

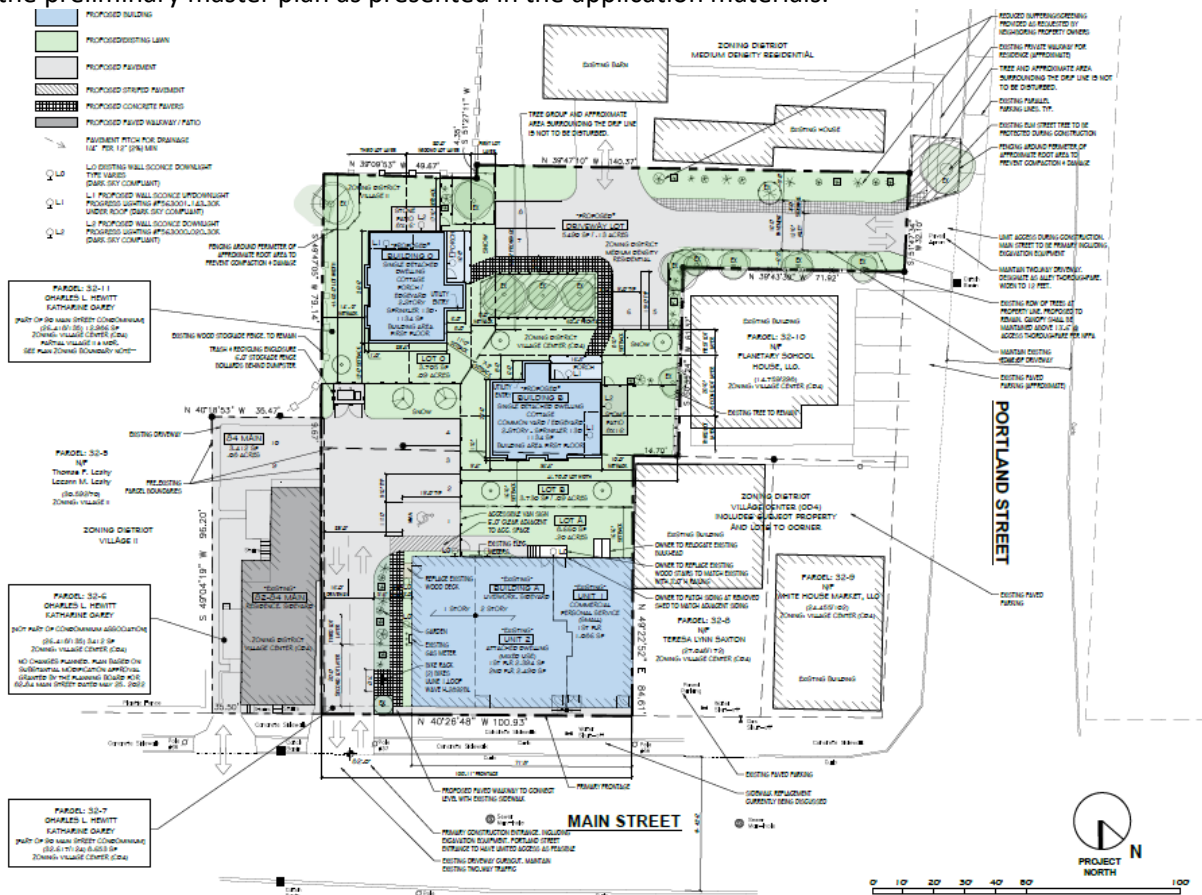


TOWN OF YARMOUTH
200 Main Street, Yarmouth, Maine 04096
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Planning Board Report
90 Main Street
Preliminary Development Plan, Building & Lot Plan, Major Site Plan, and Major Subdivision
Charles Hewitt and Katherine Carey, Applicants
Map 32 Lots 7 and 11; CD-4 Village Center Character District
Prepared by Erin Zwirko, Director of Planning and Development
Report Date: December 8, 2022; Planning Board Date: December 14, 2022

I. Project Description

Mr. Hewitt and Ms. Carey submit for review the proposal for the 90 Main Street Condominium Development. The proposed development applies to the property at 90 Main Street (Map Lot 32-7) and the contiguous rear parcel (Map Lot 32-11) providing frontage on Main Street and Portland Street totaling 0.49 acres. The proposed development is the creation of two lots for single-family homes behind the existing mixed-use building at 90 Main Street. The Planning Board held two concept meetings on May 11, 2022 and July 20, 2022, and a preliminary review on October 12, 2022. The major change since the original concept is the elimination of the one-way Thoroughfare in favor of two driveways. Below is the preliminary master plan as presented in the application materials:



Preliminary 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 preliminary in nature. The Planning Board is being asked to review the proposal pursuant to the following ordinances:

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

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

On September 26, 2022 and November 28, 2022, the Historic Preservation Committee met with the applicants and their representatives to review the project under Chapter 701, Article X, relative to new construction within the Lower Village Historic District. The advisory recommendation from the Historic Preservation Committee is referenced in this staff report. The Planning Board may also direct the applicant to consult with the Historic Preservation Committee in more detail prior to consideration of a final approval.

The Planning Board held a site visit on November 2, 2022.

III. Zoning Analysis

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

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

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

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

[illegible]

IV. Public Notice and Comment

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

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

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).

[illegible]

Preliminary 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. The applicant has provided information regarding compliance with Article 5 provisions:

- Article 5.M, Architectural Standards: Attached to the staff report
- Article 5.N, Private Lot Landscape Standards: Assessed in the submittal
- Article 5.P, Lighting Standards: Specifications have been provided and a waiver of submitting a photometric plan has been requested.

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

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

VI. Development Plan Requirements (Article 6.D)

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

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

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

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

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

2. Thoroughfare Types and Standards;

The applicant has provided an analysis of the Alley Thoroughfare standards as well as the waivers required. In addition, the applicant has provided an assessment of the Lane Thoroughfare for comparison documenting that the Lane would also require waivers. An Alley is not an exact match to the site plan, but the Lane Thoroughfare requires more waivers than the Alley.

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

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

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

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



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

No public civic spaces or civic buildings are proposed.

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

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

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

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

8. Existing and proposed Special Requirements, if any;

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

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

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

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

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

11. Public Landscaping;

A landscape plan and tree protection plan have been submitted. An analysis of Article 5.N, Private Lot Landscaping, has been provided.

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

The Development Plan illustrates the basic information for a Building and Lot Plan. Additional information regarding compliance with Article 5 has been provided.

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

A Regulating Plan Amendment is not required.

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

None is provided.

15. All Buildings of Value present on the site.

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

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

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

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

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

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

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

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

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

The applicant has provided an analysis of the Alley Thoroughfare standards as well as the waivers required. In addition, the applicant has provided an assessment of the Lane Thoroughfare for comparison documenting that the Lane would also require waivers. An Alley or Lane is not an exact match to the site plan, but the Lane Thoroughfare requires more waivers than the Alley.

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

Staff Comments: The applicant has provided an analysis of the Alley Thoroughfare standards as well as the waivers required. In addition, the applicant has provided an assessment of the Lane Thoroughfare for comparison documenting that the Lane would also require waivers. An Alley or Lane is not an exact match to the site plan, but the Lane Thoroughfare requires more waivers than the Alley.

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

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

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

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

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

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

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

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

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

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

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

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

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

Staff Comments: The applicant has provided an analysis of the Alley Thoroughfare standards as well as the waivers required. In addition, the applicant has provided an assessment of the Lane Thoroughfare for comparison documenting that the Lane would also require waivers. An Alley or Lane is not an exact match to the site plan, but the Lane Thoroughfare requires more waivers than the Alley.

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


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

The Fire Chief has also provided input on tree removal to be compliant with the NFPA regulations. The Fire Chief has requested that two trees be removed along the proposed Thoroughfare from Portland Street, the first on the northeasterly side of the Thoroughfare and a maple on the southwesterly side of the Thoroughfare. These trees are on private property and not the heritage elm street tree. The Fire Chief has also requested that regular tree trimming along the Thoroughfare occur through provisions in the Condo association documents.

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 and a waiver is requested.

Alley

CD4CD4-CSD1



THOROUGHFARE TYPE	ALLEY		PLANTER	
Right of Way	24 ft max	A	Planter Type	none
Pavement	12-16 ft	B	Planter Width	n/a
Movement	Yield Movement		Landscape Type	none
ASSEMBLIES			Species	n/a
Traffic Lanes	n/a		WALKWAY	
Traffic Lane Width	n/a		Walkway Type	Shared Use
Bikeway Type	Shared use		Walkway Width	n/a
Parking Lanes	none		CURB	
Parking Lane Width	n/a		Curb Radius	TaperC
			Curb Type	Inverted Crown
			LIGHTING	none required

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 6.E.3. Public Frontages

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

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

Staff Comments: The Public Frontages is the area between the paved width and the right of way edge. The Alley Thoroughfare is limited in the application of different amenities. While it appears that much of the mature vegetation on the site will be protected in the updated plan, the Alley Thoroughfare does not require many of the public amenities (bike facilities, public plantings, and public lighting) seen with other Thoroughfare Assemblies. The applicant has documented the waivers necessary.

