



TOWN OF YARMOUTH
200 Main Street, Yarmouth, Maine 04096
www.yarmouth.me.us

Planning Board Report
90 Main Street

Second Concept for Development Plan, Building & Lot Plan, Major Site Plan, and Major Subdivision

Charles Hewitt and Katherine Carey, Applicants

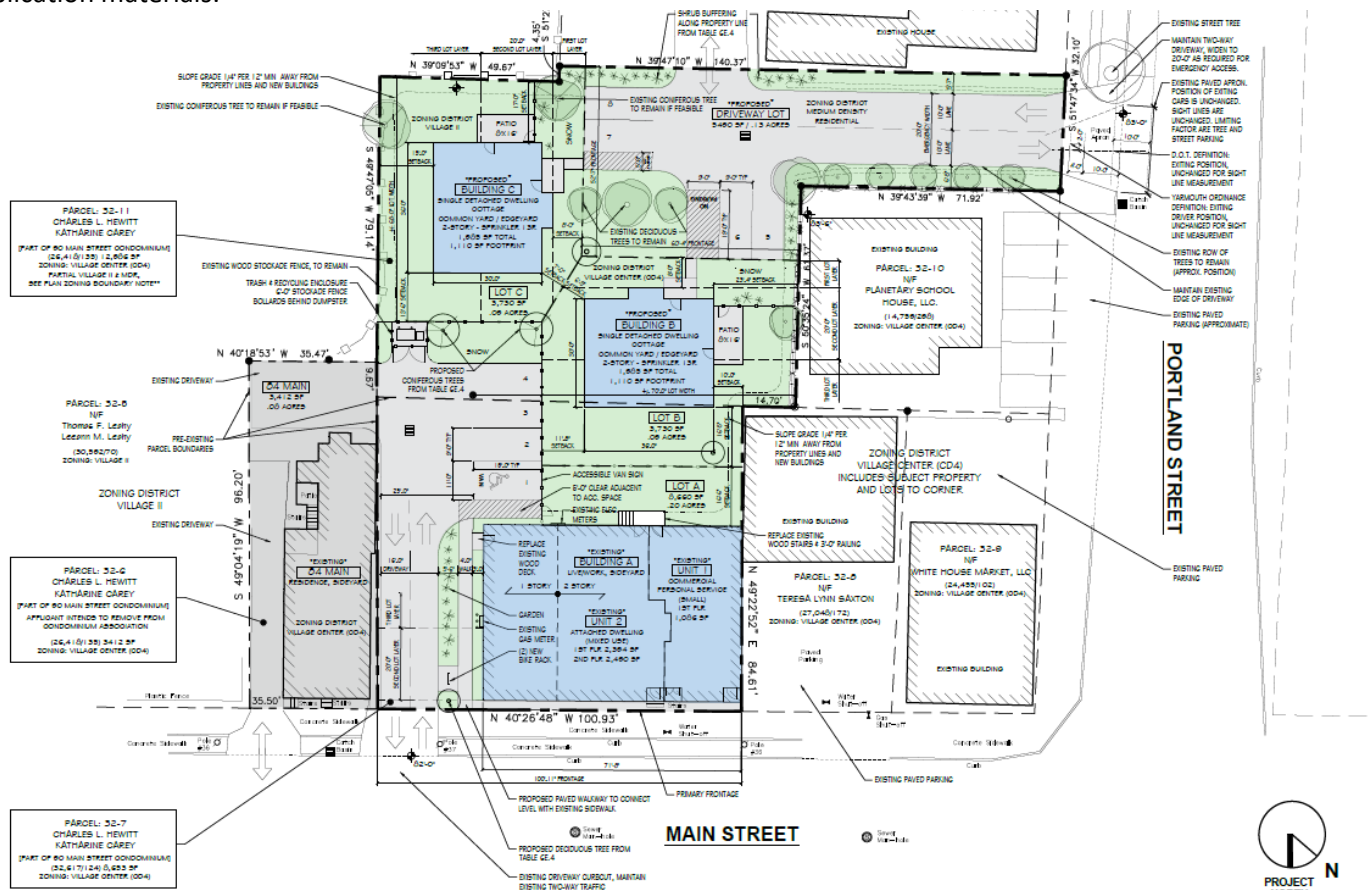
Map 32 Lots 7 and 11; CD-4 Village Center Character District

Prepared by Erin Zwirko, Director of Planning and Development

Report Date: July 14, 2022; Planning Board Date: July 20, 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 establishment of two lots for single-family homes behind the existing mixed-use building at 90 Main Street. In this second concept, following the first Planning Board meeting in May, the applicant has revised the plan to eliminate the one-way Thoroughfare in favor of two driveways. Below is the second conceptual master plan as presented in the application materials:



Second Conceptual Development Plan

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

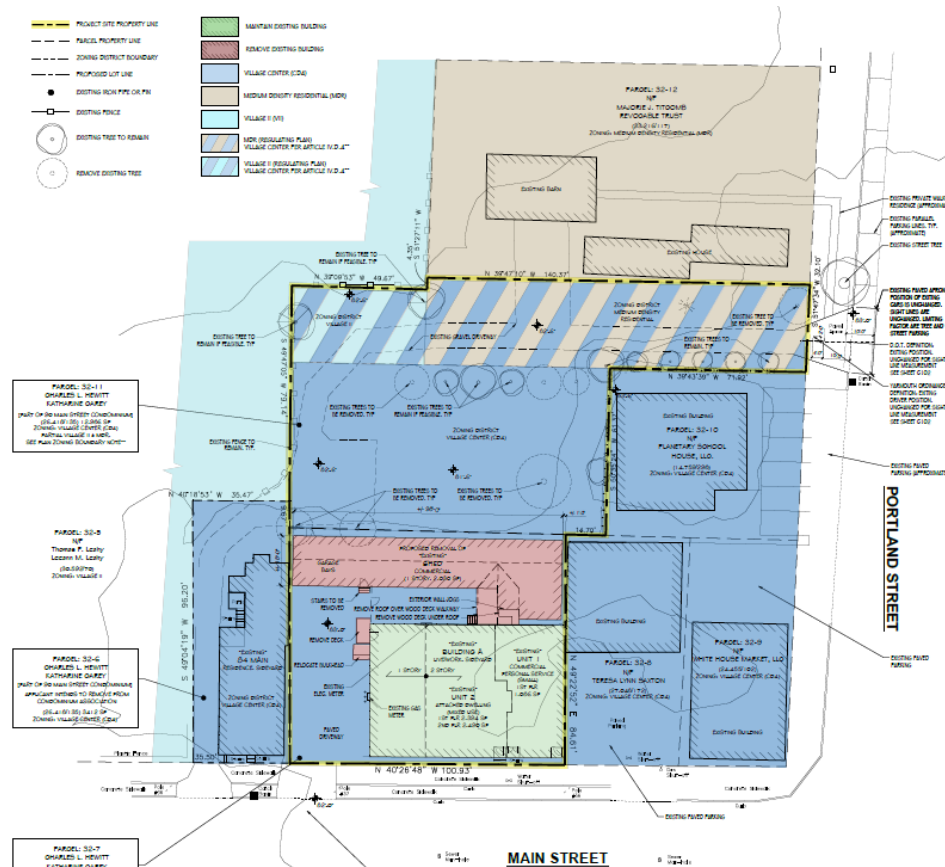
The application materials presented are conceptual in nature. The Planning Board is being asked to review the proposal pursuant to the following ordinances:

- 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.

Note that the Planning Staff have prepared a separate report regarding the request to demolish the Outbuilding Garage/Shed located to the rear of the existing mixed-use building at 90 Main Street. 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.

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."*



Existing Conditions Plan Showing Zoning Districts

Although additional information is sought from the applicant regarding the boundary discrepancies and their right, title, and interest as described in later sections, 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.

Applying this provision to the property under consideration leaves a 2 foot 1 inch portion of the property that remains as Village II and MDR. Additional information may be sought if the Planning Board has questions of the applicability.

IV. Public Notice and Comment

Notices were sent to 48 property owners within the vicinity (within 500 feet) of the proposed development for the July 20, 2022 meeting. As of the writing of this staff report, we have received comments from two individuals, one representing the immediately adjacent neighbor on Portland Street.

