comments:

The applicant has provided renderings and elevations of the new residences. The applicant has not yet completed the architectural matrix as required by Chapter 703, Article 5.M. This must be submitted and is recommended as a condition of preliminary approval.

The Historic Preservation Committee provided recommendations based on its review of new construction in the Lower Village Historic District and offered the following recommendations:

- Show wider trim (5/4 x 4 minimum) at the doors and windows, including a historic sill;
- Look at dividing the arched attic windows (as labeled on the East and the West Elevations of buildings B and C - the orientation of building C is incorrect on the elevation drawing, it should be north and south) so that they look like the 2/1 double hung windows below, i.e. a divided lite top sash and a single lite bottom sash. This could be done with simulated divided lites on a casement or fixed window. Or consider circular windows, 2/2;
- Look at separating the two windows in the stairway with a paneled band;
- Make all of the sliding doors look more like the hinged in-swing French door on the balcony;
- The entrance door should have three lites across the top;



- Review the balcony railing and finish, building wall-mounted lights, and any bollard/pole lights; and
- Consider removing the small windows in the small dormers.

The Planning Board should consider directing the applicant to incorporate these recommendations are the new structures are located within the Lower Village Historic District.

**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 design of the site minimizes disturbances to the greatest extent possible while providing necessary utility required to support the existing mixed use building and new detached single family dwellings. The intent is to include street trees and additional trees on individual lots to provide a fully landscaped environment and visual buffers.*

Staff Comments:

Clarity is still needed with the preliminary plan and is recommended as a condition of preliminary approval. Based on the preliminary plans, it appears that existing trees planted along the Portland Street driveway were identified to be preserved. However, the Fire Chief has indicated that the trees along the northern side of the Portland Street driveway would need to be removed in order to be compliant with the NFPA regulations in addition to other select trees. The Tree Advisory Committee recommends that a more detailed tree preservation plan be prepared that documents how existing trees will be protected. The applicant shall work with the Tree Warden to select native species.

**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:

The project will not negatively impact existing infrastructure and *circulation systems*.

Staff Comments:

The applicant has not proposed any off-site improvements. As the Planning Board is aware, the Town has developed a vision for the improvement of the Main Street corridor that is reflected in the [Main Street Master Plan](#).<sup>1</sup> As required in the Site Plan ordinance under Section H.14, the applicant should be required to construct the segment of sidewalk and esplanade per the Master Plan along the front of the property as seen in the illustration:

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<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 Town Engineer and DPW Director recommend that the limits be the frontage along Main Street. The new sidewalk shall meet all ADA requirements and the cross slope shall not be greater than 2% maximum. It should be noted that the sidewalk shall meet Town standards including 12" of type A aggregate base and fiber reinforced concrete sidewalk. As part of this effort, addressing the double curb, with the two levels of sidewalk should be addressed.

Further, the cross-slope of the driveway through the sidewalk area exceeds the 2% maximum slope permissible by federal standards for sidewalks. Additionally, the concrete ramps across the driveway are in poor condition, the driveway itself is two different materials, and is overall in need of replacement. Driveways should be designed to ADA compliance and with concrete materials to match the surrounding streetscape.

Incorporating these improvements is recommended as a condition of preliminary 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:

*There are no plans for signs associated with the development except for those related to the street and parking which will be standard DOT signage. Outdoor lighting fixtures will be integrated and harmonious with the architecture of the proposed structures and will not detract from neighboring properties.*

Staff Comments:

The applicant indicates that no changes to the existing signage is proposed. The Thoroughfare from Portland Street (private road) must have a unique street name for the Town Engineer to review and approve.

- 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 site plan was designed to be sensitive to the character and scale with the surrounding neighborhood while meeting the requirements of the ordinance on a tight village lot. The new buildings were scaled and located to have minimum impact on the street and are set back behind the primary Mixed Use building on Main St. The parking is split into small pods instead of one large parking lot. Landscaping throughout including at the main street access will improve streetscape and interior site.*

Staff Comments:

There is a presumption that the structure at 90 Main Street is a Building of Value due to its designation as a Contributing Structure per Chapter 701, Article X, Appendix A.4.5.3. The Planning Board has been requested to determine whether an outbuilding on the site is a Building of Value. The Planning Staff issued a separate report regarding the demolition of the outbuilding for the July 20th meeting. The Planning Board determined that the outbuilding is NOT a Building of Value and allowed the demolition to proceed with a 30-day stay.

Additional information is needed to determine compliance with this standard as noted in the CBDC section regarding compliance with the architectural standards of Chapter 703, Article 5.M. Further, the property is located within the Lower Village Historic District and the proposed structures were reviewed by the Historic Preservation Committee. The Committee's recommended are included elsewhere in this staff report.

**17. Scenic Vistas and Areas: The proposed development will not result in the loss of scenic vistas or visual connection to scenic areas as identified in the Town's Comprehensive Plan.**

Applicant Response:

*There are no scenic vistas and areas within the proposed development area and it will not block any significant views.*

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:

*Utilities are planned to be underground. The new building will be connected to existing public infrastructure via underground connections. The utility plan shows information about and locations of proposed utilities.*

Staff Comments:

A utility plan has been submitted and will still require refinements with a future submittal. The applicant shall address the plan review comments from Mr. Johnson and Mr. Street, as well as any requirements from the Yarmouth Water District with a future submittal.

**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:

The applicant must submit a photometric plan that meets the requirements of Chapter 702 and Chapter 703.

**20. Route One Corridor Design Guidelines: Notwithstanding the technical standards of this ordinance and the requirements of Article II, General provisions of the Zoning Ordinance, development and redevelopment within**

the “C”, Commercial and “C-III”, Commercial II districts shall be consistent with the Route One Corridor Design Guidelines, as approved August 19, 1999.

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

**21. Right, Title and Interest: The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.**

Applicant Response:

*Charles L. Hewitt & Katharine Carey (referred to as Owner) owned three contiguous properties (Tax Map 32-7, 32-11, & 32-8) which were combined as the 90 Main Street Condominium Association. The Owner sold Units #1 and #2 (The Mixed Use Building) and retained rights to the remaining Units #3, #4 & #5. The Owners also hold declarant rights per the Condominium Documents attached in Exhibit 7. Additional information may be made available upon request.*

*The Owners removed Unit #3 (82-84 Main Street) on 9/9/2022 from the Condominium Associates. The Owners still retain ownership of the property. See documents attached to this Exhibit for reference.*

*Per request by the Planning Board, additional information on proof of title for the “Back Lot” is provided in this attached exhibit.*

Staff Comments:

It appears that the applicant has provided the additional information necessary to determine right, title, and interest.

**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 applicants have been working with a financial institution and will secure an intent to fund in a subsequent application package.*

Staff Comments:

Additional information is necessary.