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

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

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 have been submitted, as well as a tree protection plan. The applicant continues to work with the Tree Warden to select native species with input from the Tree Advisory Committee.

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

Staff Comments: Based on the preliminary plans, it appears that existing trees planted along the Portland Street driveway were identified to be preserved. However, the Fire Chief has provided input on tree removal to be compliant with the NFPA regulations. The Fire Chief has requested that two trees be removed along the proposed Thoroughfare from Portland Street, the first on the northeasterly side of the Thoroughfare and a maple on the southwesterly side of the Thoroughfare. These trees are on private property and not the heritage elm street tree. The Fire Chief has also requested that regular tree trimming along the Thoroughfare occur through provisions in the Condo association documents.

Article 6.E.4. Public Landscaping

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

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

Staff Comments: Based on the preliminary plans, it appears that existing trees planted along the Portland Street driveway were identified to be preserved. However, the Fire Chief has provided input on tree removal to be compliant with the NFPA regulations. The Fire Chief has requested that two trees be removed along the proposed Thoroughfare from Portland Street, the first on the northeasterly side of the Thoroughfare and a maple on the southwesterly side of the Thoroughfare. These trees are on private property and not the heritage elm street tree. The Fire Chief has also requested that regular tree trimming along the Thoroughfare occur through provisions in the Condo association documents.

The applicant has provided an assessment of Article 5.N identifying that no waivers are necessary.

The applicant continues to work with the Tree Warden to select native species with input from the Tree Advisory Committee.

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

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

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

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

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

VIII. Block Perimeter Standards (Article 6.F)

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

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

IX. Civic Space Standards (Article 6.G)

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

X. Open Space (Article 6.H)

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

XI. Special Requirements (Article 6.I)

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

Staff Comments: There is no new retail frontage proposed.

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

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

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

Staff Comments: As defined in Chapter 703, a Terminated Vista is *“a location at the axial conclusion of a Thoroughfare or other visual axis. A Building located at a Terminated Vista designated on a Regulating Plan is required or recommended*

to be designed in response to the axis.” It does not appear that the Regulating Plan adopted with Chapter 703 identified any Terminated Vistas within the vicinity of the project. It also does not appear that the Development Plan would create any Terminated Vistas.

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

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

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

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

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

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

XII. Character District Standards, CD4 Village Center District

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

LOT OCCUPATION		
Lot Width	18 ft min, 120 ft max	E
Lot Coverage	85% max	
Frontage Buildout	40% min, 100% max at front setback	
BUILDING FORM — PRINCIPAL BUILDING		
Building Height	3 stories and 35' max	F
First Story Height	10 ft min, 25 ft max	
Upper Story Height	10 ft min, 15 ft max	
Facade Glazing	20% min - 70% max non- shopfront, 70% min shopfront	
Roof Type	flat, hip, gambrel, gable, mansard	
Roof Pitch, if any	8:12 - 14:12	

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

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	Building B: 29 ft Building C: 29 ft 90 Main Street: preexisting	Ok.
First Story Height	10' Min, 25' Max	Building B: 10 ft Building C: 10 ft 90 Main Street: preexisting	Ok.
Upper Story Height	10' Min, 15' Max	Building B: 10 ft Building C: 10 ft 90 Main Street: preexisting	Ok.
Façade Glazing	20% Min, 70% Max	Building B: 20% Building C: 20% 90 Main Street: preexisting	Ok.
Roof Type	Flat, Hip, Gambrel, Gable or Mansard	Gable 90 Main Street: Flat	OK.
Roof Slope	8:12 – 14:12 (.67 – 1.16)	Building B: 8:12 & 12:12 Building C: 8:12 & 12:12 90 Main Street: Flat	Ok.

Building Placement- Outbuilding	Required	Proposed	Finding
Front Setback	Principal Bldg + 20'	NA	NA
Side Setback	0' Min	NA	NA
Rear Setback	3' Min	NA	NA

Parking	Required	Proposed	Finding
Third Lot Layer (5.F.1)	Principal Bldg + 20'	4 spaces are provided to the rear of 90 Main Street, outside of the first lot layer.	It appears that the location of the parking spaces to the rear of 90 Main Street is compliant.

		4 spaces are provided at the terminus of the Alley Thoroughfare (the driveway off of Portland Street)	The location of the other 4 spaces at the end of the Alley Thoroughfare is not in strict compliance. A waiver is requested.
Parking (5.K.1)	1,086 sf office – 2 spaces 3 DU – 6 spaces	8 spaces provided plus 2 for 82-84 Main Street	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 (Article 5.L)

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

The proposed trash and recycling enclosure is appropriately screened.

Architectural Standards (Article 5.M)

The applicant has provided renderings and elevations of the new residences as well as a precedent study. The applicant has also completed the architectural matrix as required by Chapter 703, Article 5.M, which is attached to this staff report.

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

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

The applicant addressed many of these recommendations, and at the most recent HPC meeting, the HPC still questioned the very small windows in the dormers.

Private Lot Landscape (Article 5.N)

Landscape	Required	Proposed	Finding
5.N.s Trees Required	1 tree per 30' frontage	8 new trees, 12 existing trees	<p>Based on the preliminary plans, it appears that existing trees planted along the Portland Street driveway were identified to be preserved. However, the Fire Chief has provided input on tree removal to be compliant with the NFPA regulations. The Fire Chief has requested that two trees be removed along the proposed Thoroughfare from Portland Street, the first on the northeasterly side of the Thoroughfare and a maple on the southwesterly side of the Thoroughfare. These trees are on private property and not the heritage elm street tree. The Fire Chief has also requested that regular tree trimming along the Thoroughfare occur through provisions in the Condo association documents.</p> <p>The applicant continues to work with the Tree Warden to select native species with input from the Tree Advisory Committee.</p>
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	NA
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	NA

Lighting Standards (Article 5.P)

The applicant has provided information on the proposed residential scale fixtures for the new residences and has requested a waiver of a photometric plan submittal. Town staff support granting this waiver due to the scale of the project.

Waivers

The applicant has identified the waivers needed for the project:

Alley “Rear” Definition

The applicant requests that the Alley type be allowed as it is the most appropriate designation for the site. While it provides frontage and therefore is not strictly the “located to the rear” per CBDC Definition section for “Alley”, it provides access to “rear” of the larger parcel and is generally fitting with the definition. It also requires less waivers than the next best designation, Lane. As the Thoroughfare is acting as a driveway, the Alley is the most closely aligned typology offered by the Ordinance.

Town staff believe that the Alley is the best fit, and although it requires waivers, it requires less waivers than any of the other Thoroughfare designations.

Dead-End Thoroughfare to avoid through-street between Main and Portland

The applicant requests that the Thoroughfare be allowed to be a dead-end as the original site plan design, that connected Main and Portland, was not supported by the Planning Board and the two-driveway concept was deemed more appropriate for the context.

Town staff support this waiver as the Planning Board rejected the one-way circulation initially proposed.

Right of Way Width maximum increase

The applicant requests that the Right of Way maximum of 24 feet be relaxed to allow for a special circumstance of our thoroughfare, to allow for the ROW or Driveway Lot to contain the parking for the residential single-family homes. This was discussed with the Planning Department, and it was agreed that it would be cleaner to keep the parking in the ROW or Driveway Lot rather than the individual building lots. This is further supported by the arrangement of the subdivision as a condominium association where the driveways and parking are maintained by the owner’s association rather than the individual units.

Town staff support this waiver. If the parking were moved onto the individual lots, it would likely also require a waiver for parking within the first lot layer.

Location and Screening of (4) Residential Parking Spaces within the Frontage

The applicant requests that the (4) Residential Parking Spaces be allowed in the Frontage on the Thoroughfare. This is necessary due to site constraints that requires parking to be adjacent to the Thoroughfare. As the Thoroughfare is being practically used as a driveway screening between the Thoroughfare and frontage is not possible. Planting screening between 18 Portland Street and the Thoroughfare has been provided based on discussion with the neighboring property owners and we are open to further refinement.

Town staff support this waiver. If the parking were moved onto the individual lots, it would likely also require a waiver for parking within the first lot layer.

Height of the First Floor less than 2’-6” for Accessibility

The applicant requests the requirement that the first floor be 2’-6” above adjacent grade per CBDC 5.M.1.f. be waived because we are providing accessible access to the two single-family homes.

Town staff have no concerns about this waiver request.