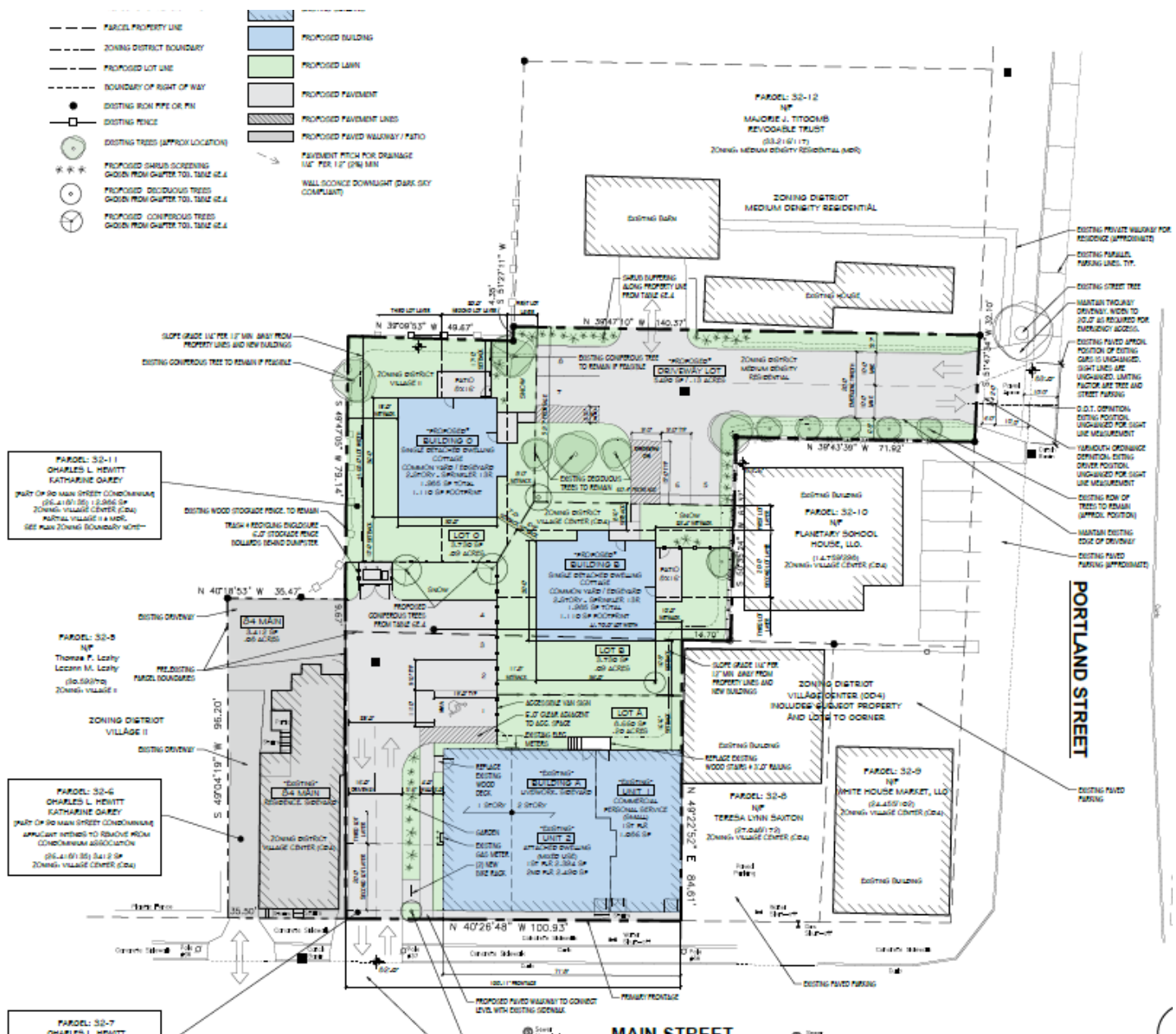
Uses in Vicinity: The surrounding neighborhood consists of: **Main Street** – a mix of residential, professional, and businesses such as Fitness Success, Rosemont Market, and rug store, churches, and the North Yarmouth Academy campus; **Portland Street** - residential.

V. Character Based Development Code Review

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):

1. Which either alone or together with one or more other parcels under a common development scheme, program or plan is five (5) gross acres or more; or
2. With respect to the development of which any new Thoroughfare or extension or change of the design of any existing Thoroughfare will be made or proposed; or
3. With respect to which any Character District designation, Special District designation or general Thoroughfare alignment is proposed to be changed by a Regulating Plan amendment.
4. Which constitutes a subdivision under Chapter 601 (Subdivision).

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. The following is the site plan provided in the application materials.



Revised 90 Main Street Development Plan

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. Significant details regarding compliance with Article 5 will be required in future submittals including:

- Article 5.F, Lots
- Article 5.G, Building Placement & Yard Types
- Article 5.H, Building Form & Building Type
- Article 5.L, Parking, Loading, Driveway, Service, Storage, Drive-Through, and Waste Receptacle Locations and Standards
- 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 significant 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 this 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. 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 Planning Staff will need to closely analyze the Thoroughfare and Lot layout to identify any waivers needed, although based on the information provided and the review for this staff review, the width of the paved portion of the Thoroughfare and the location of parking may require waivers.

The applicant has moved in a direction that was recommended by the Planning Board at the first concept meeting. If the Planning Board is supportive of this direction, it is anticipated that the applicant will develop more detailed plans typical of a preliminary review package. 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.

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 has revised the proposal to eliminate 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 still appropriate. No existing Thoroughfares will be extended or changed as a result of the proposal.

2. Thoroughfare Types and Standards;

Provided in a preliminary form on the conceptual plan. Additional details may be needed for Town staff to confirm compliance with Chapter 703.

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 Site Plan is provided as a conceptual plan. However, this plan does not provide enough information for the Town staff to document whether the Thoroughfare sections and specifications are consistent with Chapter 601, especially regarding the information provided in the Technical Appendix to Chapter 601.

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.

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;

Provided in conceptual form. Additional details are required to assess consistency.

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 consideration during the July 20th meeting. It is recommended that the Planning Board find that the outbuilding is NOT a Building of Value and allow 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 conceptual 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 (Alley is still the best designation for this application) as the lots must derive their frontage from a Thoroughfare.

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

Staff Comments: The Portland Street driveway still must be considered a Thoroughfare (Alley is still the best designation for this application) as the lots must derive their frontage from a Thoroughfare. Additional information regarding the Alley cross section may be necessary as the paved width exceeds the standard as requested by the Fire Chief. There may be the opportunity to reduce the paved width more with additional discussions with the Chief.

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

Staff Comments: It appears that the Alley Thoroughfare selection is appropriate for the Village infill location.

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: Using the Alley Thoroughfare indicates that the 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 necessarily 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 conceptual plan indicates that all the proposed lots enfront a Thoroughfare. The Portland Street driveway still must be considered a Thoroughfare (Alley is still the best designation for this application) as the lots must derive their frontage from 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 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 between 12 and 16 feet. The Portland Street driveway (the Alley Thoroughfare) is 20 feet, exceeding the standard, but requested by the Fire Chief. There may still be room to reduce the pavement width more with further conversations. 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.



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

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.

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: Additional details regarding the Thoroughfare type will be necessary to document compliance with the standards of Chapter 601. No information has been provided regarding compliance with Chapter 601, and the conceptual plans do not provide all of the pertinent information necessary for the Planning Board to issue an approval under Chapter 601.

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 Portland Street driveway (the Alley Thoroughfare) is 20 feet, exceeding the standard, but requested by the Fire Chief. There may still be room to reduce the pavement width more with further conversations. 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 concept 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. As the proposal progresses, the applicant should prepare a plan that is consistent with the various sections of Chapter 703 that detail the requirements for these elements.

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. Much of the mature vegetation on the site appears to be protected in the revised concept, but as the proposal progresses, the applicant should prepare a plan that is consistent with the various sections of Chapter 703 that detail the requirements for the elements identified in the standard.

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 must be submitted with a future submission. The Tree Advisory Committee recommends that the landscape plan also include details for protecting the existing mature trees on the property.

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 illustrative plans, it appears that existing trees planted along the Portland Street driveway will be preserved. The applicant should review the standard and determine whether the existing vegetation meets the requirements or if additional street trees need to be planted.

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 illustrative plans, it appears that existing trees planted along the Portland Street driveway will be preserved. 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

Article 5.N also provides details on approved plantings and prohibited plantings. A planting list is not provided to assess whether the proposed public landscaping is consistent with the lists found in the CBDC and documented elsewhere.

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 illustrative 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 consideration during the July 20th meeting. It is recommended that the Planning Board find that the outbuilding is NOT a Building of Value and allow 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

BUILDING PLACEMENT — PRINCIPAL BUILDING

Front Setback, Principal Frontage	0 ft min, 16 ft max	A
Front Setback, Secondary Frontage	2 ft min, 12 ft max	B
Side	0 ft min	C
Rear Setback	greater of 3 ft min or 15 ft from center line of alley, if any or from any abutting residential zone	D

YARD TYPES

(see Table 5.G.1)

Edgeward	permitted
Sideyard	permitted
Rearyard	permitted

BUILDING & LOT PRINCIPAL USE

See Table 5.J.1

LOT OCCUPATION

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

BUILDING FORM — PRINCIPAL BUILDING

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

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

Building Placement-Principal Building	Required	Proposed	Finding
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.

	Required	Proposed	Finding
Yard Type	Edge, Side or Rear Yard	Edge	OK.

Lot Occupation	Required	Proposed	Finding
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	Unknown 90 Main Street: preexisting	Additional details are necessary.
First Story Height	10' Min, 25' Max	Unknown 90 Main Street: preexisting	Additional details are necessary.
Upper Story Height	10' Min, 15' Max	Unknown 90 Main Street: preexisting	Additional details are necessary.
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)	Unknown 90 Main Street: Flat	Additional details are necessary.

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

Encroachments of Building Elements	Required	Proposed	Finding
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

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 wavier may still be necessary, but based on the discussion at the initial concept meeting, this arrangement could be desirable.