**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.

## **IXX. SUBDIVISION REVIEW STANDARDS (CHAPTER 601)**

The applicant has not yet submitted an analysis of the subdivision standards. At this conceptual level, additional information is necessary to fully assess compliance with Chapter 601.

- 1. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relationship to the flood plains, the nature of soils and sub-soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable State and local health and water resources regulations;**

Staff Comments:

It is unlikely that the project will result in undue water or air pollution. Additional details may be necessary to fully assess this standard.

- 2. Has sufficient water available for the reasonably foreseeable needs of the subdivision;**

Staff Comments:

As of the writing, a capacity to serve letter has not been received from the Yarmouth Water District. The Town Engineer recommends that the applicant submit evidence of the capacity to serve from the Yarmouth Water District as well as incorporate all required District standards into the project with future submissions. It should be noted that the new residential structures shall require fire suppression sprinklers per Yarmouth's Code of Ordinances.

The submittal of a capacity to serve letter from the Water District is recommended as a condition of preliminary approval.

- 3. Will not cause unreasonable burden on an existing water supply and the project can be served as planned, if one is to be utilized;**

Staff Comments:

A capacity to serve letter has not been issued by the Yarmouth Water District Superintendent. See the comments above.

- 4. Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;**

Staff Comments:

The applicant submitted an acceptable site-specific Erosion and Sedimentation Control (ESC) Plan. 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 particularly important that the BMPs be installed prior to the disturbance of site soils and vegetation.

The ESC Plan indicates that the construction entrance will be from Portland Street. It should be relocated to Main Street due to the sight distances and the fact that it will interfere with the access to 18 Portland Street. Additional coordination is necessary and is recommended as a condition of preliminary approval.

- 5. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and shall adhere to the street connectivity requirements of Article I.E.7, Street Access to Adjoining Property, herein. If the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by MSRA Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;**

Staff Comments:

The applicant provided a traffic assessment that was reviewed by the Town's traffic peer reviewer, Tom Errico of TY Lin. The project is estimated to add two trips during the AM peak hour and three trips during the PM peak hour. This level of traffic generation would not be expected to create safety or mobility deficiencies.

In the concept reviews, the DPW Director and Town Engineer both commented on the sight distances at the Portland Street driveway. The preliminary site plan and traffic assessment offers some information about available site distance. Mr. Errico writes, *"Sight distance from the two project driveways was measured and determined to meet Town standards. Both driveways exceed Town standard. The Portland Street driveway is constrained by both a large tree and on-street parking look south when exiting the driveway. It is likely that motorists exiting the driveway will move forward to see around the tree or parked vehicle. Given that the users of this driveway will be familiar with conditions (mostly residents that live at the units), traffic volumes from the site are extremely low, and Portland Street is a low speed roadway, particularly as it approaches Main Street, in my professional opinion conditions will function safely."* The Town Engineer concurs with Mr. Errico's findings.

Finally, Mr. Errico notes that the driveway design and parking layout is acceptable due to the low traffic volumes. However, the applicant must provide a turning movement diagram on how trucks will access the dumpster off of Main Street.

**6. Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;**

Staff Comments:

The Town Engineer will require that the new residential structures be connected to Town sewer per Town standards. It appears that the site plan indicates a tie into the existing sewer system in Main Street. 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.

The Town Engineer notes that the sewer work note is not on the appropriate plan sheet. This is recommended as a condition of preliminary approval.

**7. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;**

Applicant Response:

*The current trash collection service for the mixed use building is Reynolds & Sons to collect the small dumpster weekly. We will continue this and have them collect more frequently with additional occupants. We plan to enclose this with stockade fencing or equivalent.*

*For construction solid waste, that information can be provided in a subsequent application package if required.*

Staff Comments:

The DPW Director notes that the new residential units will be eligible to utilize the Yarmouth Transfer Station/Recycling Center. The Director also notes that if the dumpster will be used for the entire development, recycling is strongly encouraged to be included.



8. **Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;**

Staff Comments:

There is a presumption that the structure at 90 Main Street is a Building of Value due to its designation as a Contributing Structure per Chapter 701, Article X, Appendix A.4.5.3. The Planning Board has been requested to determine whether an outbuilding on the site is a Building of Value. The Planning Staff issued a separate report regarding the demolition of the outbuilding for the July 20th meeting. The Planning Board determined that the outbuilding is NOT a Building of Value and allowed the demolition to proceed with a 30-day stay.

Additional information is needed to determine compliance with this standard as noted in the CBDC section regarding compliance with the architectural standards of Chapter 703, Article 5.M. Further, the property is located within the Lower Village Historic District and the proposed structures were reviewed by the Historic Preservation Committee. The Committee's recommended are included elsewhere in this staff report.

9. **It is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making this determination, the Planning Board may interpret these ordinances and plans;**

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)

This infill project is consistent with the Comprehensive Plan that looks to create vibrant mixed-use areas with residential uses, businesses, services, and municipal and community facilities. The additional details of the new structures and the Thoroughfare will help ensure that the scale, massing, and treatment is consistent with the Character Based Development Code, which was adopted in response to the Comprehensive Plan. The structure at 90 Main Street, having historical significance to the Lower Village Historic District, remains.

10. **The subdivider has adequate financial and technical capacity to meet these standards of this ordinance;**

Staff Comments:

It appears that the applicant has provided the additional information necessary to determine right, title, and interest.

11. **Whenever situated, in whole or in part, within the watershed of any pond or lake or within two hundred fifty (250) feet of any wetland, great pond or river as defined in Title 38 M.R.S. §436-A, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water;**

Staff Comments:

This standard is not applicable.

- 12. Groundwater. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;**

Staff Comments:

It is not anticipated that the proposed project will adversely affect the quality or quantity of groundwater, but additional details may be necessary to assess this standard.

- 13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;**

Staff Comments:

This standard is not applicable.

- 14. Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;**

Staff Comments:

This standard is not applicable.

- 15. Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district;**

Staff Comments:

This standard is not applicable.

- 16. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S. §480-B (9)**

Staff Comments:

This standard is not applicable.

- 17. Storm water. The proposed subdivision will provide for adequate storm water management, as per Chapter 601(IV) (L), and Chapters 320 and 330 of the Town Code.**

Staff Comments:

The Town Engineer writes, *"The applicant submitted a formal stormwater analysis for the project and the design will provide for both stormwater quality treatment as well as for runoff volume control to the pre-development runoff rate. The runoff was analyzed for both a 2- and 25-year recurrence event. For the 2-year event the pre-runoff rate is 0.9 CFS and the post-runoff rate is 1.0 CFS. For the 25-year event the pre-runoff rate and post runoff rate are the same, 2.4 CFS. This is acceptable."*

Additionally, the applicant must submit an Operations & Maintenance Manual for the site BMPs as part of future submissions. The existing Condo Association documents shall also be revised to include responsibilities of individual owners and the association relative to stormwater management. Both of these documents must be submitted and are recommended as conditions of preliminary approval.