XIII. SITE PLAN STANDARDS REVIEW (CHAPTER 702)

Chapter 703 Article 1 Section C.3:

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

1. **Conformance with Comprehensive Plan: The proposed development is located and designed in such a way as to be in conformance with the Town’s Comprehensive Plan.**

Applicant Response:

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

Staff Comments:

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

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

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

2. **Traffic: The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways, public road or pedestrian walkways existing or proposed. The Planning Board may require mitigation when the proposed development is anticipated to result in a decline in service, below level of service “c”, of nearby roadways of intersections. Levels of service are defined by the 1985 Highway Capacity manual published by the Highway Research Board.**

Applicant Response:

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

Staff Comments:

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

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

Finally, Mr. Errico noted that the driveway design and parking layout is acceptable due to the low traffic volumes. The applicant submitted turning templates for various sized vehicles that may access the site, including solid waste haulers and fire trucks. Mr. Errico writes, *“All parking spaces in the Main Street lot will be easily accessible. The parking spaces in the Portland Street lot will be tight, but in my professional opinion will function well. The garbage truck will require a backing maneuver (front loader will back into Main Street, while rear loaders will back into the site). While this movement is expected to be infrequent, Town staff should provide input on this condition. The garbage truck template used for assessing turning seems small and may not be representative of service vehicles in the area. The applicant should confirm the design template is appropriate.”* The applicant should confirm that the solid waste hauler template is appropriately sized for the haulers in the area and is recommended as a condition of preliminary approval.

- 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 the equivalent to the existing access with improvements to meet current ordinances and life safety requirements. Utilizing existing curb cut entrance at Main St. and a similar configuration at Portland street.

Parking was calculated using the CBDC Chapter 703 – Table 5.K.1 Parking Requirements. The total site plan provides ten (10) total which is between the minimum seven (7) and maximum fourteen (14). [Minimum 1 per dwelling unit X5 is (5) + 2 per 1000sf Office (2) = (7) and Maximum 2 per dwelling unit X5 is 10 + 4 per 1000sf Office (4) = (14)] There will be one ADA/Van spot that will be appropriately marked and include a code-compliant sign. There are also two parking spaces in front of the residential units that are designed to be accessible, but will not be signed or striped.

Staff Comments:

The revised application materials indicate that 10 parking spaces will be provided, including an ADA/Van space. Eight spaces are provided for the project under review; 2 spaces are accessed through the project for 82-84 Main Street. The following is the parking chart for the overall development scheme:

Use	Parking Requirement per Chapter 703	Min. Spaces	Max. Spaces
3 residential units	Min of 1 per dwelling unit, Max of 2 per dwelling unit	3	6
82-84 Main Street (2 units)	Min of 1 per dwelling unit, Max of 2 per dwelling unit	2	4
1,086 square foot Office	Min of 2, Max of 4 per 1,000 square feet	2	4
Total		7	14

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 waivers are necessary, but based on the discussion at the previous meetings, this arrangement is more desirable.

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

Finally, EV chargers are not required as the number of parking spaces do not hit the threshold identified in the CBDC, but the applicant shall consider incorporating EV readiness into the project.

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

Applicant Response:

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

Staff Comments:

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

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

The Town Engineer has requested that the applicant review the plan review comments from his letter on October 3, 2022, and ensure that all comments are addressed. This is recommended as a condition of preliminary approval.

- 5. Water: The proposed development will not cause the depletion of local water resources or be inconsistent with the service plan of the Yarmouth Water District.**

Applicant Response:

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

Staff Comments:

A capacity to serve letter has been received from the Yarmouth Water District (YWD). YWD indicated that the service can be extended from the main in Portland Street, which can be branched into two new services for each residence. The applicant will need to provide sprinkler flow rates for the new residences to ensure each meter is appropriately sized. This can be a future condition of approval.

- 6. Fire Safety:** The proposed development is located and designed in such a way as to provide adequate access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate fire safety features such as but not limited to fire lanes, smoke and fire alarms and sprinkler systems, as part of the proposed development.

Applicant Response:

The two new proposed buildings will meet current local, state, and federal life safety code standards and provide adequate egress, interconnected smoke detectors, Gas Detectors, Carbon Monoxide detectors, required House Numbers, and will be fully sprinklered per NFPA 13D. Emergency access in relation to existing site trees has been discussed with the fire chief, the city, and the planning board. We are presenting the preferred arrangement and we await further findings on how to proceed.

Staff Comments:

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

The Fire Chief has also provided input on tree removal to be compliant with the NFPA regulations. The Fire Chief has requested that two trees be removed along the proposed Thoroughfare from Portland Street, the first on the northeasterly side of the Thoroughfare and a maple on the southwesterly side of the Thoroughfare. These trees are on private property and not the heritage elm street tree. The Fire Chief has also requested that regular tree trimming along the Thoroughfare occur through provisions in the Condo association documents.

- 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 were reduced based on a request by the neighboring property owners. The attached Landscape Plan provides additional details that may be reviewed.

Staff Comments:

The applicant has provided a tree protection plan as part of the revised preliminary materials and continues to work with the Tree Warden to select native species with input from the Tree Advisory Committee.

- 8. Natural Areas:** The proposal does not cause significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife and marine habitats and natural fisheries. The proposal is consistent with the recommendations of the Maine Department of Inland Fisheries and Wildlife as

found in the document titled “The Identification and Management of Significant Fish and Wildlife Resources in Southern Coastal Maine,” February 1988.

Applicant Response:

There are no wetlands on the site, significant geographic features, significant wildlife and marine habitats and natural fisheries. The site is an urban infill lot.

Staff Comments:

No further comments.

- 9. Lighting: The proposal shall provide exterior lighting sufficient for the safety and welfare of the general public while not creating an unsafe situation or nuisance to neighboring properties or motorists traveling nearby roadways.**

Applicant Response:

The project proposes exterior lighting fixtures to provide adequate lighting for safely navigating the site. All exterior fixtures shall be dark sky compliant and shielded / directed so as not to shine across neighboring property lines. New down light sconces are proposed for entrances at the interior of the property. See attached lighting cut sheets and fixture locations on C102 Proposed Site Plan. We request a waiver for a photometric plan given the limited need for lighting at the residential building entrances. See Exhibit 20 for waiver requests.

Staff Comments:

The applicant has provided information on the proposed residential scale fixtures for the new residences and has requested a waiver of a photometric plan submittal. Town staff support granting this waiver due to the scale of the project.

- 10. Storm Water Management: The plan provides for adequate storm water management facilities so that the post development runoff rate will be no greater than the predevelopment rate or that there is no adverse downstream impact. Proposed storm water detention facilities shall provide for the control of two year and twenty-five year storm frequency rates. The design, construction and maintenance of private facilities are maintenance of private storm water management facilities.**

Applicant Response:

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

Staff Comments:

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

Additionally, the applicant submitted an Operations & Maintenance Manual for the site BMPs as part of future submissions. The Town Engineer writes, “The applicant has provided an acceptable site-specific Stormwater Management Operations and Maintenance Manual (O&M Manual) for the site BMPs and drainage system. The O&M activities shall be included in the responsibilities of the HOA.” The existing Condo Association documents shall also be revised to include responsibilities of individual owners and the association relative to stormwater management. The Condo association documents must be submitted and are recommended as conditions of preliminary approval.

Regarding the drainage system, the DPW Project Manager previously noted that all storm drain infrastructure must conform to Yarmouth Town standards, but the details are missing for the frame and cover. It appears that these details are still missing. Additionally, the DPW Project Manager recommended moving the dry well away from the driveway connection to 18 Portland Street in case of future settlement. The dry well was moved away from the driveway to the Titcomb's property.

The applicant should also assess the site for the inclusion of pervious pavement. Town Staff encourage incorporating low impact development techniques into projects, and it appears that there may be an application at the project site.

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

Applicant Response:

An erosion and sedimentation control plan has been prepared and included with the submission materials.

Staff Comments:

The applicant submitted an acceptable site-specific Erosion and Sedimentation Control (ESC) Plan. The Town expects that during construction the applicant and their construction manager/contractor perform the required inspections and enforcement of the ESC plan per MDEP requirements, including weekly inspections and documentation of all inspection work. In addition, the Town will be performing site inspections and will be reviewing the inspection records per the Town's NPDES MS4 General Permit. It is also particularly important that the BMPs be installed prior to the disturbance of site soils and vegetation.

The ESC Plan has been updated to show that the construction entrance will be from Main Street. The Town Staff desire that the bulk of construction happen from the Main Street driveway, but also acknowledge that it may be impractical to require that all construction happen from Main Street. The applicant should provide a construction management plan that documents when and how contractors may need to access the site from Portland Street. This is recommended as a condition of preliminary approval.

- 12. Buildings: The bulk, location and height of proposed buildings or structures will not cause health or safety problems to existing uses in the neighborhood, including without limitation those resulting from any substantial reduction to light and air or any significant wind impact. To preserve the scale, character, and economy of the Town in accordance with the Comprehensive Plan no Individual Retail use with a Footprint greater than 55,000 square feet shall be permitted. Structures defined as Shopping Centers shall be limited to a Footprint of 75,000 square feet. When necessary to accommodate larger projects, several Individual Retail Structures with Footprints of not more than 55,000 square feet each may be placed on the same lot, provided that all other standards are met. No less than 40 feet shall be allowed as separation distance between buildings. Efforts to save and plant native trees between and among structures shall be encouraged.**

Applicant Response:

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

Staff Comments:

The applicant has provided renderings and elevations of the new residences as well as a precedent study. The applicant has also completed the architectural matrix as required by Chapter 703, Article 5.M, which is attached to this staff report.