Architectural Standards (Article 5.M)

The applicant must complete the architectural standard matrix in conjunction with the submittal of architectural elevations and renderings for review.

Private Lot Landscape (Article 5.N)

Landscape	Required	Proposed	Finding
5.N.s Trees Required	1 tree per 30' frontage	4 new trees, 12 existing trees	Clarity is needed with this revised concept. However, it is appreciated that the existing mature vegetation would be preserved. The landscape plan should include details on tree protection.
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 st Lot Layer; not less than 20% landscape overall except when the coverage exceeds 85%	Unknown	Additional details are necessary
Lighting Photometrics	1 fc at frontage Line	Unknown	Additional details are necessary

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.

Staff Comments:

The applicant did not submit a traffic analysis to support that there would be no significant impact from the proposed development. The Town Engineer, Police Chief Gallant, and DPW Director all recommend that a traffic analysis be completed due to the sight distances on Portland Street and should be provided with future submittals. The Town Engineer writes, “As required by Chapter 702, Site Plan Ordinance, Article I, Section H. Review Criteria, the

applicant shall submit a traffic analysis report performed by a professional traffic engineer licensed in the State of Maine. The analysis shall review the existing and proposed conditions based on the latest ITE standards. Additionally, given the proposed new private road, the applicant shall review sight distances for the proposed exit onto Portland Street."

A large street tree and on-street parking on Portland Street make the sight distances especially difficult. The applicant indicates that the Portland Street driveway will function similarly as it does now, but the private road must still be designated as a Thoroughfare in order for the lots to gain frontage. The applicant indicates that the existing portion of the driveway will be unchanged from the current location, and as such the site distances and conditions have not changed. Town Staff still will require a traffic analysis with a focus on site distances.



Site Distance Photos taken by the DPW Director

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. Eight (8) parking spaces are required, and the site plan provides Ten (10) 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 8 parking spaces will be provided:

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
1,086 square foot Office	Min of 2, Max of 4 per 1,000 square feet	2	2
Total		5	8
Applicant's Proposed Number of Parking Spaces			8

In this 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. 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 initial concept meeting, this arrangement could be desirable.

- 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 concept plans indicate a tie into the existing sewer system in Main Street, and the Town Engineer would be happy to consult with the civil/site consultant. 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.

- 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. We will provide a letter once the Conceptual Project has been reviewed.

Staff Comments:

As of the writing, no comments from the Yarmouth Water District superintendent have been received. 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.

- 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:

An earlier conceptual plan was reviewed with the Fire Chief and changes to the site plan were made based on those recommendations. The road between Portland St. and the new residential structures was widened to 20' 0" to provide adequate emergency vehicle access. The two new proposed buildings will meet current local, state, and federal life safety code standards and provide adequate egress, smoke detectors, CO detectors, and will be fully sprinklered per NFPA 13R.

It is intended that the long shed to the rear of the Main St. Mixed use building will be removed which will alleviate concerns over the proximity of the wood structure to adjacent buildings. It will also open access the rear lot and remove the current dead-end configuration.

Staff Comments:

The Portland Street driveway (the Alley Thoroughfare) is 20 feet, exceeding the standard, but requested by the Fire Chief. There may still be room to reduce the pavement width more with further conversations. The Main Street driveway pavement width is 16 feet, is existing, and not designated as a Thoroughfare. The Fire Chief previously indicated that emergency services would access 90 Main Street and 82-84 Main Street from Main Street.

- 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.

Staff Comments:

A landscape plan and planting list must be submitted with a future submission. The Tree Advisory Committee recommends that the landscape plan also include methods to protecting the existing mature trees on the property.

- 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:

While the staff agree with this assessment, the applicant must submit a soils report with a future submission.

- 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 scones 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 on a subsequent submission.

Staff Comments:

A photometric plan for any proposed lighting must be provided with future submittals that meets the requirements of the applicable ordinances.

- 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:

See conceptual storm water management on plans for discussion. A more detailed storm water management plan designed by a civil engineer will be submitted in a subsequent application package after Conceptual Review.

Staff Comments:

The Town Engineer writes, *"The applicant shall submit a formal stormwater analysis for the project. As you know, the Town has a long-standing requirement to encourage development and redevelopment to include Low Impact Development (LID) BMPs in the stormwater management of Yarmouth sites. I recommend that the design incorporate LID BMPs to the drainage design. I would be happy to assist the applicant in the development of appropriate LID approach for this site. I would also point out that the applicant shall provide detention BMPs to mitigate impact to the downstream sub-watershed. This area has a longstanding history of flooding a downstream home so the applicant shall ensure that runoff is mitigated to the maximum extent practicable."*

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.

Regarding the conceptual layout of the drainage system, the DPW Director notes that the concept plans show two new catch basins that will tie into the drainage system in the street. These existing structures must be inspected to determine if the structure can accept a new connection. Further, no bends will be allowed, so the layout of the storm drainage system must be refined with a later submittal.

Snow storage areas are shown on the revised conceptual plan as requested by the DPW Director.

- 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:

All appropriate methods of limiting erosion and sedimentation during and after construction will be utilized. A more detailed description will be provided in a subsequent application package.

Staff Comments:

The applicant must submit a site-specific Erosion and Sedimentation Control (ESC) Plan as part of future submissions. 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.

- 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 must submit elevations and renderings for the proposed single-family structures for review per this standard and the CBDC standards.

- 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:

The applicant must submit a landscaping plan that meets the requirements of the CBDC. The Tree Advisory Committee recommends that the applicant provide a tree protection plan to ensure that the existing mature vegetation will be protected during construction.

- 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](#).¹ 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 image capture below:



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.

- 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.

¹ [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)

- 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 thoroughfare Alley is the narrowest appropriate access to the site that meets the ordinance, while 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. See conceptual storm water management on plans for discussion. A more detailed storm water management plan designed by a civil engineer will be submitted in a subsequent application package after Conceptual Review.

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 consideration during the July 20th meeting. It is recommended that the Planning Board find that the outbuilding is NOT a Building of Value and allow 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 so the proposed new structures will need to be reviewed by the Historic Preservation Committee for consistency with the historic district standards per Chapter 701, Article X.

- 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. More detail will be provided as part of a subsequent package after Conceptual Review.

Staff Comments:

A concept utility plan has been submitted and will 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:

As discussed under Water, Sewers, Stormwater Management, Fire Safety, Buffers, and Lighting, the applicant must provide additional details for review.

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:

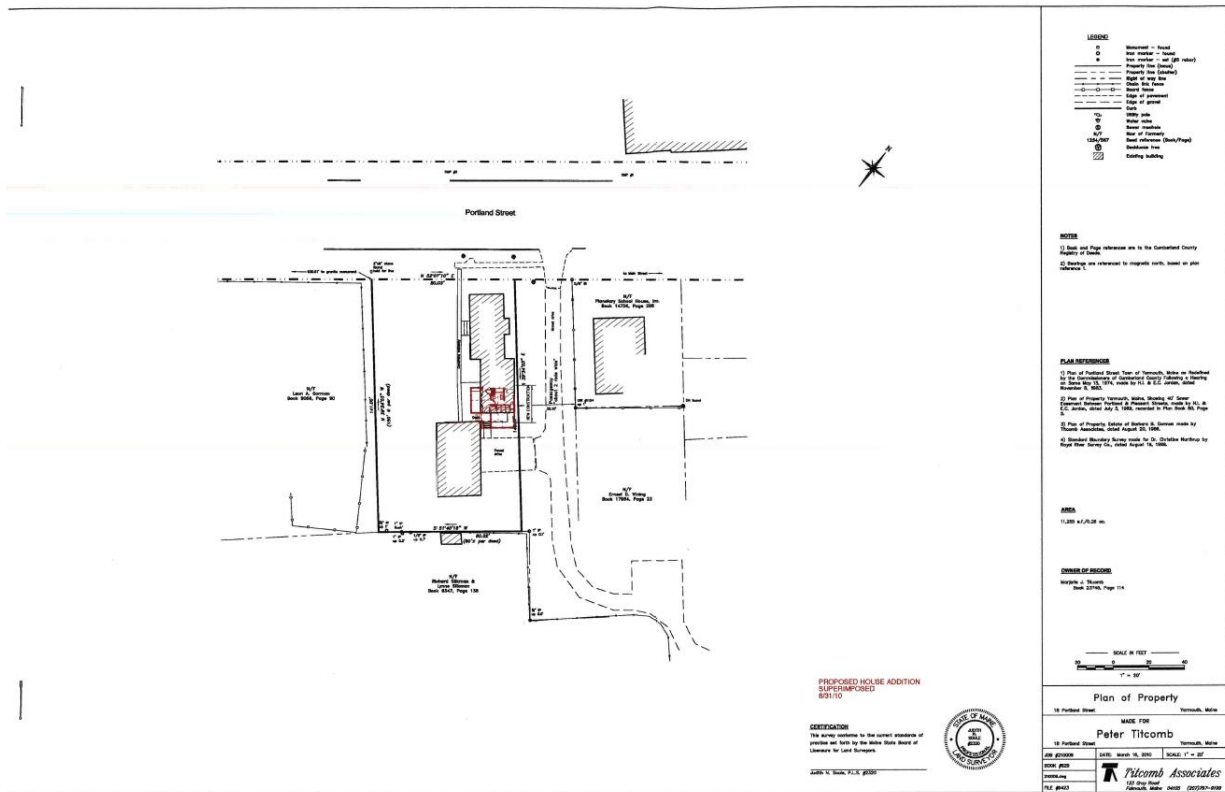
Charles L. Hewitt & Katharine Carey (referred to as Owner) owned three contiguous properties (Tax Map 32-7, 32-11, & 32-8) which were combined as the 90 Main Street Condominium Association. The Owner sold Units #1 and #2 (The Mixed Use Building) and retained rights to the remaining Units #3 and #4. The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