Regarding the drainage system, the DPW Project Manager notes that all storm drain infrastructure must conform to Yarmouth Town standards, but the details are missing for the frame and cover. Additionally, the DPW Project Manager recommends moving the dry well away from the driveway connection to 18 Portland Street in case of future settlement. It is recommended that the structure be moved toward the southeast onto the asphalt edge to create a more comfortable entrance and help mitigate snow accumulation in this bowled area. This should be revised and is recommended as a condition of preliminary approval.

- 18. Spaghetti-lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in 38 M.R.S. §480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

Staff Comments:

This standard is not applicable.

- 19. Lake phosphorus concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

Staff Comments:

This standard is not applicable.

- 20. Impact on adjoining municipality.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and

Staff Comments:

This standard is not applicable.

- 21. Lands subject to liquidation harvesting.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to 12 M.R.S. §8869(14). If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to 32 M.R.S. §5501 et seq. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in 12 M.R.S. §8868(6) and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to 12 M.R.S. §8869(14).

Staff Comments:

This standard is not applicable.

**XX. Motion – Preliminary Subdivision**

The Planning Board may choose to approve the Preliminary Subdivision Plan at the October 12, 2022, meeting with appropriate conditions. The other motions provided below are not yet ripe.

**A. PRELIMINARY SUBDIVISION PLAN**

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated October 6, 2022 for Preliminary Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations and standards of Chapter 601, Subdivision, the Planning Board hereby finds and concludes that the Preliminary Major Subdivision **[meets/does not meet]** the required standards and is therefore **[approved/not approved]** subject to the following conditions of approval:

1. The applicant shall provide the following items in order to determine compliance with Chapter 703, Character Based Development Code:
  - a. An analysis of the Alley Thoroughfare to determine whether any waivers are necessary;
  - b. Adjustment to the Upper Story Height, or request a waiver with justification on why the requirement cannot be met;
  - c. An analysis of the façade glazing of Building B and Building C to determine compliance;
  - d. Completion of the architectural matrix; and
  - e. Analysis of the requirements of Article 5.N, through the preparation of a landscape plan and tree preservation plan that incorporates the Fire Chief's requirements relative to trees and consultation with the Tree Warden.
2. The applicant shall submit a photometric plan in compliance with Chapter 702, Site Plan Review, and Chapter 703, Character Based Development Code.
3. The applicant shall submit a turning movement diagram documenting how trucks will access the dumpster off of Main Street.
4. The applicant shall clarify the proposed project's relationship with 82-84 Main Street in particular as it relates to the parking ratio and the Substantial Modification approval granted by the Planning Board for 82-84 Main Street dated May 25, 2022.
5. The applicant shall provide covered, secure bicycle parking on the property.
6. The applicant shall coordinate with the Yarmouth Water District on the required water infrastructure and standards and submit a capacity to serve letter with the final submission.
7. The applicant shall submit an Operations & Maintenance Manual for the stormwater best management practices for review and approval by the Town Engineer.
8. The applicant shall submit revised Homeowner Association documents that incorporate the Association's responsibilities relative to stormwater management for review and approval by the Town Engineer and the Director of Planning & Development.
9. The applicant shall revise the drainage plan to move the dry well away from the driveway connection to 18 Portland Street toward the southeast onto the asphalt edge as outlined in the DPW Project Manager's memorandum dated September 22, 2022.
10. The applicant shall submit a detail construction management plan that ensures access is uninterrupted and maintained to 18 Portland Street and incorporates the requirements of the erosion and sedimentation control plan.
11. The applicant shall incorporate the Historic Preservation Committee's recommendations for the new construction in the Lower Village Historic District.
12. The applicant shall incorporate the required improvements to the frontage along Main Street for review and approval by the Town Engineer and DPW Director.
13. The applicant shall incorporate the plan review comments from the Town Engineer in his memorandum dated October 3, 2022, and the Fire Chief in his memorandum dated September 20, 2022.

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

**A. FINAL DEVELOPMENT PLAN AND SUBDIVISION PLAN**

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated XXXX for Development Plan and Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations of Chapter 703, Character Based Development Code, and the applicable regulations and standards of Chapter 601, Subdivision, the Planning Board hereby finds and concludes that the Development Plan and Major Subdivision **[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).

**B. BUILDING AND LOT PLAN AND MAJOR 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 Development Plan and Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations of Chapter 703, 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 10/3/2022
2. Joe Coulombe, Public Works Project Manager – Memo 9/22/2022
3. Fire Chief Robitaille – Memo 9/20/2022
4. Bruce Kerns – Email 9/19/2022
5. Tom Errico, TY Lin, Traffic Peer Reviewer – Memo 9/29/2022
6. Rebecca Rundquist, Tree Advisory Committee – Memo 9/28/2022
7. Bruce Butler, Historic Preservation Committee – Email 9/30/2022
8. Mike Tremblay, Bicycle and Pedestrian Advisory Committee – Email 9/16/2022
9. Public Comment – Edward Ashley, 9/23/2022
10. Public Comment – Rebecca Rundquist, 9/26/2022
11. Excerpt from 2010 Comprehensive Plan

## Memo

To: Erin Zwirko, AICP, Director of Planning and Development  
From: Steven Johnson, P.E., Town Engineer  
CC: Erik Street, Nick Ciarimboli, Chris Cline, Wendy Simmons, Karen Stover  
Date: October 3, 2022  
Re: Preliminary Major Site Plan/Subdivision Application: 90 Main Street

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Erin:

I have reviewed the subject application from Adam Lemire, AIA., of Platz Associates on behalf of Charles Hewitt and Katherine Carey for redevelopment of 90 Main Street dated June 15, 2022.

I have the following technical comments on the application:

1. General: The applicant is proposing to demolish an existing structure, formerly an unused barn, and construct a new two-way private road and two (2) residential structures with approximately 2,000 SF of living space and include an existing building remaining with about 6,000 SF of mixed-use space.
  - A. The existing lots are located in the Village Center (CD4) District.
  - B. The project is not located in the 100-year recurrence flood zone.
  - C. The applicant is proposing a two-way private road with an entrance on Portland Street.
  - D. As noted before, from a topographical perspective, the site is relatively flat, but does very gently slope from the northeast to the southwest.
  - E. The proposed new homes will be served from the new private road. As such, the road must be named with a unique and phonically dissimilar name from existing road names currently in use in Yarmouth. The applicant shall provide a proposed street name for review and approval by the Town Engineer. Additionally, the applicant shall be responsible for the cost of a new street sign and pole per Town standards. I am happy to forward a current copy of our street names in use to the applicant.
2. Rights, Title: The applicant has submitted adequate regarding right, title, and interest in the property to perform the project.
3. Solid Waste: As noted in my prior memos, 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 complex. This is acceptable. 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. I would also note that the single-family dwelling units are eligible to use the Town transfer station.