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

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

The applicant addressed many of these recommendations, and at the most recent HPC meeting, the HPC still questioned the very small windows in the dormers.

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 has provided a tree protection plan as part of the revised preliminary materials and continues to work with the Tree Warden to select native species with input from the Tree Advisory Committee. The Fire Chief has also provided input on tree removal to be compliant with the NFPA regulations. The Fire Chief has requested that two trees be removed along the proposed Thoroughfare from Portland Street, the first on the northeasterly side of the Thoroughfare and a maple on the southwesterly side of the Thoroughfare. The Fire Chief has also requested that regular tree trimming along the Thoroughfare occur through provisions in the Condo association documents.

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 discussed offsite improvements consistent with the Main Street Master Plan. 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 illustration:

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)



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

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

A concept and opinion of probable cost has been prepared and shared with the applicant. Incorporating these improvements or agreeing to a contribution with Town staff is recommended as a condition of preliminary approval.

- 15. Advertising Features: The size, location, design, color, texture, material and lighting of all permanent signs and outdoor lighting fixtures are provided with a common design theme and will not detract from the design of proposed buildings or neighboring properties.**

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

Applicant Response:

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

Staff Comments:

The applicant indicates that no changes to the existing signage is proposed. A name for the Thoroughfare from Portland Street has received approval from the Town Engineer, and the name, Rose's Place, will be incorporated in future submissions.

- 16. Design Relationship to Site and Surrounding Properties: The proposed development provides a reasonably unified response to the design constraints of the site and is sensitive to nearby developments by virtue of the location, size, design, and landscaping of buildings, driveways, parking areas, storm water management facilities, utilities storage areas and advertising features.**

Applicant Response:

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

Staff Comments:

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

The applicant has completed the architectural matrix as required by Chapter 703, Article 5.M, which is attached to this staff report. Further, the property is located within the Lower Village Historic District and the proposed structures were reviewed by the Historic Preservation Committee. The Committee's additional recommendations are included elsewhere in this staff report.

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

Applicant Response:

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

Staff Comments:

There are no scenic vistas in this area. There are no further comments.

18. Utilities: Utilities such as electric, telephone and cable TV services to proposed buildings are located underground except when extraordinary circumstances warrant overhead service. Propane or natural gas tanks are located in safe and accessible areas, which are properly screened.

Applicant Response:

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

Staff Comments:

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

19. Technical Standards: The proposed development meets the requirements of ARTICLE I.J (Technical Standards) of this Ordinance, except as waived by the Planning Board.

Applicant Response:

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

Staff Comments:

The applicant has provided information on the proposed residential scale fixtures for the new residences and has requested a waiver of a photometric plan submittal. Town staff support granting this waiver due to the scale of the project.

- 20. Route One Corridor Design Guidelines:** Notwithstanding the technical standards of this ordinance and the requirements of Article II, General provisions of the Zoning Ordinance, development and redevelopment within the “C”, Commercial and “C-III”, Commercial II districts shall be consistent with the Route One Corridor Design Guidelines, as approved August 19, 1999.

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

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

Applicant Response:

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

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

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

Staff Comments:

It appears that the applicant has provided the additional information necessary to determine right, title, and interest. However, the applicant shall work with the neighbor to clarify the right of way and ensure that the Condo association documents reflect rights of the neighbor and responsibilities of the association as condition of preliminary approval.

- 22. Technical and Financial Capacity:** The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the Board pursuant to ARTICLE I.I

Applicant Response:

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

Staff Comments:

Additional information is necessary.

- 23. Special Exception Standards:**

- a. The proposed use will not create unsanitary or unhealthful conditions by reason of emissions to the air, or other aspects of its design or operation.
- b. The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree of municipal police protection than existing uses in the neighborhood.
- c. The proposed use will be compatible with existing uses in the neighborhood, with respect to visual impact, intensity of use, proximity to other structures and density of development.
- d. If located in a Resource Protection District or Shoreland Overlay Zone, the proposed use (1) will conserve visual points or access to water as viewed from public facilities; (2) will conserve natural beauty; and (3) will comply with performance standards of Article II of Chapter 701, Zoning Ordinance.

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

IXX. SUBDIVISION REVIEW STANDARDS (CHAPTER 601)

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

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

Staff Comments:

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

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

Staff Comments:

A capacity to serve letter has been received from the Yarmouth Water District (YWD). YWD indicated that the service can be extended from the main in Portland Street, which can be branched into two new services for each residence. The applicant will need to provide sprinkler flow rates for the new residences to ensure each meter is appropriately sized. This can be a future condition of approval.

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

Staff Comments:

A capacity to serve letter has been issued by the Yarmouth Water District Superintendent. See the comments above.

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

Staff Comments:

The applicant submitted an acceptable site-specific Erosion and Sedimentation Control (ESC) Plan. The Town expects that during construction the applicant and their construction manager/contractor perform the required inspections and enforcement of the ESC plan per MDEP requirements, including weekly inspections and documentation of all inspection work. In addition, the Town will be performing site inspections and will be reviewing the inspection records per the Town's NPDES MS4 General Permit. It is also particularly important that the BMPs be installed prior to the disturbance of site soils and vegetation.

The ESC Plan has been updated to show that the construction entrance will be from Main Street. The Town Staff desire that the bulk of construction happen from the Main Street driveway, but also acknowledge that it may be impractical to require that all construction happen from Main Street. The applicant should provide a construction management plan that documents when and how contractors may need to access the site from Portland Street. This is recommended as a condition of preliminary approval.

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

Staff Comments:

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

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

Finally, Mr. Errico noted that the driveway design and parking layout is acceptable due to the low traffic volumes. The applicant submitted turning templates for various sized vehicles that may access the site, including solid waste haulers and fire trucks. Mr. Errico writes, *"All parking spaces in the Main Street lot will be easily accessible. The parking spaces in the Portland Street lot will be tight, but in my professional opinion will function well. The garbage truck will require a backing maneuver (front loader will back into Main Street, while rear loaders will back into the site). While this movement is expected to be infrequent, Town staff should provide input on this condition. The garbage truck template used for assessing turning seems small and may not be representative of service vehicles in the area. The applicant should confirm the design template is appropriate."* The applicant should confirm that the solid waste hauler template is appropriately sized for the haulers in the area and is recommended as a condition of preliminary approval.

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

Staff Comments:

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

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

The Town Engineer has requested that the applicant review the plan review comments from his letter on October 3, 2022, and ensure that all comments are addressed. This is recommended as a condition of preliminary approval.

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

Applicant Response:

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

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

Staff Comments:

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

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

Staff Comments:

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

The applicant has completed the architectural matrix as required by Chapter 703, Article 5.M, which is attached to this staff report. Further, the property is located within the Lower Village Historic District and the proposed structures were reviewed by the Historic Preservation Committee. The Committee's additional recommendations are included elsewhere in this staff report.

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

Staff Comments:

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

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

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

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

Staff Comments:

It appears that the applicant has provided the additional information necessary to determine right, title, and interest. Additional information is necessary regarding financial capacity.

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

Staff Comments:

This standard is not applicable.

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

Staff Comments:

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

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

Staff Comments:

This standard is not applicable.

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

Staff Comments:

This standard is not applicable.

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

Staff Comments:

This standard is not applicable.

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

Staff Comments:

This standard is not applicable.

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

Staff Comments:

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

0.9 CFS and the post-runoff rate is 1.0 CFS. For the 25-year event the pre-runoff rate and post runoff rate are the same, 2.4 CFS. This is acceptable."

Additionally, the applicant submitted an Operations & Maintenance Manual for the site BMPs as part of future submissions. The Town Engineer writes, *"The applicant has provided an acceptable site-specific Stormwater Management Operations and Maintenance Manual (O&M Manual) for the site BMPs and drainage system. The O&M activities shall be included in the responsibilities of the HOA."* The existing Condo Association documents shall also be revised to include responsibilities of individual owners and the association relative to stormwater management. The Condo association documents must be submitted and are recommended as conditions of preliminary approval.

Regarding the drainage system, the DPW Project Manager previously noted that all storm drain infrastructure must conform to Yarmouth Town standards, but the details are missing for the frame and cover. It appears that these details are still missing. Additionally, the DPW Project Manager recommended moving the dry well away from the driveway connection to 18 Portland Street in case of future settlement. The dry well was moved away from the driveway to the Titcomb's property.

The applicant should also assess the site for the inclusion of pervious pavement. Town Staff encourage incorporating low impact development techniques into projects, and it appears that there may be an application at the project site.

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

Staff Comments:

This standard is not applicable.

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

Staff Comments:

This standard is not applicable.

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

Staff Comments:

This standard is not applicable.

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

municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

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

Staff Comments:

This standard is not applicable.