Staff Comments:

Previously, at the advice of Town Counsel, the Planning staff has requested additional information that has not yet been provided:

1. Authorization from the Titcomb family (which has some rights relative to the right of way out to Portland Street) regarding the application submittal.
2. The passage to the Titcomb property is described as a right of way in some deeds, but as a two-rod passageway in other deeds. The survey provided in the application materials shows that it is a two-rod passage, but additional information is needed to clarify who owns the underlying fee (Titcombs or the applicant).
3. In the property files in Town Hall, we have a survey of the Titcomb property that supports the property line location that the applicant is relying on for the application. A request was made to the applicant to determine if there is a supporting survey for the Leahy property that shows the southern corner as part of the applicant's property.

At the initial concept meeting, the Planning Board questioned the applicant on their right, title, and interest, and whether the Town could require a peer review of the survey. The applicants have not provided any additional information to support their right, title, and interest, although the Planning Board expressed concern about this topic. Town Counsel advised that a peer review of the survey could be a possibility in the future, although would be better timed with a request for action. Town staff recommend that the Planning Board request additional details from the applicant and their attorney.



Titcomb Survey illustrating property line adjacent to the home

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:

- 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.
- 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.
- 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.
- 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, no comments from the Yarmouth Water District superintendent have been received. 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.

- 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 will be required to provide an Erosion and Sedimentation Control Plan for any initial work in order to prepare the site for construction. The plan shall meet all requirements of Chapter 500 Stormwater requirements and MDEP Erosion and Sedimentation Control (ESC) measures. During construction erosion and sedimentation control Best Management Practices (BMPs) shall be installed prior to construction activities and shall be maintained by the contractor until permanent stabilization.

- 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 did not submit a traffic analysis to support that there would be no significant impact from the proposed development. The Town Engineer, Police Chief Gallant, and DPW Director all recommend that a traffic analysis be completed due to the sight distances on Portland Street and should be provided with future submittals. The Town Engineer writes, *"As required by Chapter 702, Site Plan Ordinance, Article I, Section H. Review Criteria, the applicant shall submit a traffic analysis report performed by a professional traffic engineer licensed in the State of Maine. The analysis shall review the existing and proposed conditions based on the latest ITE standards. Additionally,*

given the proposed new private road, the applicant shall review sight distances for the proposed exit onto Portland Street."

A large street tree and on-street parking on Portland Street make the sight distances especially difficult. The applicant indicates that the Portland Street driveway will function similarly as it does now, but the private road must still be designated as a Thoroughfare in order for the lots to gain frontage. The applicant indicates that the existing portion of the driveway will be unchanged from the current location, and as such the site distances and conditions have not changed. Town Staff still will require a traffic analysis with a focus on site distances.



Site Distance Photos taken by the DPW Director

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 concept plans indicate a tie into the existing sewer system in Main Street, and the Town Engineer would be happy to consult with the civil/site consultant. 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.

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 consideration during the July 20th meeting. It is recommended that the Planning Board find that the outbuilding is NOT a Building of Value and allow 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 so the proposed new structures will need to be reviewed by the Historic Preservation Committee for consistency with the historic district standards per Chapter 701, Article X.

- 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:

Previously, at the advice of Town Counsel, the Planning staff has requested additional information that has not yet been provided:

- At the initial concept meeting, the Planning Board questioned the applicant on their right, title, and interest, and whether the Town could require a peer review of the survey. The applicants have not provided any additional information to support their right, title, and interest, although the Planning Board expressed concern about this topic. Town Counsel advised that a peer review of the survey could be a possibility in the future, although would be better timed with a request for action. Town staff recommend that the Planning Board request additional details from the applicant and their attorney.



- Staff Comments:
This standard is not applicable.

- 32

Staff Comments:

It is not anticipated that the proposed project will adversely affect the quality or quantity of groundwater, but additional details are required to fully 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 shall submit a formal stormwater analysis for the project. As you know, the Town has a long-standing requirement to encourage development and redevelopment to include Low Impact Development (LID) BMPs in the stormwater management of Yarmouth sites. I recommend that the design incorporate LID BMPs to the drainage design. I would be happy to assist the applicant in the development of appropriate LID approach for this site. I would also point out that the applicant shall provide detention BMPs to mitigate impact to the downstream sub-watershed. This area has a longstanding history of flooding a downstream home so the applicant shall ensure that runoff is mitigated to the maximum extent practicable."*

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.

Regarding the conceptual layout of the drainage system, the DPW Director notes that the concept plans show two new catch basins that will tie into the drainage system in the street. These existing structures must be inspected to

determine if the structure can accept a new connection. Further, no bends will be allowed, so the layout of the storm drainage system must be refined with a later submittal.

Snow storage areas are shown on the revised conceptual plan as requested by the DPW Director.

- 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. Motions – Development Plan, Building and Lot Plan, Major Site Plan, and Major Subdivision

At this stage, a motion is not recommended for the Planning Board. Ultimately, the proposed motion may be more detailed than what is outlined below to account for any waivers.

Note that the Planning Staff have prepared a separate report regarding the request to demolish the Outbuilding Garage/Shed located to the rear of the existing mixed-use building at 90 Main Street.

A. DEVELOPMENT PLAN AND SUBDIVISION

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:

2. 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 6/23/2022
2. Erik Street, Public Works Director – Memo 6/30/2022
3. Fire Chief Robitaille – Memo 5/29/2022
4. Fire Chief Robitaille – Email 6/21/2022
5. Rebecca Rundquist, Tree Advisory Committee – Memo 6/30/2022
6. Edward Ashley, Historic Preservation Committee – Memo 5/15/2022
7. Public Comment – Edward Ashley, 5/17/2022 (previously emailed to applicants on 5/17/22)
8. Public Comment – Horace Horton on behalf of owners of 18 Portland Street, 7/11/2022
9. Excerpt from 2010 Comprehensive Plan
10. Yarmouth Bike and Pedestrian Committee - Email 7/13/2022

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: June 23, 2022
Re: Second Conceptual 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 June 15, 2022. I have updated my memorandum to you dated April 25, 2022, to reflect the latest concept submission.

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. 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 information regarding right, title, and interest in the property to perform the project and this issue is still under review.
3. Solid Waste: As noted in the prior submission, 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.
5. Traffic\Parking: As required by Chapter 702, Site Plan Ordinance, Article I, Section H. Review Criteria, the applicant shall submit a traffic analysis report performed by a professional traffic engineer licensed in the State of Maine. The analysis shall review the existing and proposed conditions based on the latest ITE standards. Additionally, given the proposed new private road, the applicant shall provide sight distances for the proposed exit onto Portland Street per Town standards.

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 shall connect the proposed new residential structures to the Town sewer per Town standards. I would be happy to meet with the applicant's site/civil consultant to discuss the requirements for connection.
 - A. There is adequate capacity in the Town sewer system to accept sewage flow from the project.
 - B. A sewer connection permit application and fee for each building will be required before the issuance of the building permit.
 - C. It should be noted that during construction of all sewer infrastructure, all work must be inspected by Town staff prior to backfilling and all sewer work shall be constructed per Yarmouth Town Standards. A note to this effect shall be placed on the Utility drawings.
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 shall submit a formal stormwater analysis for the project. As you know, the Town has a long-standing requirement to encourage development and redevelopment to include Low Impact Development (LID) BMPs in the stormwater management of Yarmouth sites. I recommend that the design incorporate LID BMPs to the drainage design. I would be happy to assist the applicant in the development of appropriate LID approach for this site. I would also point out that the applicant shall provide detention BMPs to mitigate impact to the downstream sub-watershed. This area has a history of flooding a downstream home so the applicant shall ensure that runoff is mitigated to the maximum extent practicable.
 - B. The applicant shall also provide a site-specific Stormwater Management Operations and Maintenance Manual (O&M Manual) for the site BMPs as part of future submissions. The O&M activities shall be included in the responsibilities of the HOA.

9. Erosion and Sediment Control: The applicant shall submit a site-specific Erosion and Sedimentation Control (ESC) Plan as part of future submissions. 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 shall submit a soils report as part of future submissions.
11. Site Plan/Ordinance Requirements:
 - A. The applicant has provided at least one (1) bike rack on the Main Street side of the project, and I assume, for public use.
 - B. Buffering: The applicant has provided a landscape and buffering plan as part of this submission.
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 should 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: None at this time.