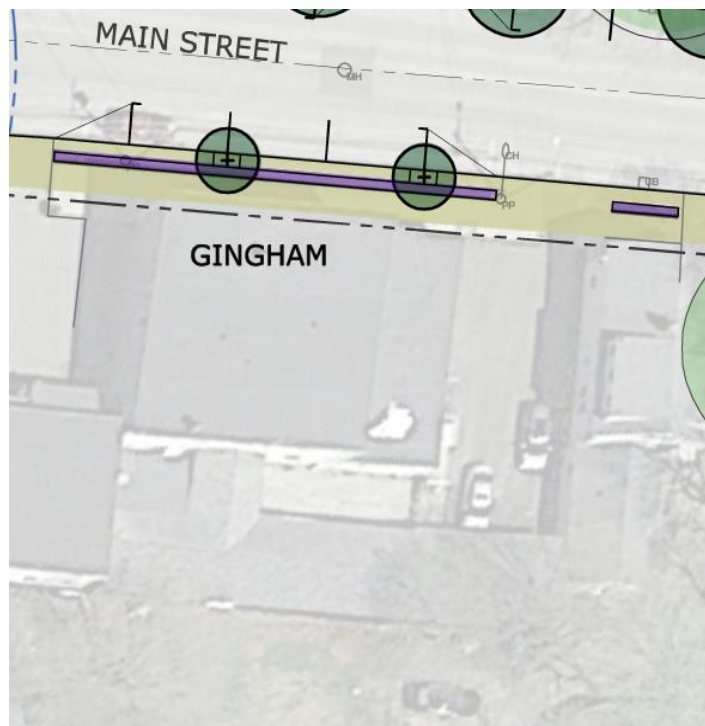
4. Water: The applicant must submit evidence of the capacity to serve from the Yarmouth Water District (District) as well as incorporate all required District standards into the project. It should be noted that the new residential structures shall require fire suppression sprinklers per Yarmouth's Code of Ordinances. This item is still outstanding, and I assume will be provided as part of the final submission.
5. Traffic\Parking: The applicant has submitted a traffic analysis report performed by Acorn Engineering, Inc and the report was peer reviewed by Thomas Errico, P.E., of TY Lin. Mr. Errico did not note any concerns regarding the proposed minor traffic impacts. I concur with Mr. Errico.

The applicant is proposing eight (8) parking spaces on the site and one of these is proposed to be designated an ADA parking space.

6. Sewers: The applicant is proposing to connect the new residential structures to the Town sewer per Town standards and via six (6) inch private service to Main Street. This is acceptable.
  - A. As noted before, there is adequate capacity in the Town sewer system to accept sewage flow from the project.
  - B. A sewer connection permit application and fee for each building will be required before the issuance of the building permit.
  - C. It should be noted that during construction of the 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.
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 submitted a formal stormwater analysis for the project and the design will provide for both stormwater quality treatment as well as for runoff volume control to the pre-development runoff rate. The runoff was analyzed for both a 2- and 25-year recurrence event. For the 2-year event the pre-runoff rate is 0.9 CFS and the post-runoff rate is 1.0 CFS. For the 25-year event the pre-runoff rate and post runoff rate are the same, 2.4 CFS. This is acceptable.
  - B. As noted in my prior memos, the applicant shall also provide a site-specific Stormwater Management Operations and Maintenance Manual (O&M Manual) for the site BMPs and drainage system as part of the final submission package. The O&M activities shall be included in the responsibilities of the HOA.
9. Erosion and Sediment Control: The applicant submitted an acceptable site-specific Erosion and Sedimentation Control (ESC) Plan. As noted in my prior memos, 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 particularly important that the BMP's be installed prior to the disturbance of site soils and vegetation.

10. Soils: The applicant submitted a USDA Custom Soil Resources Report for the project. The site soils generally consist of Elmwood fine sandy loam, 0 to 8% slopes (EmB). Based on this information, I anticipate that the site soils are conducive to the proposed development and more importantly to the proposed stormwater management approach.
11. Site Plan/Ordinance Requirements: I have no concerns regarding the Site Plan requirements.
12. Lighting: A photometric plan for any proposed lighting shall be provided which should include light levels at the property line, per the ordinance.
13. Waivers: The applicant has not requested any waivers at this time.
14. Off-site Improvements: The applicant has not proposed any off-site improvements. As you know, the Town has developed a vision for the improvement of the Main Street corridor that is reflected in the Main Street Master Plan. As required in the Site Plan ordinance under section H.14 the applicant will be required to construct the segment of sidewalk and esplanade per the Master Plan along the front of the property. Obviously, the new sidewalk shall meet all ADA requirements and the cross slope shall not be greater than 2% maximum. It should be noted that the sidewalk shall meet Town standards including 12" of type A aggregate base and fiber reinforced concrete sidewalk.



15. Plan Review Comments:

- A. Site Plan, Sheet C102
  - 1. The applicant shall propose a road name for the private road;
  - 2. The applicant shall show the proposed offsite improvements as noted above.
- B. Cover Sheet, Sheet C-01
  - 1. The Sewer Utility Contact is Chris Cline, Superintendent. 207-846-2415
  - 2. The Natural Gas contact information should be Summit Natural Gas.
- C. General Notes, Sheet C-02
  - 1. The following note shall be added to the Utility Notes: "All sewer infrastructure shall meet the Town of Yarmouth standards and shall be inspected by the Yarmouth Sewer Department, 207-846-2401, prior to backfill. The Contractor shall provide at least 48-hour notice to the Department prior to any required inspection."
- D. Utility Plan, Sheet C-20: A note shall be added to the plan as follows: "The proposed new connection of the proposed sanitary sewer service to the existing 8" diameter clay main shall be via a Inserta-Tee connection per Town standards."
- E. Site Details – 1, Sheet C-40
  - 1. The standard Town details for the public improvements should be included in the final submission.

I am happy to provide Town details to the applicant at their request. As always, I reserve the right to make additional comments on future plan submissions. Also, I would be pleased to review any other aspect of the application that you or the Planning Board may decide.