XX. Motion – Waivers and Preliminary Subdivision

The Planning Board may choose to approve the Preliminary Subdivision Plan at the December 14, 2022, meeting with appropriate conditions. The other motions provided below are not yet ripe.

A. SITE PLAN REVIEW WAIVER OF CERTAIN APPLICATION REQUIREMENTS

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated December 8, 2022 for Preliminary Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations and standards of Chapter 702, Site Plan Review, the Planning Board hereby finds and concludes that not requiring a photometric plan **[is/is not]** consistent with intent of the Site Plan Review Ordinance and is therefore **[approved/not approved]**.

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

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

B. WAIVER FOR ALLEY THOROUGHFARE AND RIGHT OF WAY WIDTH

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 December 8, 2022 for Preliminary Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations and standards of Chapter 703, the Character Based Development Code, the Planning Board hereby finds and concludes allowing the use of the Alley Thoroughfare and a wider right of way **[meets/does not meet]** the required standards and is therefore **[approved/not approved]**.

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

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

C. WAIVER FOR DEAD END THOROUGHFARE

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 December 8, 2022 for Preliminary Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations and standards of Chapter 703, the Character Based Development Code, the Planning Board hereby finds and concludes allowing a Dead End Thoroughfare **[meets/does not meet]** the required standards and is therefore **[approved/not approved]**.

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

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

D. WAIVER FOR LOCATION AND SCREENING OF PARKING

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 December 8, 2022 for Preliminary Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations and standards of Chapter 703, the Character Based Development Code, the Planning Board hereby finds and concludes the location and screening of the parking spaces **[meets/does not meet]** the required standards and is therefore **[approved/not approved]**.

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

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

E. WAIVER FOR ELEVATION OF FIRST FLOOR

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 December 8, 2022 for Preliminary Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations and standards of Chapter 703, the Character Based Development Code, the Planning Board hereby finds and concludes the elevation of the first floor **[meets/does not meet]** the required standards and is therefore **[approved/not approved]**.

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

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

F. PRELIMINARY SUBDIVISION PLAN

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated December 8, 2022 for Preliminary Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations and standards of Chapter 601, Subdivision, the Planning Board hereby finds and concludes that the Preliminary Major Subdivision **[meets/does not meet]** the required standards and is therefore **[approved/not approved]** subject to the following conditions of approval:

1. The applicant shall confirm that the solid waste hauler turning movement diagram reflects the trucks used by the preferred hauler.
2. The applicant shall assess the use of pervious pavement on the site in coordination with the Town Engineer.
3. The applicant shall provide covered, secure bicycle parking on the property.
4. The applicant shall provide EV ready parking spaces on the site.
5. The applicant shall continue to work with the Tree Warden to select native species with input from the Tree Advisory Committee.
6. The applicant shall clarify, execute, and record in the Cumberland County Registry of Deeds an updated right of way easement with the owners of 18 Portland Street that clarifies and updates the conditions of the easement to the benefit of 18 Portland Street.
7. The applicant shall submit revised Homeowner Association documents that incorporates the following items for review and approval by the Town Engineer and the Director of Planning & Development:
 - a. The Association's responsibilities relative to stormwater management;
 - b. The Association's responsibilities relative to snow removal;
 - c. The Association's responsibilities relative to tree trimming as requested by the Fire Chief; and
 - d. Incorporates the updated right of way easement to the benefit of 18 Portland Street.
8. The applicant shall submit a detailed construction management plan that ensures access is uninterrupted and maintained to 18 Portland Street, incorporates the requirements of the erosion and sedimentation control plan, and identifies conditions when the Portland Street driveway is needed for construction access subject to the Town Engineer's approval.
9. The applicant shall incorporate the Historic Preservation Committee's recommendations for the new construction in the Lower Village Historic District.
10. The applicant shall either incorporate the required improvements to the frontage along Main Street for review and approval by the Town Engineer and DPW Director or agree that a contribution in the amount identified by the Town Engineer in his memorandum dated November 29, 2022, be made subject to final approval of the project.
11. The applicant shall incorporate the plan review comments from the Town Engineer in his memorandum dated October 3, 2022 and November 28, 2022, the Fire Chief in his memorandum dated September 20, 2022 and November 23, 2022, and the Yarmouth Water District Superintendent dated October 6, 2022.

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

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

A. FINAL DEVELOPMENT PLAN AND SUBDIVISION PLAN

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated XXXX for Development Plan and Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations of Chapter 703, Character Based Development Code, and the applicable regulations and standards of Chapter 601, Subdivision, the Planning Board hereby finds and concludes that the Development Plan and Major Subdivision **[meets/does not meet]** the required standards and is therefore **[approved/not approved]** subject to the following conditions of approval:

1. Conditions...

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

B. BUILDING AND LOT PLAN AND MAJOR SITE PLAN

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated XXXX for Development Plan and Major Subdivision, Charles Hewitt and Katherine Carey, Applicant; 90 Main Street Development, Map 32 Lots 7 and 11, regarding the compliance with the applicable regulations of Chapter 703, Character Based Development Code, and the applicable regulations and standards of Chapter 702, Site Plan Review, the Planning Board hereby finds and concludes that the Building and Lot Plan and Major Site Plan **[meets/does not meet]** the required standards and is therefore **[approved/not approved]** subject to the following conditions of approval:

1. Conditions...

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

Attachments:

1. Steve Johnson, Town Engineer – Memo 11/28/2022 and 11/29/2022
2. Fire Chief Robitaille – Memo 11/23/2022
3. Eric Gagnon, Yarmouth Water District Superintendent – Letter 10/6/2022
4. Scott Couture, Tree Warden – Memo 10/17/2022
5. Bruce Kerns – Email 11/18/2022
6. Tom Errico, TY Lin, Traffic Peer Reviewer – Memo 11/29/2022
7. Rebecca Rundquist, Tree Advisory Committee – Memo 12/2/2022
8. Ron Dupuis, Parks and Lands Committee – Memo 12/1/2022
9. Public Comment – Marge Titcomb, 11/14/2022
10. Public Comment – Edward Ashley, 12/4/2022
11. Public Comment – Susan Prescott, 12/5/2022
12. Excerpt from 2010 Comprehensive Plan
13. Architectural Matrix with Staff Review

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: November 28, 2022
Re: Preliminary Major Site Plan/Subdivision Application: 90 Main Street

Erin:

I have reviewed the subject application from Adam Lemire, AIA., of Platz Associates on behalf of Charles Hewitt and Katherine Carey for redevelopment of 90 Main Street dated November 12, 2022. This memorandum amends my memo to you dated October 3, 2022.

I have the following technical comments on the application:

1. General: The applicant is proposing to demolish an existing structure, formerly an unused barn, and construct a new two-way private road and two (2) residential structures with approximately 2,000 SF of living space and include an existing building remaining with about 6,000 SF of mixed-use space.
 - A. The existing lots are located in the Village Center (CD4) District.
 - B. The project is not located in the 100-year recurrence flood zone.
 - C. The applicant is proposing a two-way private road with an entrance on Portland Street.
 - D. As noted, before, from a topographical perspective, the site is relatively flat, but does very gently slope from the northeast to the southwest.
 - E. The proposed new homes will be served from the new private road. The applicant has suggested the road Name "Rose's Place" which is acceptable. Additionally, the applicant shall be responsible for the cost of a new street sign and pole per Town standards.
2. Rights, Title: The applicant has submitted adequate regarding right, title, and interest in the property to perform the project.
3. Solid Waste: As noted in my prior memos, the applicant has indicated that the site is currently serviced by a contracted waste hauler, and it is anticipated that the existing hauler will service the new building complex. This is acceptable. The applicant should be aware that collection of dumpster waste should not occur before 5:00 AM or after 10:00 PM, per Chapter 306 Solid Waste Ordinance. I would also note that the single-family dwelling units are eligible to use the Town transfer station.
4. Water: The applicant must submit evidence of the capacity to serve from the Yarmouth Water District (District) as well as incorporate all required District standards into the project. It should be noted that the new residential structures shall require fire

suppression sprinklers per Yarmouth's Code of Ordinances. This item is still outstanding, and I assume will be provided as part of the final submission.

5. Traffic\Parking: The applicant has submitted a traffic analysis report performed by Acorn Engineering, Inc and the report was peer reviewed by Thomas Errico, P.E., of TY Lin. Mr. Errico did not note any concerns regarding the proposed minor traffic impacts. I concur with Mr. Errico.