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.

Town of Yarmouth ME

Director of Public Works

MEMORANDUM

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

From: Erik S. Street, Director of Public Works



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

/Date: 4/29/22. **6/30-22 Second Review**

Re: 90 Portland Street – Major Site Plan / Subdivision / Demo Delay

Erin,

After reviewing the proposed project, I have the following comments.

1. **General – Applicant is proposing to demolish an used shed / barn and construct two new residential structures served by a 20' private road off of Portland Street.**
2. Solid Waste – The two new 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. If on-site collection is provided, I strongly encourage recycling to be part of that collection service. **No Further Comment**
3. Traffic / Parking – **Plan indicates that a 20' private road will be constructed to serve the new structures.** It should be noted on the plan where snow will be stored I the winter so that the 14' wide access is maintained throughout the winter season. **Snow storage areas have been identified.**

A traffic analysis is required by a professional traffic engineer. Sight distance at Portland Street, looking towards RT 1, will need to be addressed. Large Tree and on street parking make it a challenge to see. (Photos attached) **Traffic Analysis still applies. Existing curb opening on Portland Street is only 19' -will need to be widened to accommodate the new 20' wide road and radius. Sidewalk portion across driveway will need to meet ADA standards**

4. Drainage / Stormwater Management – Stormwater Analysis is required. **Still Applies.** Plan shows one CB – Where will this go and connect to? Stormwater O&M Plan should be required and list HOA responsibilities. Shall also explain how the road and driveways

are to be plowed and how snow will be stored. **Applicant shows 2 new CB that will tie into the drainage in the street. Existing structures will need to be inspected to see if they can accept new cored/booted connections. Pipes need to run straight into structure – no bends within the right of way as shown. Where will the foundation drains of the new structures go? Are there other drains to be tied in? Right of way permits and inspections will apply.**

5. Off-site Improvements – No Off-site improvements have been proposed. I do support the engineers' comments regarding the Main Street sidewalk frontage. **Still Applies.**

I am happy to review further plans, specifications and documents when presented.

If you have any question, 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

On May 29, 2022, I reviewed the application 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.
- 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.

Sincerely,

Michael Robitaille

Michael Robitaille
Fire Chief

From: [Mike Robitaille](#)
To: [Wendy Simmons](#)
Subject: RE: Request for Comment - Railroad Square, Hancock Lumber, 90 Main St. - Deadline 6/30
Date: Tuesday, June 21, 2022 1:42:04 PM

Wendy,

I have no further comments then what has been previously written

*Michael S. Robitaille
Chief of Department
Yarmouth Fire Rescue*

From: Wendy Simmons <WSimmons@yarmouth.me.us>
Sent: Thursday, June 16, 2022 3:26 PM
To: Andrew Dolloff <andrew_dolloff@yarmouthschools.org>; Dan Gallant <DGallant@Yarmouth.me.us>; Eric Gagnon <egagnon@yarmouthwaterdistrict.org>; Erik Donohoe <edonohoe@yarmouth.me.us>; Karyn MacNeill <kmacneill@yarmouth.me.us>; Lisa Small <small.elizabeth@gmail.com>; Mike Robitaille <MRobitaille@Yarmouth.me.us>; Mike Tremblay <mtrem225@gmail.com>; Nat Tupper <ntupper@Yarmouth.me.us>; Ron Dupuis <fish_doc12@comcast.net>; Scott LaFlamme <slaflamme@yarmouth.me.us>
Subject: Request for Comment - Railroad Square, Hancock Lumber, 90 Main St. - Deadline 6/30

For your review:

https://yarmouth.me.us/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=7148CB15-DAF8-45B1-AE05-A1DE8BCE6E5D&Type=B_BASIC

Thanks. 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

Yarmouth Tree Advisory Committee

TO: Planning Board Members
Erin Zwirko, Planning Director

DATE: June 30, 2022

FROM: Rebecca Rundquist, Chair
Michael Brandimarte, Scott Couture, Clyde Hodgkin, Susan Prescott, Lisa Small

RE: 90 Main Street Concept 2 Site Plan

The Yarmouth Tree Advisory Committee has reviewed the 90 Main Street Concept 2 Site Plan for your meeting on 7-20-22 and has the following comments.

1. The Committee is pleased that the revised Site Plan allows for the preservation of more existing trees. Vigorous measures should be taken to protect all trees shown, including those indicated "where feasible." To that end, the Planning Board should require the applicant to provide a detailed Tree Protection Plan to safeguard the trees during construction. In addition to the trees on the 90 Main St site, the large trees along the driveway off of Portland Street, which is to be considerably enlarged, should be protected. We are particularly concerned about the large Elm, which we consider a heritage tree.

Dear Madam Chair and Planning Board Members:

This is a brief note on review jurisdiction of the Historic Preservation Commission as it relates to the pending application re the above application. On May 11, the Planning Board took up conceptual review of the 90 Main St application, with the benefit of a Planning Dept. report dated May 4, 2022. On page 3 of that report, under *II. Project Review Process and Timeline*, there is a bullet point listing of ordinances involved. The Historic Preservation Committee has been notified of the Ch.701 Art.IX Demo Delay aspect as to the proposed demolition of a shed, which is listed. However, there is no mention there of Ch. 701, Art.X.4.5, dealing with standards for new construction within a historic district which is visible from the street, although it is acknowledged in the Report at page 32 under Section 8 of the Subdivision Review Standards.

This new construction as proposed will be visible from both Main St and Portland St. and the entire property is within the Lower Village Historic District. This means that the standards and guidance offered by Ch. 701, Art.X.1.2 and Appendix A4.3 should be applicable as to the new construction, and the Historic Preservation Committee should be involved in that review.

This is not pre-empted by Ch.703, since the provisions of Ch.703.Art.1.C.3 (Applicability) do not exclude it, and they are not in conflict with the provisions of Ch.703, but rather serve to refine and inform the design and other guidance elements of the new construction, in coordination with Ch.703.5.M Architectural Standards. Art X, A4.3 is in accord with the stated goals of Ch.703, as set forth in the Preface thereto, Section A.

My only point in going into this in detail is that this ordinance is new, the Historic Preservation Committee is new, and I want it to be in your consciousness. Thank you for your attention.

Edward Ashley
20 Spartina Point
Yarmouth, Maine 04096

Dear Madam. Chair and Planning Board Members:

I am attaching four different markups on partial copies of Applicant's Conceptual Site plan drawing. These are intended to illustrate some ideas for a different treatment of the site. Sketches 1-A and 1-B are for a single house treatment, which I greatly prefer. Sketches 2-A and 2-B are for two different two house treatments. In all cases, the important element is to abandon the idea of a new Thoroughfare, and let the back lot share a driveway with the Titcombs from Portland Street, and the two condo units in the existing building at 90. Main use the driveway from Main Street. There would be no through traffic between Main Street and Portland Street. I think this greatly simplifies the project as a whole, uses less land for roadway, and makes for a better development overall, with much less impact on the Titcombs.

For the one house options, I made no attempt to deal with the parking for 90 Main, or exactly where the lines should be between 90 Main and the back lot. The first is Sketch 1-A. I did not stick with applicants' 30' x 36' house, but envisioned a classic Arts and Crafts era bungalow, 30' wide and 50' deep, which could include a full width deep (10' -12') front porch with battered columns in the traditional bungalow style. The front of the house could have a wide shed roof dormer on the 2nd floor, and the rear roof line would be longer than the front, sloping down to the rear. Overall square footage might wind up being close to Applicants' approximate 2,000 sq. ft., or could be more. The driveway surface could be kept simple, much as it is now. Valuable trees would be protected, and new ones planted. There could be appropriate shrubs planted as a screen to the 90 Main parking and rear. With room for creative landscaping, I think this could be an idyllic residential result, secure in a very private, peaceful and beautiful setting.

Sketch 1-B is a variant of the one house option, where the bungalow looks down the driveway to Portland Street, and the parking is a straight shot from the driveway. This gives a nod to the CBDC, by fronting on Portland Street, albeit set back a good ways. This has the considerable added benefit of a turnaround shared with the Titcombs, taking advantage of the Titcombs entrance without using up additional space. This would obviously require the consent of the Titcombs, but it could be useful to them as well. This also shortens the overall driveway length, using less space which could then be devoted to landscaping /green space. This sketch shows existing trees to be retained, but I did not add suggested additional landscaping, for which there is great potential. I think this is the best treatment.

Recognizing that some might prefer two houses, both "two House" sketches retain the dimensions, overall square footage, entrances and patios as proposed by Applicants. . On Sketch 2-A, I reoriented the buildings, applied the proper setbacks (15') where necessary, preserved existing trees where I thought it feasible, and proposed new trees. The two houses are at right angles to each other, so there is no aspect of looking in the windows of the neighbor.. In

this case, I did address the 90 Main parking. (It is not clear to me if the unit of 90 Main which used to be Gingham is intended to have any parking rights, and I would welcome clarification). I do not see the need for a dumpster, and I do not see snow storage as being a realistic prospect, because of lack of space and stormwater and snowmelt runoff considerations. I made no provision, and I believe that snow removal will be need to be contracted for. This is the first sketch I did, and I went further on suggesting plantings etc than on the other sketches.