## Memo

To: Erin Zwirko, AICP, Director of Planning and Development  
From: Joseph Coulombe, Public Works Project Manager  
CC: Erik Street, Nick Ciarimboli, Wendy Simmons, Karen Stover, Steve Johnson  
Date: September 22, 2022  
Re: Preliminary Major Site Plan/Subdivision Application: 90 Main Street

---

Erin:

I have reviewed the subject application from Adam Lemire, AIA., of Platz Associates on behalf of Charles Hewitt and Katherine Carey for redevelopment of 90 Main Street dated September 14, 2022.

I have the following technical comments on the application:

1. General: Applicant is proposing to demolish a used shed/barn and construct two new residential structures served by a 16' private road off of Portland Street.
2. Solid Waste: The two homes qualify to use the Yarmouth Transfer Station/Recycling Center. Plan shows a dumpster, but it is not clear to me if this is for the new homes or other structures on the property. Trash and recycling collection must comply with the chapter 306 Solid Waste Ordinance.
3. Traffic\Parking: From the Character Based Development Code the definition of Alley is: "A vehicular way located to the rear of Lots providing access to service areas, parking and Outbuildings and containing utility easements." Under this definition the proposed driveway off Portland Street would not be considered an alley due to the driveway going up to the front of the new proposed properties.  
Driveway alignment off of Portland Street should be drawn to align with existing entrance if existing entrance will be used.

The applicant is proposing ten (10) parking spaces on the site and one of these is proposed to be designated an ADA parking space.

4. Storm Drains: All storm drain infrastructure must conform to Yarmouth Town Standards. No detail is shown for frame and cover.
5. Drainage, Stormwater Management: Location of Dry Well seems to be in bad location in case of settlement right in front of 18 Portland Streets driveway entrance. Moving structure SE onto asphalt edge would create a more comfortable entrance and help mitigate snow accumulation when plow goes over bowled out area.

- 2.1 When water goes over overflow of 296.30', does it just go into backyards of 18 Portland Street and 76 Main Street?
6. Erosion and Sediment Control: The applicant shows a construction entrance off of Portland Street. I would recommend either a fence or barricade to be placed across Main Street proposed parking lot entrance to deter construction traffic from using this as an entrance and causing track out.
  7. Off-site Improvements: I do support the engineers' comments regarding the Main Street sidewalk improvements to meet ADA.
  8. Plan Review Comments: Silt sock must be called out on Portland Street catch basin. Paver walkway as drawn goes through large street tree that is currently in the Towns right of way on Portland Street.

If you have any questions, please let me know.



***Town of Yarmouth,***  
***Maine***  
Incorporated 1849  
***YARMOUTH FIRE RESCUE***  
***178 NORTH ROAD (PO BOX 964)***  
***YARMOUTH, MAINE 04096***



MICHAEL ROBITAILLE, CHIEF OF DEPARTMENT

BILL GODDARD, DEPUTY CHIEF

TO: Erin Zwirko, Town Planner  
CC: Nicholas Ciarimboli, Code Enforcement Officer  
Subject: 90 Main Street (Updated Comments)

On September 20, 2022, I reviewed the plans submitted by Adam Lemire on behalf of Charlee Hewitt and Katharine Carey to build two residential cottages behind 90 Main Street. The plans noted many of the requirements listed below.

- Interconnect smoke detectors are required
- Carbon Monoxide detectors are required to be installed
- Gas Detectors for the purpose of detecting natural gas, propane, fuel or any liquified petroleum gas will be required in any room that has appliances supported by these fuels.

***Title 25, Chapter 317, Section 2469***

- In accordance with Chapter 317 of the Yarmouth Ordinance, a sprinkler system, will be required to be installed. Plans are required to be submitted to the State Fire Marshalls Office for approval.
- The Yarmouth Water District must approve the water rates and connections for the sprinkler system.
- The Access Road will need to be named in accordance with State of Maine E-911. The sign shall need to meet the standards
- House numbers are required and must be visible from the road if within 50 feet of road. If the home is greater than 50 feet, the applicant will be required to have 4" numbers at the entryway of the road.

- The Access Road as defined by NFPA is to be 20 feet in width and shall have 13'-6" of vertical clearance from trees and obstructions. This is based on the size and weight of apparatus. The Authority Having Jurisdiction can reduce this if the buildings are equipped with sprinklers. These homes are required by Code and Ordinance to have sprinklers as noted above.
  - *Exemption: Yarmouth Fire Rescue will allow the road to be 16 feet in width so long as the existing trees are removed. I will allow the sidewalk to be part of the 16 feet as long as it is paved and on the same level as the access road.*
  - *The current trees alongside the North side of the road will need to be removed as they will be an obstruction in the future.*
- The existing tree on the south of the entrance (second tree in) needs to be removed.
- The existing hemlock trees in front of buildings B & C will need to have one removed for access to the structure with our towns ladder truck.

Sincerely,

*Michael Robitaille*

Michael Robitaille  
Fire Chief



**From:** [Bruce Kerns](#)  
**To:** [Wendy Simmons](#)  
**Subject:** Re: Request for Comment - 90 Main St, - DUE 9/30  
**Date:** Monday, September 19, 2022 9:56:09 AM

---

Morning,

With the removal of Unit 3 what is the new allocated condo interest of the condo units?

On Thu, Sep 15, 2022 at 3:01 PM Wendy Simmons <[WSimmons@yarmouth.me.us](mailto:WSimmons@yarmouth.me.us)> wrote:

For your review:

[https://yarmouthrebuild.govoffice.com/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=74BAEA2D-B146-417A-AC26-9DD481CBA690&Type=B\\_BASIC](https://yarmouthrebuild.govoffice.com/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=74BAEA2D-B146-417A-AC26-9DD481CBA690&Type=B_BASIC)

Have a great afternoon. Wendy

Wendy L. Simmons, SHRM-CP (she, her, hers)

Administrative Assistant

Planning, Code Enforcement and Economic Development

Town of Yarmouth

200 Main St.

Yarmouth, ME 04096

Phone: 207.846.2401

Fax: 207.846.2438

[www.yarmouth.me.us](http://www.yarmouth.me.us)



Notice: Under Maine law, documents - including e-mails - in the possession of public officials or employees about government business may be classified as public records. There are very few

## 4.1

exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.



September 29, 2022

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

Subject: 90 Main Street 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 90 Main Street project. My review is based upon a Traffic Assessment and Site Plan prepared by Acorn Engineering, Inc. My comments are noted as follows.