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

6. Sewers: The applicant is proposing to connect the new residential structures to the Town sewer per Town standards and via six (6) inch private service to Main Street. This is acceptable.
 - A. As noted, before, there is adequate capacity in the Town sewer system to accept sewage flow from the project.
 - B. A sewer connection permit application and fee for each building will be required before the issuance of the building permit.
 - C. It should be noted that during construction of the sewer infrastructure, all work must be inspected by Town staff prior to backfilling and all sewer work shall be constructed per Yarmouth Town Standards. A note to this effect shall be placed on the Utility drawings.
7. Storm Drains: All storm drain infrastructure must conform to Yarmouth Town Standards. Additionally, all connections to Town infrastructure shall be per Town requirements.
8. Drainage, Stormwater Management:
 - A. The applicant submitted a formal stormwater analysis for the project and the design will provide for both stormwater quality treatment as well as for runoff volume control to the pre-development runoff rate. The runoff was analyzed for both a 2- and 25-year recurrence event. For the 2-year event the pre-runoff rate is 0.9 CFS and the post-runoff rate is 1.0 CFS. For the 25-year event the pre-runoff rate and post runoff rate are the same, 2.4 CFS. This is acceptable.
 - B. The applicant has provided an acceptable site-specific Stormwater Management Operations and Maintenance Manual (O&M Manual) for the site BMPs and drainage system. The O&M activities shall be included in the responsibilities of the HOA.
9. Erosion and Sediment Control: The applicant submitted an acceptable site-specific Erosion and Sedimentation Control (ESC) Plan. As noted in my prior memos, the Town expects that during construction the applicant and their construction manager/contractor perform the required inspections and enforcement of the ESC plan per MDEP requirements, including weekly inspections and documentation of all inspection work. In addition, the Town will be performing site inspections and will be reviewing the inspection records per the Town's NPDES MS4 General Permit. It is also particularly important that the BMP's be installed prior to the disturbance of site soils and vegetation.

10. Soils: The applicant submitted a USDA Custom Soil Resources Report for the project. The site soils generally consist of Elmwood fine sandy loam, 0 to 8% slopes (EmB). Based on this information, I anticipate that the site soils are conducive to the proposed development and more importantly to the proposed stormwater management approach.
11. Site Plan/Ordinance Requirements: I have no concerns regarding the Site Plan requirements.
12. Lighting: The applicant has requested a waiver to providing the photometric plan for any proposed lighting. Given the size of the development, I am amenable to supporting the waiver to this requirement.
13. Waivers: The applicant has requested several waivers and I would defer to the judgement of the Planning Board regarding granting of any waiver. The requested waivers are as follows:
 - A. Waiver to allow an "Alley" rear entrance.
 - B. Waiver to allow a dead end for the "Alley" rather than a through street;
 - C. Waiver to the maximum ROW width of 24 feet.
 - D. Waiver to allow parking in the frontage on the thoroughfare;
 - E. Waiver to the minimum height of the first-floor elevation above the adjacent site grade.
14. Off-site Improvements: The applicant has not proposed any off-site improvements however is working with the Town regarding the required off-site improvements noted in the Master Plan and as required in the Site Plan ordinance under section H.14.
15. Plan Review Comments:
 - A. Site Plan, Sheet C102
 1. The applicant shall include the proposed road name Rose's Place on the drawings;
 2. The applicant shall show the proposed offsite improvements as noted above or provide a contribution in lieu.
 - B. As part of the final submission, the applicant shall submit the drawings mentioned in my October 3rd memo to confirm that all my comments from that date have been addressed.

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
INTERNAL MEMORANDUM

TO: Erin Zwirko, AICP, Director of Planning
FROM: Steven S. Johnson, P.E., Town Engineer
DATE: November 29, 2022
RE: 90 Main Street Development Streetscape Contribution

Erin:

As you know, the applicant for the subject project is considering contributing in lieu rather than constructing the required public streetscape improvements for the re-development occurring at 90 Main Street. That said, the Town has developed an Opinion of Probable Cost (OPC) for the required streetscape improvements along the property frontage. I recommend that the in-lieu contribution from the applicant be \$60,000. A detailed OPC is attached.

Several years ago, the Town embarked on a Town wide visioning process for the Main Street Corridor that developed a Master Plan for the segment of Main Street from Elm Street to Marina Drive. The goal of this project was to have a "vision" of the corridor that defined the look and amenities to guide development and infrastructure improvement for the foreseeable future. The first phase of construction for the corridor was completed in the fall of 2021.

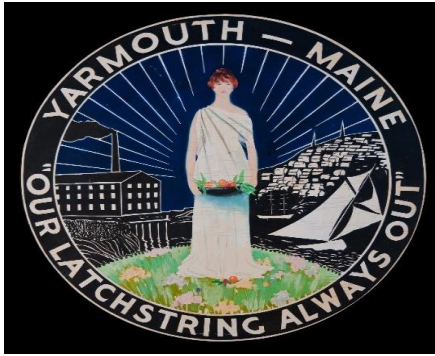
As development occurs, the Code requires applicants to renew the lot frontage public infrastructure to Town standard, in this case to the Master Plan vision. This has been required for several recent projects including 298 Main Street, 317 Main Street, Railroad Square and Hancock Lumber. The Master Plan vision for the segment fronting 90 Main Street is shown below.



Main Street Master Plan Improvements for 90 Main Street

As you can see, the proposed improvements include granite curb, concrete sidewalk, accent plantings and two tree wells and trees. Additionally, this segment of Main Street has a significant grade change from the gutter line elevation to the building first floor elevation that requires two segments of curb to help mitigate the cross-slope elevation change of the sidewalk. It should be noted that that design efforts will likely work through the elevation difference between the curb and building face.

In developing the OPC for this work the Town used unit pricing obtained from competitive bidding of Phase I which occurred in early winter of 2021. I anticipate that if bid and constructed in the current bidding climate, unit prices would be significantly higher. However, I feel that using the prices we have is reasonable for this particular exercise and potential contribution. If you have any questions or require additional information, please do not hesitate to see me.



90 Maine Street - Streetscape Estimate

Town of Yarmouth

11/10/2022

By: Joe Coulombe

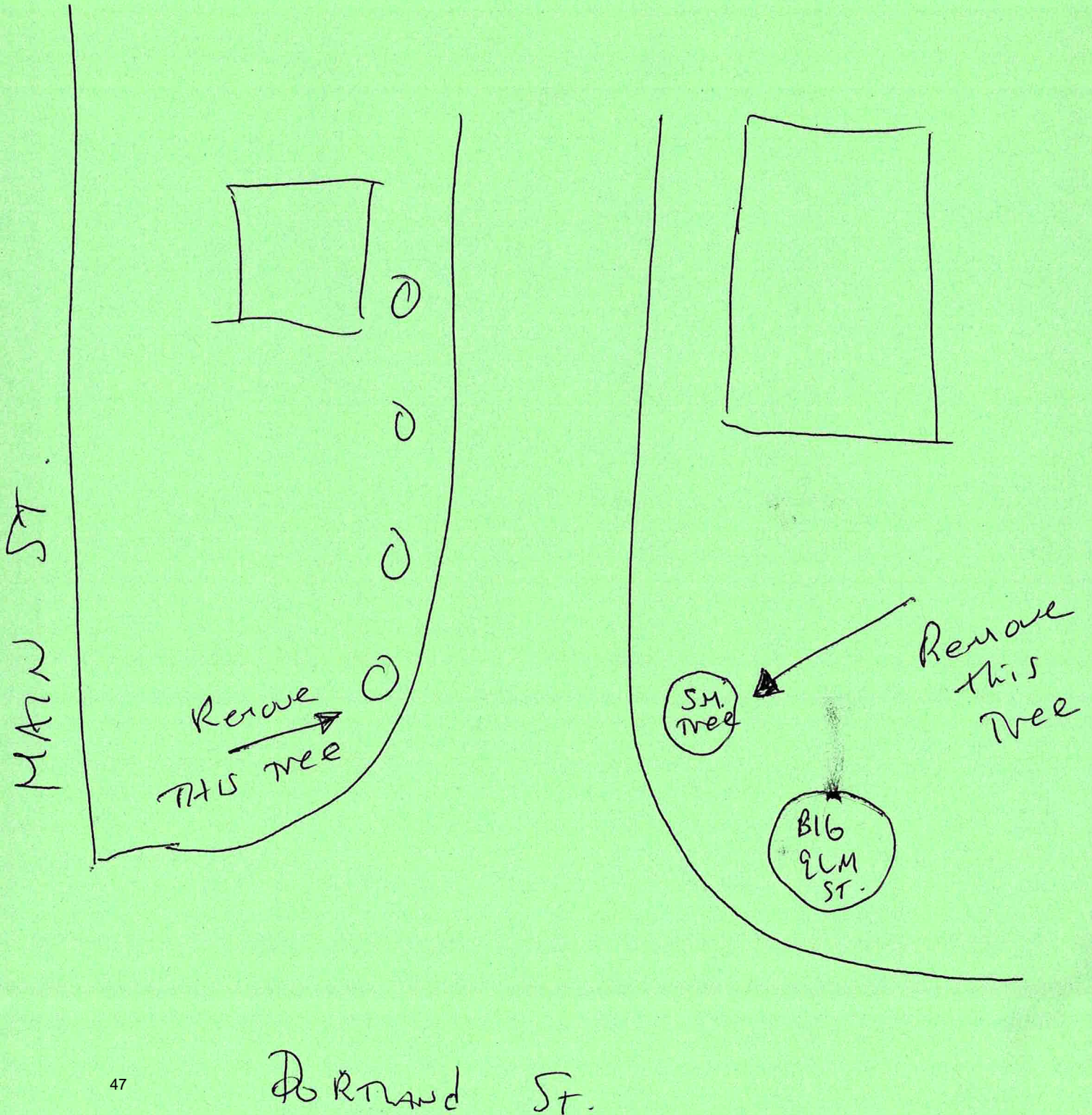
Revised Date: 11/29/2022

Checked by: S. Johnson

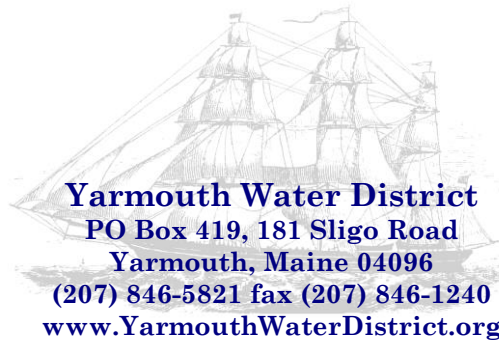
Streetscape Estimate per Master Plan Vision