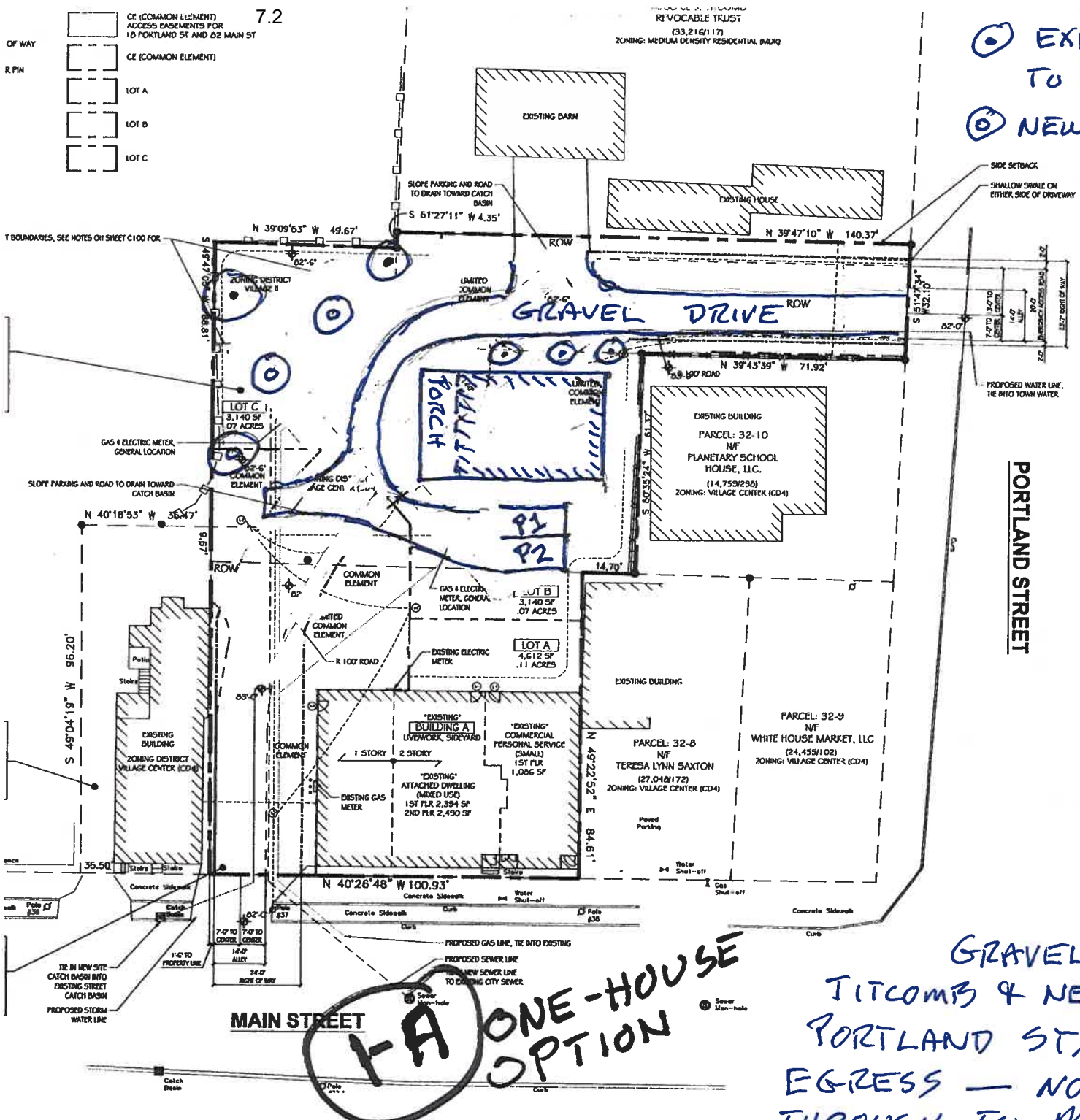
For Sketch 2-B, I took a tweak from 1-B, and relocated the parking for each house, making a shorter and simpler driveway, and doing away with the hammerhead turnaround shown on 2-A. That would mean losing a couple more of the existing maple trees lining the driveway at present. Balancing the competing factors of development and retention (or replacement) of extensive tree canopy presents a real challenge here, and some creative landscaping would be called for.

The buildings as proposed by Applicants do not strike me as being "cottage" sized, and they could be smaller, which would result in less crowding. That would not necessarily make them affordable, but affordability has not been mentioned as a goal of this project. It could make for a more aesthetically pleasing development, one more in keeping with the scale of the neighborhood.

Overall, the key factor is getting rid of the cut-through Thoroughfare,, with its excessive consumption of scarce real estate for roadway, and the CBDC requirements and siting constraints (or waivers thereof) that follow from having a Thoroughfare. The introduction of the Thoroughfare seems to have followed from a perceived need for one way traffic, which follows from the perceived lack of space for turnarounds (as well as their perceived inconvenience), which follows from what some may perceive as the over-development and over-burdening of what is a very small site. It may be possible to shoe-horn in all of the desired elements, but not easily, not comfortably, and not for the best result. Too much is being asked of this site. I strongly recommend two driveways and one house. This may yield less income to the Applicants, but perhaps not all that much less, given that a more desirable single home could be built in a more attractive setting. It would be better for the neighbors, particularly the Titcombs, better for the neighborhood, as being more in keeping with the scale and mass of existing development in the neighborhood, and better for the Town.

Thank you for your attention,

Edward Ashley
20 Spartina Point
Yarmouth, ME 04096



⊙ EXISTING TREES TO BE PROTECTED

⊙ NEW TREES TO BE PLANTED

THOROUGHFARE

1. Thoroughfare Type:	ALLEY
2. Zoning Regs:	Regulated or Allowed
Right of Way	24 ft min
Pavement	12-16 ft
Movement	Yield Movement
Traffic Lanes	rd
Traffic Lane Width	rd
Shoulder Type	Shared use
Shoulder Lanes	none
Shoulder Lane Width	rd
Planter Type	none
Planter Width	rd
Landscape Type	none
Species	rd
Walkway Type	Shared Use
Walkway Width	rd
Curb Radius	Typical
Curb Type	Inverted Crown
Lighting	none required

1 HOUSE ON BACK LOT, BUNGALOW, 30' WIDE, 50' LONG OVERALL, INCLUDING 10' DEEP FULL WIDTH PORCH, FACING SOUTHEAST

GRAVEL DRIVE TO SERVE TITCOMB & NEW HOUSE ONLY, USE PORTLAND ST. FOR INGRESS/EGRESS — NO CONNECTION THROUGH TO MAIN ST.

PROPOSED BUILDING

CE (COMMON ELEMENT)
ACCESS EASEMENTS FOR
18 PORTLAND ST AND 82 MAIN ST

CE (COMMON ELEMENT)

LOT A

LOT B

LOT C

FARCELL: 32-12
 N^o
 MAJORIE J. TITCOMB
 REVOCABLE TRUST
 (33,216/117)
 ZONING: MEDIUM DENSITY RESIDENTIAL (MDR)