1. Trip generation was estimated using data from the Institute of Transportation Engineers (ITE) publication Trip Generation. While the applicant used an outdated version of the publication, the estimate is reasonable. The project is estimated to add two trips during the AM peak hour and three peak hour trips during the PM peak hour. This level of traffic generation would not be expected to create safety or mobility deficiencies.
2. The applicant investigated crash data from MaineDOT and determined that there are no High Crash Locations in the immediate vicinity of the project and there was no evidence of crash patterns. I concur that according to MaineDOT data, safety deficiencies are not documented.
3. Sight distance from the two project driveways was measured and determined to meet Town standards. Both driveways exceed Town standard. The Portland Street driveway is constrained by both a large tree and on-street parking look south when exiting the driveway. It is likely that motorists exiting the driveway will move forward to see around the tree or parked vehicle. Given that the users of this driveway will be familiar with conditions (mostly residents that live at the units), traffic volumes from the site are extremely low, and Portland Street is a low speed roadway, particularly as it approaches Main Street, in my professional opinion conditions will function safely.
4. I have reviewed the driveway design and parking layout and find it be acceptable given low traffic volumes. The applicant should note how trucks will access the dumpster at the back of the Main Street lot.

pg. 2

90 Main Street Traffic Peer Review

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 style with a large, stylized "T" and "E".

Thomas A. Errico, PE

Senior Associate / NE Traffic Engineering Director

## Yarmouth Tree Advisory Committee

TO: Planning Board Members  
Erin Zwirko, Planning Director

COPY: Karyn MacNeill, Scott Couture, David Craig

DATE: September 28, 2022

FROM: Rebecca Rundquist, Chair  
Michael Brandimarte, Susan Prescott, Lisa Small, Lisa Wilson

RE: Applications for review: 90 Main Street

The Yarmouth Tree Advisory Committee has reviewed the application for your meeting on 10/12/22 and has the following comments.

This project proposes to build two new structures in a relatively small space with large existing trees.

We are concerned about the protection of the existing trees on this property, which the applicant plans to retain. Approval by the Planning Board should be conditioned on the provision of a clear plan for tree protection, which could be developed in collaboration with the Tree Committee. Tree protection should include fencing at the drip line of all trees that are to be retained. The commitment to preservation of the trees should be unconditional, with no "where feasible" limitation. The tree protection plan should be monitored by the Town Tree Warden, and the applicant should be held accountable for the safety of the trees.

On Portland Street in front of the abutting Titcomb property, there is a beautiful heritage Elm tree, one of the six heritage Elms we are fortunate to have in the downtown village area. These trees are town treasures and should be protected. This tree is of particular concern and must not in any way be impacted by this project. To help avoid damage, all construction related traffic should be required to enter and exit the site from the Main Street access. The Portland Street Elm should also be fenced at the drip line, and no

paving or pavers should be permitted to impact this tree. The code enforcement officer should monitor this traffic throughout the construction period.

Please refer to the Town approved Character Based Development Code, Section N, Private Lot Landscape Standards, subsections 2.w, Preservation of Root Zones, and 2.bb, Significant or Legacy Trees.

Regarding new plantings, the plan shows 2" caliper Japanese Lilac. It would be preferable for the applicant to work with the Tree Committee to choose native tree species.

**From:** Bruce Butler <[bbutler@maine.rr.com](mailto:bbutler@maine.rr.com)>

**Sent:** Friday, September 30, 2022 1:40 PM

**To:** Nicholas Ciarimboli <[NCiarimboli@yarmouth.me.us](mailto:NCiarimboli@yarmouth.me.us)>; Yarmouth Historic Preservation <[greg.paxton@gmail.com](mailto:greg.paxton@gmail.com)>; Yarmouth Historic Preservation <[edwardashley02@gmail.com](mailto:edwardashley02@gmail.com)>; Yarmouth Historic Preservation <[p.beam@foodservice-design.com](mailto:p.beam@foodservice-design.com)>; Sue Devine <[Ckdevine207@gmail.com](mailto:Ckdevine207@gmail.com)>

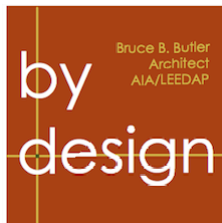
**Subject:** 90 Main Street

Bruce B. Butler, AIA, LEEDAP

By Design

[www.mainebydesign.com](http://www.mainebydesign.com)

207-749-4321



1. Show wider trim (5/4 x 4 minimum) at the doors and windows, including a historic sill
2. Look at dividing the arched attic windows (as labeled on the East and the West Elevations of buildings B and C - the orientation of building C is incorrect on the elevation drawing, it should be north and south) so that they look like the 2/1 double hung windows below, i.e. a divided lite top sash and a single lite bottom sash. This could be done with simulated divided lites on a casement or fixed window. Or consider circular windows, 2/2.
3. Look at separating the two windows in the stairway with a paneled band
4. Make all of the sliding doors look more like the hinged in-swing French door on the balcony
5. The entrance door should have three lites across the top.
6. Review the balcony railing and finish, building wall-mounted lights, and any bollard/pole lights
7. Consider removing the small windows in the small dormers.

## Erin Zwirko

---

**From:** Mike Tremblay <mtrem225@gmail.com>  
**Sent:** Friday, September 16, 2022 8:50 AM  
**To:** Wendy Simmons  
**Cc:** Colin Durrant; Erin Zwirko  
**Subject:** Re: Request for Comment - 90 Main St, - DUE 9/30

Wendy,

Here are the Yarmouth Bike Ped Committee's comments for 90 Main Street. We submitted similar comments back in July, but they do not seem to have been addressed (though our comment about bike parking has been mostly addressed).

1. The site plan indicates that no work will be done to the existing sidewalk and driveway apron on Main Street, and that the existing access point will remain. This should not be acceptable, as the current condition is not compliant with the Americans with Disabilities Act (ADA). The cross-slope of the driveway through the sidewalk area exceeds the 2% maximum slope permissible by federal standards for sidewalks. Additionally, the concrete ramps across the driveway are in poor condition, the driveway itself is two different materials, and is overall in need of replacement. Driveways should be designed to ADA compliance and with concrete materials to match the surrounding streetscape. [This document](#) provides examples of ADA compliance through driveways. The project engineer, Acorn, has experience and capability with this type of issue in the Portland area.

2. This section of Main Street features a double curb, with two separate levels of sidewalk, presumably to help solve a grading issue between the buildings and the curblane. This layout does present some potential accessibility and safety issues. YBPC asks that additional consideration be given to this unorthodox and possibly unsafe layout.

3. The applicant proposes an exterior bike rack with a capacity of two bicycles. Given that this project proposes residential units, where bicycle storage will necessarily be long-term, overnight, through the winter, etc., secured, covered bicycle parking is recommended in addition to the publically accessible bike rack just behind the property line.