No.	Description	Quantity	Unit	Unit Bid Price	Cost
1	Pavement Sawcutting	122	LF	\$ 3.00	\$ 366.00
2	Bituminous Roadway Reconstruction	14	SY	\$ 40.00	\$ 560.00
3	Reinforced Concrete Sidewalk	163	SY	\$ 155.00	\$ 25,213.33
4	Install New Type I Granite Curb	200	LF	\$ 71.00	\$ 14,200.00
5	Loam, Seed, and Mulch	10	SY	\$ 20.00	\$ 200.00
6	Curbed Tree Planter	2	EACH	\$ 1,800.00	\$ 3,600.00
7	Tree	2	EACH	\$ 750.00	\$ 1,500.00
8	Skeletal Soil	7	CY	\$ 350.00	\$ 2,450.00
9	Accent Plantings and Planting Bed	1	LS	\$ 5,000.00	\$ 5,000.00
10	Reset Sign	1	EACH	\$ 250.00	\$ 250.00
11	New Sign Assembly	1	EACH	\$ 550.00	\$ 550.00
12	Type "A" Aggregate Base Gravel	81	CY	\$ 20.00	\$ 1,626.67
13	Traffic Control	1	LS	\$ 2,000.00	\$ 2,000.00
14	Erosion and Sediment Control	1	LS	\$ 500.00	\$ 500.00
15	Mobilization/Demobilization	1	LS	\$ 2,000.00	\$ 2,000.00
Base Estimate Total Cost					\$ 60,016.00

90 PORTLAND ST.



Eric Gagnon
Superintendent



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

October 6, 2022

Travis Letellier
Via Email: tletellier@acorn-engineering.com

RE: 90 Main Street, Yarmouth

Dear Travis,

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

This project can take service from the existing 12" water main on Portland Street as shown on the redlined plan attached. A 4" line must be installed across Portland Street to allow for two individual 2" HDPE CTS services to be connected to the system. One service will be used for each dwelling. In previous correspondence, it was stated that flow requirements for the domestic and life safety systems are 50 GPM for each dwelling. At this flow rate, a 1" meter will be required to be installed in each dwelling. Please provide the District with a statement from the fire sprinkler company stating the flow requirements to ensure the meter is properly sized. All life safety systems must be installed down stream of the water meter.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Gagnon", is placed above the printed name.

Eric Gagnon
Superintendent

Attachment: YWD Redlined Site Drawing

CC: Erin Zwirko, Town of Yarmouth
Tim Herrick, Yarmouth Water District

1. LOCATION OF PROPOSED CONNECTIONS ARE APPROXIMATE. CONTRACTOR TO CONTACT ENGINEER IF FIELD INFORMATION VARIES FROM INFORMATION ON PLANS.
2. CONTRACTOR IS NOT TO BE CAUTIONED THAT CERTAIN LOCATIONS AND/OR ELEVATIONS OF EXISTING UTILITIES HAVE BEEN PROVIDED THROUGH UTILITY COORDINATION OR OTHER OBSERVATIONS, INFORMATION IS NOT TO BE RELIED UPON AS EXACT OR COMPLETE. CONTRACTOR TO FIELD VERIFY AND COORDINATE WITH UTILITY COMPANY AND DIG SAFE NO LESS THAN 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF ALL UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RECOGNIZE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS INDICATED IN THE CONTRACT DOCUMENTS. CONTRACTOR SHALL VERIFY EACH UTILITY AND DIFFERENTIATIONS FROM EXISTING CONDITIONS, INCLUDING UTILITY INFORMATION, PRIOR TO ANY CHANGES.
3. FOR ALL UTILITIES, ACON ENGINEERING DESIGN LIMITS END AT EXTERIOR WALL OF BUILDING. METERING OF UTILITIES TO BE COMPLETED BY M.E.P. UNLESS OTHERWISE SPECIFIED.
4. CONTRACTOR TO COORDINATE WITH ARCHITECT ON FINAL UTILITY CONNECTIONS WITHIN THE BUILDING.
5. SEWER UTILITIES: CONTRACTOR TO COORDINATE WITH ARCHITECT FOR FINAL SERVICE CONNECTION. SEWER UTILITIES TO BE CONSTRUCTED IN ACCORDANCE WITH CITY OF YARMOUTH STANDARDS. VALVE FOR BACKFLOW PREVENTION SHALL BE PROVIDED AND FIELD VERIFIED WITHIN EACH UTILITY SERVICE CONNECTION. CONTACT ENGINEER IF INVERT FIELD CONDITIONS VARY FROM DESIGN.
6. WATER UTILITIES: FINAL PIPE SIZING PROVIDED BY M.E.P. ENGINEER AND FIRE PROTECTION DESIGNER. CONTRACTOR TO FIELD VERIFY AND COORDINATE WITH PRESSURE REDUCERS TO BE COMPLETED BY M.E.P. ENGINEER. DOMESTIC WATER PIPE SIZES WILL DETERMINE THE FINAL WATER METERING OPTIONS. METER MAY BE SMALLER THAN PROPOSED WATER MAIN. WATER METERING, PRESSURE REDUCER AND BACKFLOW PREVENTION SHALL BE IN ACCORDANCE WITH THE YARMOUTH WATER DISTRICT STANDARDS. CONTRACTOR TO FOLLOW METERING GUIDELINES OF THE YARMOUTH WATER DISTRICT AND CITY OF YARMOUTH.
7. GAS UTILITIES: PROJECT GAS LOAD, GAS UTILITY DESIGN, AND FINAL GAS SERVICE LOCATION AND METERS TO BE DEFINED BY M.E.P. AND IN CONJUNCTION WITH UTILITIES. CONTRACTOR SHALL VERIFY WITH THE MAIN, ANODE BED, OR RECTIFIER, UNTIL DAMAGE CONTROL DEPARTMENT SHALL BE COORDINATED WITH.
8. ELECTRIC UTILITIES: ELECTRIC DESIGN TO BE FINALIZED BY M.E.P. ENGINEER. CONTRACTOR TO LOAD TO BE DETERMINED BY M.E.P. ENGINEER WITH LOCATION AND TRANSFORMER SIZE, IF NECESSARY DEFINED BY M.E.P. AGENCY TO FINALIZE SERVICE CONNECTION TO BUILDING. ALL ELECTRIC CONSTRUCTION SHALL CONFORM TO CMP GUIDEBOOK OF STANDARD REQUIREMENTS, MOST RECENT EDITION. DESIGN SUBJECT TO FINAL REVIEW, ROW, CMP.
9. SECONDARY CONDUIT RUNS SHOWN FOR REFERENCE, SUBJECT TO CHANGE BASED UPON FIELD CONDITIONS AND MEP DESIGN, CONTRACTOR TO COORDINATE INSTALLATION OF UNDERGROUND UTILITIES WITH ALL UTILITY COMPANIES INVOLVED.
10. REFER TO STRUCTURAL PLANS FOR FOUNDATION REQUIREMENTS: DESIGN OF TEMPORARY SOIL RESTRAINT MEASURES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR IF NECESSARY FOR CONSTRUCTION.
11. CONTRACTOR SHALL ENSURE THAT FOUNDATION DRAINS AND UNDERDRAINS ARE CONSTRUCTED WITH POSITIVE OUTLET TO PROPOSED CONNECTIONS..
12. ALL SPOT GRASSES ARE PROPOSED UNLESS PRECEDED BY "EX."
13. REFER TO FLOWLINES FOR STORMWATER DRAINAGE DESIGN

FILE:	1178_CIVIL
FILE:	1178
SCALE:	AS NOTED
DESIGNED BY:	XXX
DRAWN BY:	XXX
CHECKED BY:	WHS

DRAWING NO.
C-20

Memorandum

Erin Zwirko, AICP, LEED AP
Director of Planning and Development
Town of Yarmouth

October 17, 2022

Reference: 90 Main St, Yarmouth

Erin,

Upon reviewing the site and utility plans for the proposed project at 90 Main St in Yarmouth, I am making the following recommendations in accordance with the Town of Yarmouth's Character Based Code section N. Private Lot Landscape Standards:

1) The large heritage elm tree located at the end of the driveway leading out onto Portland Street is a very rare and exceptional tree in our community. One of the few old growth elms not affected by Dutch elm disease, it has established itself as a prominent and essential asset to the natural beauty of Yarmouth. There are two aspects of the proposed project that could seriously threaten the health of this tree. The proposed widening of the driveway apron for emergency access along with the construction of a 4ft sidewalk will have serious detrimental effects on the root system of the elm. The roots of this tree have grown into a very confined and limited amount of permeable ground surrounding the base of the tree such that the disruption of even a few feet of the soil will seriously disrupt the flow of water and nutrients essential for the tree to flourish. Protection for this tree should be in the form of fencing around the perimeter of the approximate root area of the tree to prevent compaction or damage from construction equipment.