THOROUGHFARE

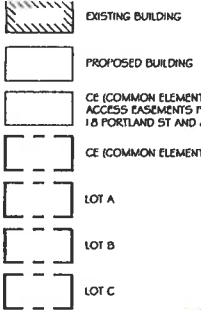
1-B ONE HOUSE

Re-oriented
Bengaluru

Turnaround
shared w/ Tilcombs

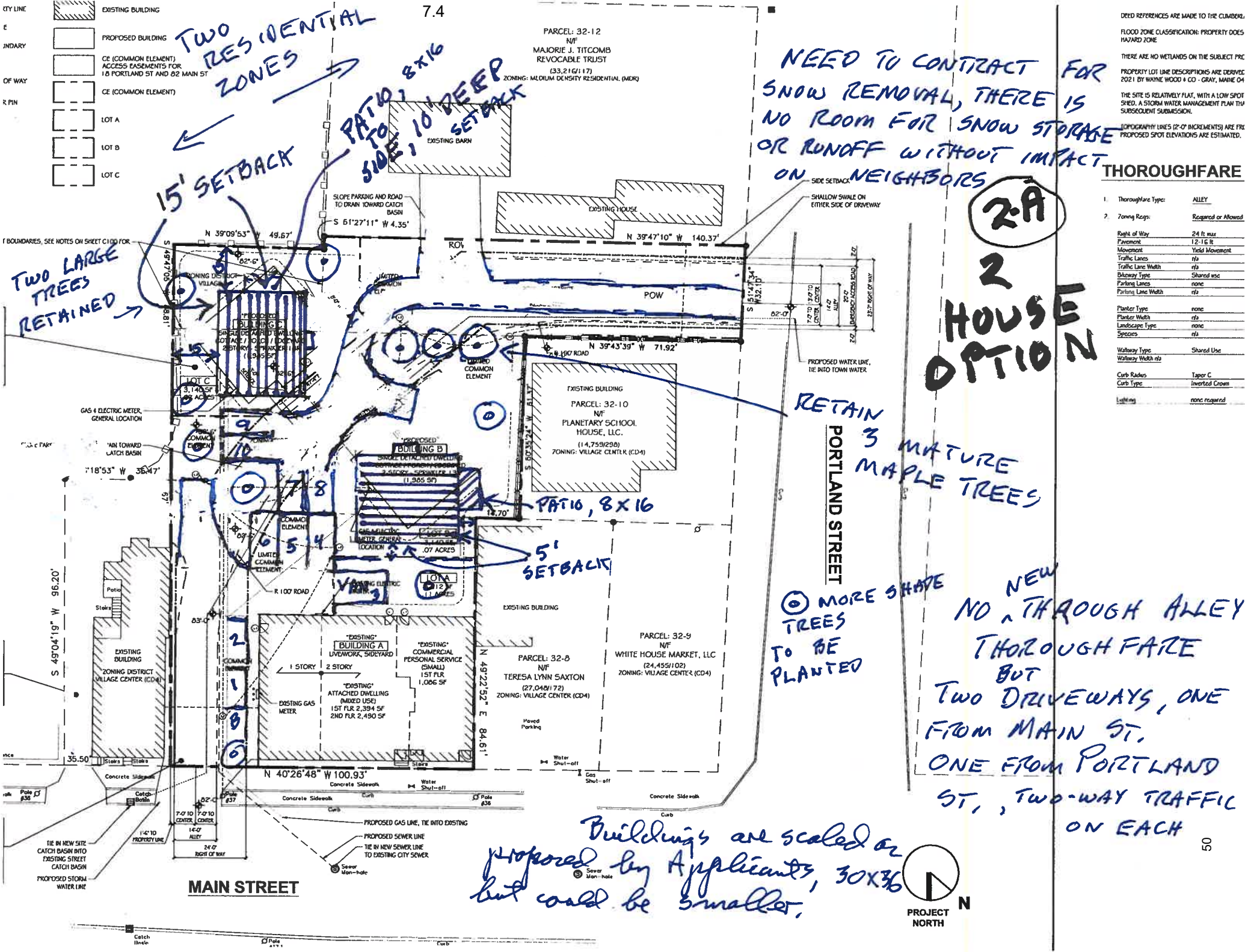


CITY LINE
JNDARY
OF WAY
R PIN



TWO RESIDENTIAL ZONES

TWO LARGE TREES RETAINED



DEED REFERENCES ARE MADE TO THE CUMBER.
FLOOD ZONE CLASSIFICATION: PROPERTY DOES NOT
HAZARD ZONE
THERE ARE NO WETLANDS ON THE SUBJECT PRC
PROPERTY LOT LINE DESCRIPTIONS ARE DERIVED
2021 BY WAYNE WOOD & CO., GRAY, MAINE 04
THE SITE IS RELATIVELY FLAT, WITH A LOW SPOT
SHED. A STORM WATER MANAGEMENT PLAN TH
SUBSEQUENT SUBMISSION.
TOPOGRAPHY LINES (2'-0" INCREMENTS) ARE FOR
PROPOSED SPOT ELEVATIONS ARE ESTIMATED.

THOROUGHFARE

1. Thoroughfare Type:	ALLEY
2. Zoning Regs:	Required or Allowed
Right of Way	24 ft max
Pavement	12-16 ft
Movement	Yield Movement
Traffic Lanes	n/a
Blowway Type	Shared use
Parking Lanes	none
Parking Lane Width	n/a
Planter Type	none
Planter Width	n/a
Landscape Type	none
Species	n/a
Walkway Type	Shared Use
Walkway Width	n/a
Curb Radius	Taper C
Curb Type	Inverted Crown
Lighting	none required

2A
2
HOUSE
OPTION

⑥ MORE SHADE
TREES
TO BE
PLANTED

NEW
NO THROUGH ALLEY
THOROUGHFARE
BUT
TWO DRIVEWAYS, ONE
FROM MAIN ST.
ONE FROM PORTLAND
ST., TWO-WAY TRAFFIC
ON EACH

Buildings are scaled as
proposed by Applicants, 30x36
but could be smaller.



Horace W. Horton
Andrew W. Sparks
Paul E. Peck
Roger P. Asch
Scott E. Herrick
Christopher E. Pazar
Nathaniel R. Huckel-Bauer
Danelle R. Milone
Misha C. Pride
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July 11, 2022

Department of Planning & Development
Erin Zwirko, Planning Director
200 Main Street
Yarmouth, ME 04096

RE: 90 Main Street, Yarmouth, Maine - Charlie Hewitt/Kate Carey

Ladies & Gentlemen:

This firm represents Marjorie J. and Peter A. Titcomb and the Marjorie J. Titcomb Revocable Trust of 18 Portland Street, Yarmouth in opposition to the proposal by Charles L. Hewitt and Katharine Carey entitled "90 Main Street Project, Yarmouth, Maine."

We have received the creative materials filed by Platz Associates, but need to review other deeds and materials submitted on behalf of the applicants. We have visited the site and were able to quickly conclude that this project is simply too much, in fact, overwhelming for this lovely part of Portland Street.

The proposal is not reasonable in such a congested area. More congestion is not what is contemplated in our zoning ordinance.

This project proposes to fill a lot of the current green space with buildings and pavement and has the potential of harming the existing trees and shrubs. Creating this project as proposed removes space for clearing and storing snow from the right of way and new driveways. Rather than create more problems for the current residents/uses, the removal of Building C and accessing Building B from Main Street would eliminate the unauthorized alteration of the current easement and its historic use. Additionally, this design could allow sufficient open space for clearing snow for both driveways from Portland and Main Street. Moreover the Main Street access, as proposed, is already wide enough to meet Fire Department regulations.

Expanding the right of way from Portland Street is another difficult intrusion on the abutting neighbors. The historic purpose of the driveway was to allow access to the neighbors' barn, not to create a wider street (from ten to twenty feet) which will come within a few feet of

DRUMMOND & DRUMMOND, LLP

Department of Planning & Development

Erin Zwirko, Planning Director

July 11, 2022

Page Two

our clients' residence. Such as an expansion of the right of way for the proposed use greatly expands the scope, size and use of the historic right of way which is not allowed.

This is indeed a compact neighborhood where several zones converge. Admittedly, it is not easy to sort out how the addition of any buildings should be allowed while attempting to preserve and protect historic and individual property rights. More study and answers need to be found for these neighborhood issues; perhaps Building B might be allowed with proper conditions and restrictions within the village center zoning district (CD4) while not severely negatively impacting the adjacent village II and medium density residential districts. However, the proposed plan is simply too burdensome for this area of Yarmouth Village.

Very truly yours,

Horace W. Horton

HWH/kep

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



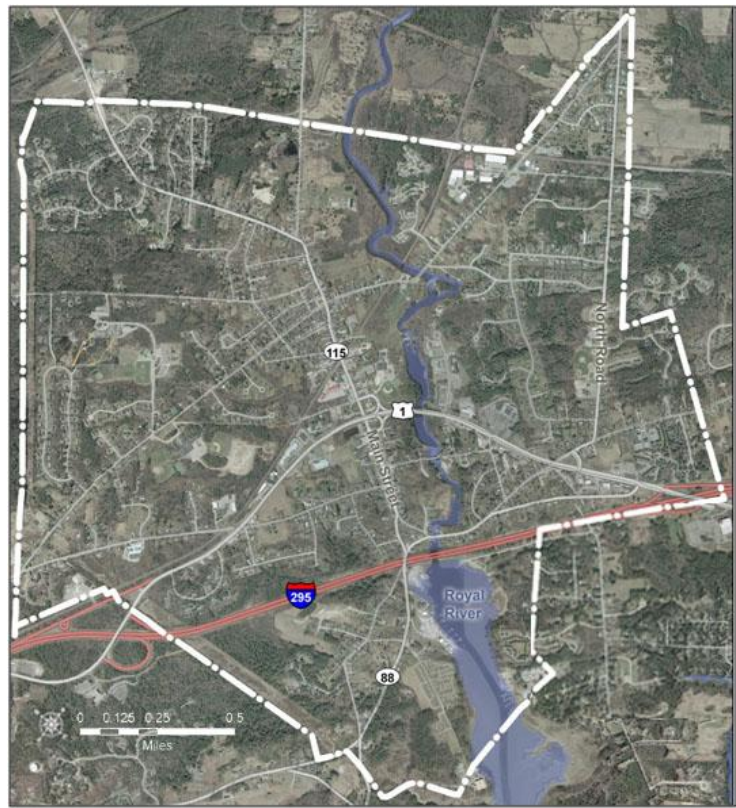
areas developed before 1970 where the lots are small and people can easily walk around. And for some people, the Village includes most of the town except for the coast and the islands.

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.