Thank you,  
Mike

On Thu, Sep 15, 2022 at 3:01 PM Wendy Simmons <[WSimmons@yarmouth.me.us](mailto:WSimmons@yarmouth.me.us)> wrote:

For your review:

[https://yarmouthrebuild.govoffice.com/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=74BAEA2D-B146-417A-AC26-9DD481CBA690&Type=B\\_BASIC](https://yarmouthrebuild.govoffice.com/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=74BAEA2D-B146-417A-AC26-9DD481CBA690&Type=B_BASIC)

Have a great afternoon. Wendy



Wendy L. Simmons, SHRM-CP (she, her, hers)

Administrative Assistant

Planning, Code Enforcement and Economic Development

Town of Yarmouth

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Yarmouth, ME 04096

Phone: 207.846.2401

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Mike Tremblay

## Erin Zwirko

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**From:** Edward Ashley <edwardashley02@gmail.com>  
**Sent:** Saturday, September 24, 2022 1:28 PM  
**To:** Erin Zwirko  
**Subject:** 90 Main Street most recent filing

Dear Erin-

I wish to make some comments regarding this latest filing, reserving the right to add to them in the future. (Please cc the Planning Board).

I would still prefer to see a single residence constructed on this back lot, for all of the reasons previously stated, but for the moment, will comment here on the plan as filed.

Given the cramped siting, I think it vital that great care, above and beyond the usual, be taken in preserving the health of the trees on the southwesterly side of the property, adjoining the Titcomb and Leahy property lines, and along the driveway coming in from Portland Street. To that end I propose several conditions of approval, as follows:

- 1- On the Planting Key, as shown on the revised Preliminary Site Plan, Sheet C-102, most recent date 09/14/2022, it refers to trees being retained "to remain as feasible". This phrase should be deleted, these trees should be preserved, period, and applicant should ensure that result. As to new plantings, I have questions as to species choices, but I will defer to the Tree Committee, and urge that all recommendations of the Tree Committee be incorporated by the Board.
2. Existing trees to be retained should be protected by a full fence line around the tree(s), at the dripline of each tree. Putting boards around the trunk is not sufficient.
  - a. The evergreen at the northwest corner can be partially fenced, as to the portion of the dripline on applicant's property.
  - b. The 24" maple to the north of Building C should have its full dripline fenced.
  - c. The three maples shown in front of Building B should be fenced by a single rectangular fence, encompassing the drip lines of all three trees.
  - d. The large ash street tree at the Portland Street driveway entrance should remain unimpaired, and no radiused apron of paving towards that tree should be installed. It is not necessary for vehicular traffic, the existing driveway has functioned more than adequately for many years.
  - e. I call attention to the requirements of Ch.703, Article 5, Section N., with particular reference (without limitation) to subsections 2.c, d, e, u, v,w, aa, and bb, all of which apply to this project.
3. All construction traffic and movement, and introduction of equipment, material, supplies, plantings, and everything associated with the construction and landscaping of the proposed residence(s) should be brought in and leave via the Main Street access only, with none coming in from Portland Street. This will help assure the protection of the plantings on the northerly side of the property, including those flanking the driveway next to the old red schoolhouse, and the street tree referred to above, and will help mitigate the impact of construction on the neighbors to the north. The limited exception to this would be work on the Portland Street driveway, the Driveway Lot, towards the conclusion of the work on lots B and C.

Thank you for your attention.  
Edward Ashley

**From:** [Rebecca Rundquist](#)  
**To:** [Wendy Simmons](#)  
**Subject:** Comments for 90 Main Street  
**Date:** Monday, September 26, 2022 11:50:29 PM

---

**Dear Wendy,**

**Below are my comments for 90 Main Street for the Planning Board Meeting.**

**I am writing as a resident of Yarmouth, founder of the Frank Knight Foundation, and member of the tree committee. We are fortunate to have a bit of regulatory language to protect trees in our new Character Based Code which applies to this project and subsequently to the trees affected on Portland Street. On Portland Street in front of the Titcombs property there is a heritage Elm Tree which would fall under the section bb of "Legacy Trees" and is required to be protected. In addition, all construction related traffic must conform with the language listed below in the character based code to protect existing trees.**

**The following is from our Character Based Code which applies to this proposed development.**

**SECTION N. PRIVATE LOT LANDSCAPE STANDARDS**

1. PURPOSE Trees and other landscaping contribute to the scenic beauty of the village and increase property values while enhancing the quality of life within the village. They also tend to soften the visual effects of development by creating a natural setting. Trees and wooded areas are an important community asset that provides desired environmental effects. Trees act as a barrier to noise; help to prevent soil erosion and encourage water absorption; create nesting areas for birds and other wildlife; mitigate the effects of sun, cold and wind; and filter the air of pollutants.

2. General. These standards apply to all Development undergoing Building and Lot Plan and Development Plan review. They shall be advisory with respect to ongoing landscape treatments on private property not subject to such review, except for placement dimensions and the prohibited plant list of Article 5.N.1.kk, below.

w. Preservation of Root Zones. The root zones of existing Trees and vegetation to be preserved shall be preserved and protected from clearing, compaction or construction activities and shall be enclosed by a temporary protective fence.

bb. **Significant or Legacy Trees.** Priority shall be given to preserving and protecting significant trees or Legacy Trees that provide screening, buffering, wildlife habitat and/or linkages to wildlife habitat, or that are important due to their size, species, or prominence, all as recommended by the Town Tree Warden

dd Remediation of Compaction. All landscape areas compacted during construction activities shall be tilled and reconditioned to provide an arable topsoil layer that can support the long term health and vitality of the landscaping.

gg. Protection from Vehicular Damage:

All Landscaping required pursuant to this Article 5.N Adjacent to the paved portion of any Parking Area, Parking Lot, Loading Area, Driveway or Thoroughfare shall be located in a manner to protect the vegetation from vehicular damage. Without limiting the foregoing, all trees within tree islands or along the perimeter of the Parking Area or Parking Lot shall be separated from Parking Area or Parking Lot paved surfaces by at least three (3') feet.

Thank you,  
Rebecca Rundquist  
55 West Elm Street  
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