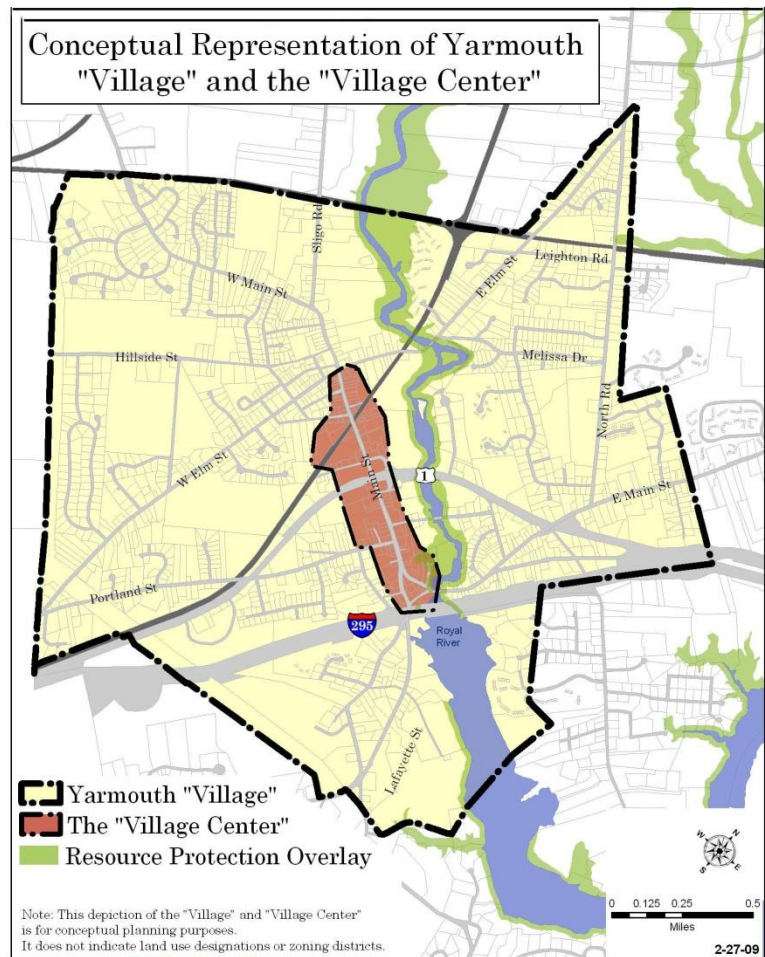
Main Street or the Village Center will be a vibrant, pedestrian friendly, mixed-use street where people can live, work, shop, and take care of their other daily needs. A balance between residential and nonresidential activities in the Village Center will be maintained. Historic properties will be well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

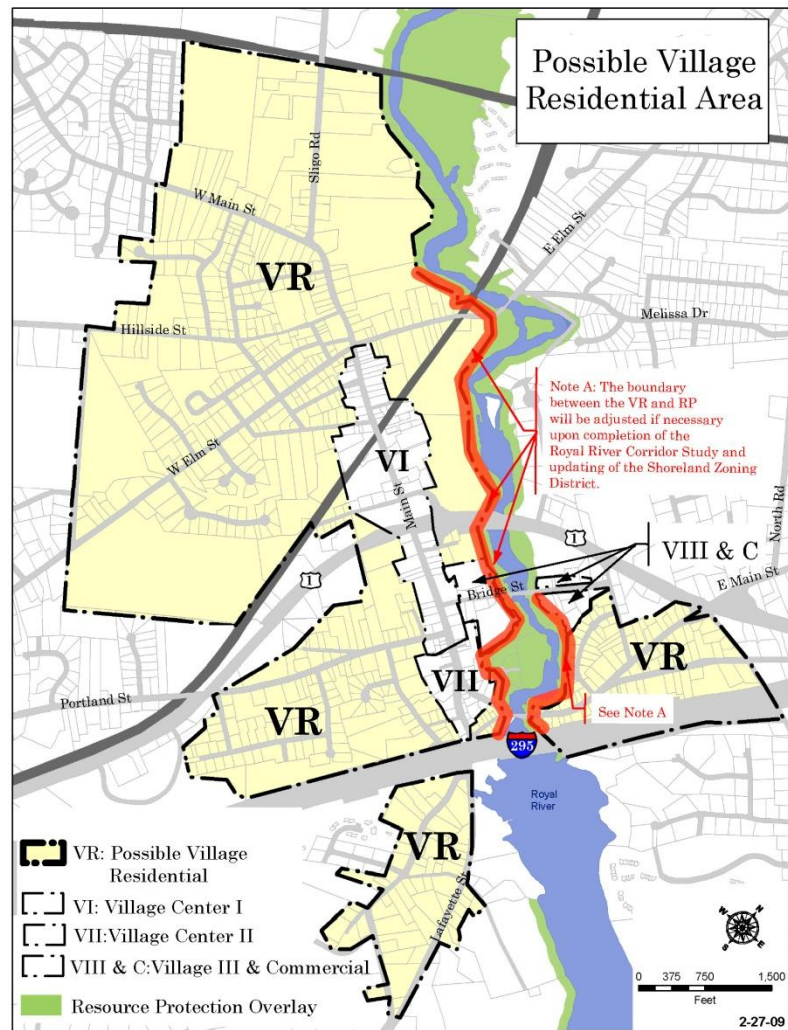
Strategy C.4.1– Create a new Village Residential (VR) zone out of part of the current Medium Density Residential District. The new VR District should include the older built-up areas of the Village. Figure 1-5 on the following page shows the possible boundaries of the proposed VR area. The final location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

Erin Zwirko

From: Mike Tremblay <mtrem225@gmail.com>
Sent: Wednesday, July 13, 2022 3:02 PM
To: Wendy Simmons
Cc: Erin Zwirko; Juliana Dubovsky; Colin Durrant; dostrye@gmail.com; matherben@yahoo.com; Todd Patstone; Tina West; nancykleahy@gmail.com
Subject: Re: Request for Comment - Railroad Square, Hancock Lumber, 90 Main St. - Deadline 6/30

Wendy,

Here are the comments from the YBPC:

On Hancock Lumber:

1. YBPC strongly supports and appreciates the removal of the northerly driveway. Improved access management and removal of conflict points will improve safety and comfort for all road users on Main Street.
2. The remaining driveway should ramp up to sidewalk level (i.e. the sidewalk should remain at a continuous level through the driveway rather than forcing ramps down to street level), if possible. If it is not possible to achieve a fully continuous sidewalk, a "meet in the middle" solution should be possible, where the sidewalk drops 2-4 inches rather than 6-7 inches.
3. The driveway is designed to have 3 lanes, two exiting and one entering. Aside from the width required to turn into and out of the site (which may affect lane width but should not affect the number of lanes required), it is unclear why three lanes is necessary. If two vehicles are exiting the site at the same time, it seems likely that a vehicle in the left lane would block the sightline of a vehicle in the right lane. Do exiting volumes warrant two exit lanes? If not, YBPC recommends that the driveway be narrowed, with one exit lane, to the minimum width required to support vehicles turning into and out of the site.
4. Verify that the landscaping will not obstruct sightlines of exiting vehicles from the stop bar. Vehicles should not be forced into stopping ahead of the stop bar (i.e. in the sidewalk) in order to safely look for gaps in traffic.
5. YBPC appreciates that this project appears to reduce the impervious area of the current site.

On 90 Main Street:

1. It does not appear that this development has considered the site's driveways in the design. Driveways are the most critical aspect of a site's interaction with the public street. As there are no design details for the driveway at all, this typically assumes that the driveway would slope at a steady grade between the edge of road and the site ([as it is today](#)), almost certainly in violation of ADA. This outcome would be unacceptable. Driveways for a site like this one should prioritize people walking along the sidewalk. Vehicles should ramp up to sidewalk level, rather than forcing pedestrians to ramp down to street level. In any case, the sidewalk must remain ADA-compliant through the driveway. YBPC urges that this project not be approved without detailed designs for the driveways that are ADA-compliant and appropriately prioritize pedestrians. A driveway apron should be buildable between the gutterline and the second curbline.
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 curbline. 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. It does not appear that any bicycle parking is proposed on-site. It is likely that any bicycle parking required by residents would instead use bike parking in the Town ROW nearby, either at public racks or sign posts. YBPC strongly recommends that the site have dedicated bicycle parking for residents, as well as some public bicycle spaces (within the site or along the sidewalk) for public use for visitors and business patrons.

On Railroad Square (previously submitted in May, but newest submittal does not appear to address these comments):

1. There are several elements of the site entrance that raise concern, including the closely-spaced crosswalks, the corner radii, and a sidewalk pinch point caused by the corner radii. YBPC understands that the site entrance design is being incorporated in the intersection design, so we will not focus comments on the site driveway at this time. That said, full comments were provided on the site driveway in May.
2. It is not clear on the site plan what areas are proposed to be sidewalk/hardscape vs. landscaping. All sidewalks should be called out, with proposed widths, and materials. The landscape plan has some of this information, but not all.

Thank you,
Mike Tremblay
Vice Chair, Yarmouth Bike Ped Advisory Committee

On Thu, Jun 16, 2022 at 3:25 PM Wendy Simmons <WSimmons@yarmouth.me.us> wrote:

For your review:

https://yarmouth.me.us/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=7148CB15-DAF8-45B1-AE05-A1DE8BCE6E5D&Type=B_BASIC

Thanks. Wendy

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

Administrative Assistant

Planning, Code Enforcement and Economic Development

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