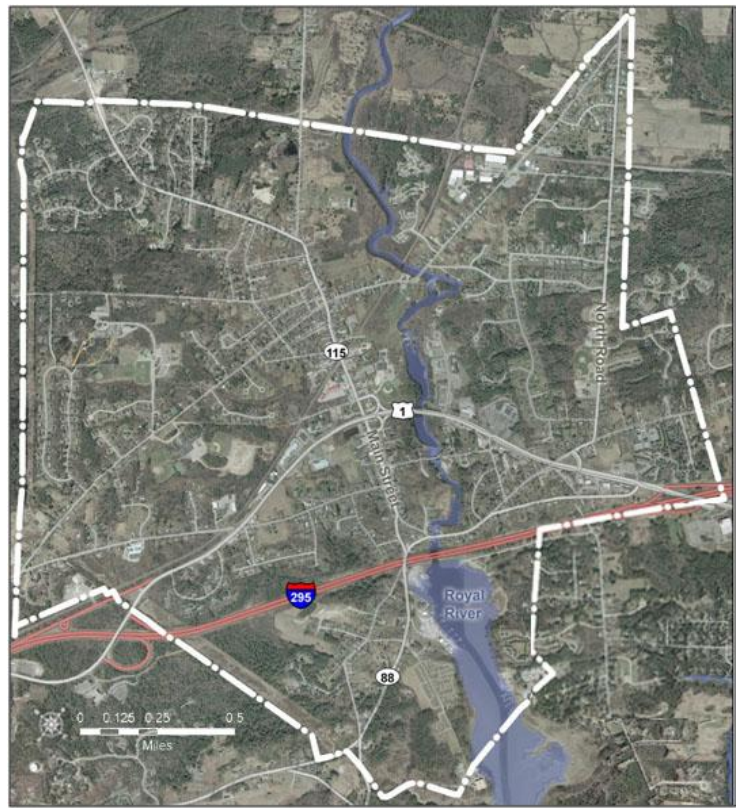
areas developed before 1970 where the lots are small and people can easily walk around. And for some people, the Village includes most of the town except for the coast and the islands.

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.

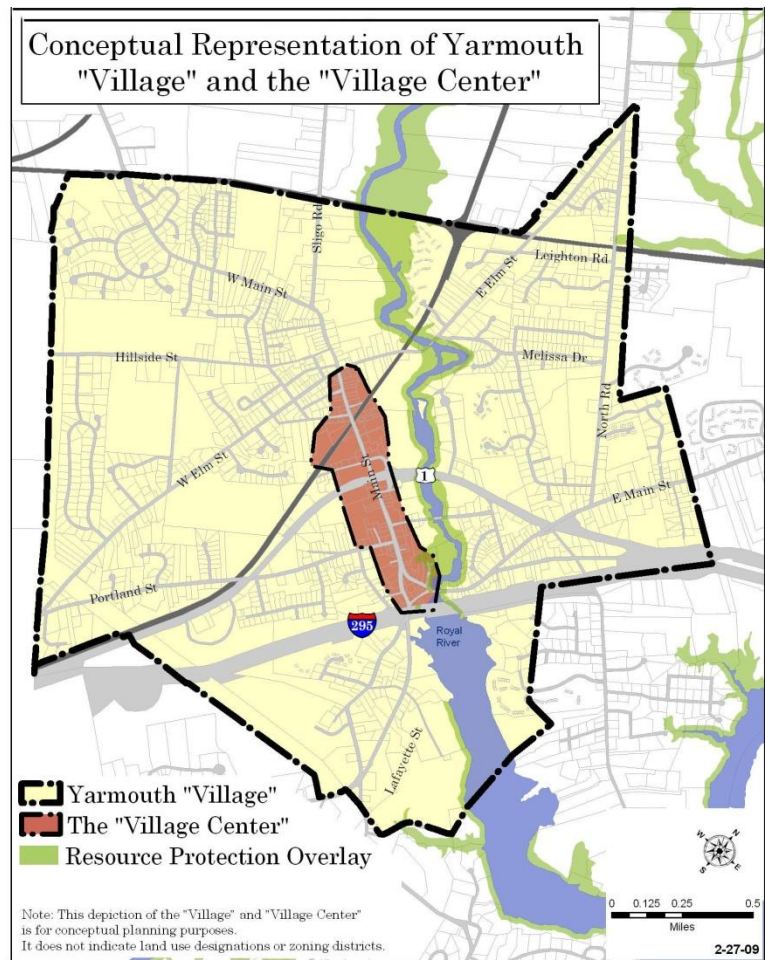
Main Street or the Village Center will be a vibrant, pedestrian friendly, mixed-use street where people can live, work, shop, and take care of their other daily needs. A balance between residential and nonresidential activities in the Village Center will be maintained. Historic properties will be well 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).

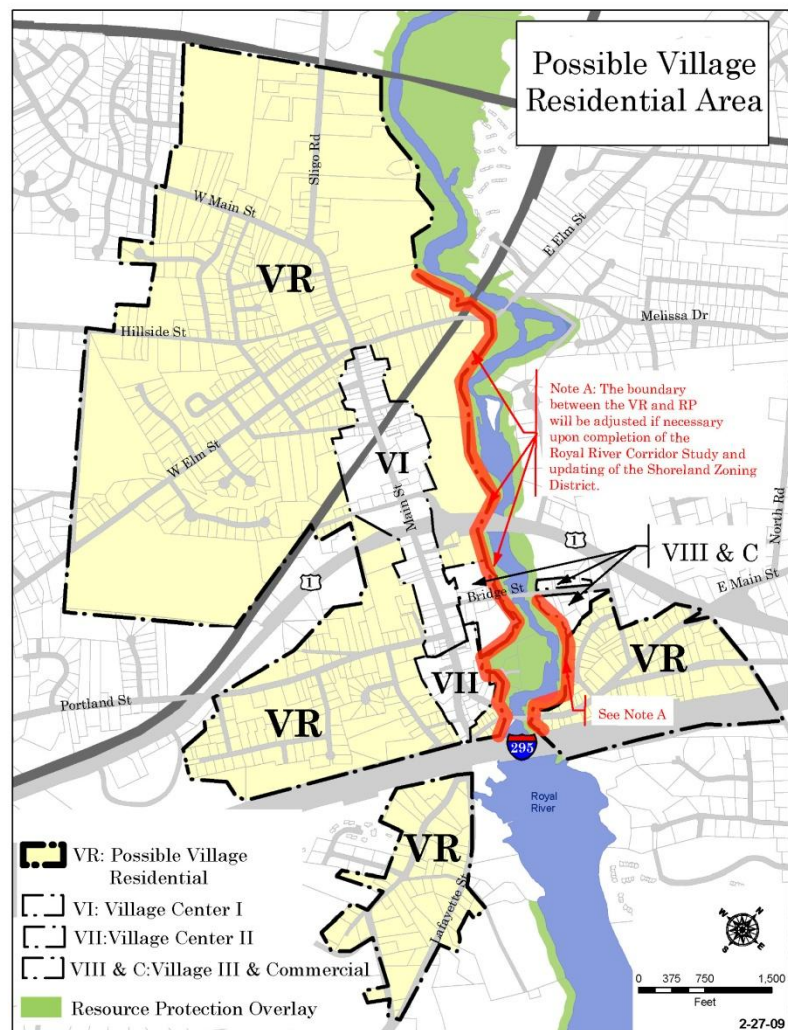
Strategy C.4.1– Create a new Village Residential (VR) zone out of part of the current Medium Density Residential District. The new VR District should include the older built-up areas of the Village. Figure 1-5 on the following page shows the possible boundaries of the proposed VR area. The final location 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.