The second significant concern would be the proposed water line installation coming from Portland Street. Care should be taken such that the root system of the elm is not infringed upon while digging. The water line placement should be as far from the elm tree as possible.

2) There is a row of (5) maple trees in the space between the porches of the proposed Buildings B and C. There are (2) of the trees that would fall in the footprint of Building C and would require removal. The three that would remain are marked on the site plan as "Ex 16"M, Ex 12"M, and Ex 12"M". These mature specimens of Sugar Maple represent a significant biomass, small animal habitat, shade and natural beauty for this area of Main Street and should be protected as legacy trees of the Town of Yarmouth. They will require proper fencing out to the current drip line of the tree branches to adequately protect the root system and trunk from construction damage. Care should be given not to raise the grade around them more than (2) inches. The utility plan indicates a proposed water line running directly through them. This will need to be moved along with the proposed sewer line to prevent damage to the root system. The proposed (5) foot sidewalk around the trees should be located at or outside of the drip line of the trees.

Respectfully,

Scott Couture
Yarmouth Tree Warden

Attachment 5

From: [Bruce Kerns](#)
To: [Wendy Simmons](#)
Subject: Re: Request for Comment - 90 Main St. - DUE 12/2
Date: Friday, November 18, 2022 9:20:20 AM

Morning,

Will these units be part of existing condo project?
Would like copy of proposed condo docs
Contact info for questions on project

thanks,
bruce

On Thu, Nov 17, 2022 at 2:58 PM Wendy Simmons <WSimmons@yarmouth.me.us> wrote:

For your review:

https://yarmouth.me.us/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=5BAD0E38-2E57-4D91-A28D-6B05BA380F5B&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

5.1



Notice: Under Maine law, documents - including e-mails - in the possession of public officials or employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.



November 29, 2022

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

Subject: 90 Main Street Project, Main Street, Yarmouth – Traffic Peer Review

Hi Steve:

The following is a status update of my September 30, 2022 comments based on revised materials submitted by the applicant on November 16, 2022.

1. Trip generation was estimated using data from the Institute of Transportation Engineers (ITE) publication Trip Generation. While the applicant used an outdated version of the publication, the estimate is reasonable. The project is estimated to add two trips during the AM peak hour and three peak hour trips during the PM peak hour. This level of traffic generation would not be expected to create safety or mobility deficiencies.

Status: I have no further comment.

2. The applicant investigated crash data from MaineDOT and determined that there are no High Crash Locations in the immediate vicinity of the project and there was no evidence of crash patterns. I concur that according to MaineDOT data, safety deficiencies are not documented.

Status: I have no further comment.

3. Sight distance from the two project driveways was measured and determined to meet Town standards. Both driveways exceed Town standard. The Portland Street driveway is constrained by both a large tree and on-street parking look south when exiting the driveway. It is likely that motorists exiting the driveway will move forward to see around the tree or parked vehicle. Given that the users of this driveway will be familiar with conditions (mostly residents that live at the units), traffic volumes from the site are extremely low, and Portland Street is a low speed roadway, particularly as it approaches Main Street, in my professional opinion conditions will function safely.

Status: I have no further comment.

pg. 2
90 Main Street Traffic Peer Review

4. I have reviewed the driveway design and parking layout and find it be acceptable given low traffic volumes. The applicant should note how trucks will access the dumpster at the back of the Main Street lot.

Status: The applicant has provided vehicle turning templates for all parking spaces and for a garbage truck accessing the dumpster. All parking spaces in the Main Street lot will be easily accessible. The parking spaces in the Portland Street lot will be tight, but in my professional opinion will function well. The garbage truck will require a backing maneuver (front loader will back into Main Street, while rear loaders will back into the site. While this movement is expected to be infrequent, Town staff should provide input on this condition. The garbage truck template used for assessing turning seems small and may not be representative of service vehicles in the area. The applicant should confirm the design template is appropriate.

Additional Comments.

- Overall, the project provides a sufficient parking supply. But given that the parking areas are segregated, shared parking opportunities are limited. The four parking spaces in the Portland Street lot will in effect result in two parking spaces per residential unit. Parking spaces #9 and #10 are associated with 84 Main Street. Accordingly, parking spaces #1 through #4 will serve Building A. I am not necessarily concerned about this, but the applicant should discuss how parking will be managed.

Please contact me if you have any questions.

Best regards,

T.Y. LIN INTERNATIONAL

A handwritten signature in black ink that reads "Thomas A. Errico". The signature is written in a cursive, flowing style.

Thomas A. Errico, PE
Senior Associate / NE Traffic Engineering Director

Yarmouth Tree Advisory Committee

TO: Planning Board Members
Erin Zwirko, Planning Director

COPY: Karyn MacNeill, Scott Couture, David Craig

DATE: December 2, 2022

FROM: Rebecca Rundquist, Chair
Michael Brandimarte, Aaron Kaufman, Susan Prescott, Stephen Ryan, Lisa Small,
Lisa Wilson

RE: Application for review: 90 Main Street, Preliminary #2

The Yarmouth Tree Advisory Committee has reviewed the application for your meeting on 12/14/22 and has the following comments.

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

1. While the developers say they plan to save some existing trees, many will be lost in order to accommodate the scale of this proposed project. We remain concerned about protecting trees on the site and, in particular, the heritage elm tree at the Portland Street entrance. It is imperative that no construction traffic use the Portland Street entrance. The proposal submitted says with regard to the Portland Street entrance, "limited access during construction, Main Street to be primary". This language should be amended to clearly say, ALL construction traffic shall enter and exit from Main Street ONLY.

If construction traffic is allowed, the root system will be irretrievably damaged, and the tree will die. Tree protection measures approved by the Tree Warden must be used throughout the site.

Tree Warden's comments re: Elm tree:

"The large heritage elm tree located at the end of the driveway leading out onto Portland Street is a very rare and exceptional tree in our community. One of the few old growth elms not affected by Dutch elm disease, it has established itself as a prominent and essential asset to the natural beauty of Yarmouth. There are two aspects of the proposed project that could seriously threaten the health of this tree. The proposed widening of the driveway apron for emergency access along with the construction of a 4ft sidewalk will have serious detrimental effects on the root system of the elm. The roots of this tree have grown into a very confined and limited amount of permeable ground surrounding the base of the tree such that the disruption of even a few feet of the soil will seriously disrupt the flow of water and nutrients essential for the tree to flourish. Protection for this tree should be in the form of fencing around the perimeter of the approximate root area of the tree to prevent compaction or damage from construction equipment."

2. To provide additional support for trees and all plantings on this intensively developed small site, permeable materials should be required for all paved areas (parking spaces, driveways, etc.). Permeable paving materials will allow more water and nutrients to reach root systems, which is essential for their viability.

3. We are pleased the applicant has agreed to work with the Tree Committee to choose native species, and we will provide recommendations by the end of the year.

TO: Planning Board Members
c/o Erin Zwirko, Planning Director

DATE: 12/1/22

RE: 90 Main Street Subdivision proposal inputs



Members of the Planning Board,

Thank you for soliciting our input on the 90 Main Street subdivision proposal. Please find our comments summarized below:

1. The lights appear to take light pollution/impact into account. The committee further advises that purple/violet filters are available, appear as normal light when standing close/underneath, and further reduce light pollution.
2. We did not see vehicle plugs on the proposal. The committee feels EV hookups should be standard on new builds and/or retrofits to account for the inevitable migration to EVs.
3. We noted that the developers are conferring with the Tree Warden/Tree Committee. We wanted to express that the ornamental trees/shrubs (Yellowroot, Slender Deutzia, Bottlebrush Buckeye) should be **native** if at all possible. Suggestions include; bayberry (or “Sweetfern”), huckleberry, Witch Hazel, Winterberry, and certain Hawthorns due to their numerous wildlife benefits, attractive foliage and fruit, and hardiness.
4. Retention ponds and the steep slope to the wetland valley are no longer included in these drafts. Are they considered off-site, or just inconvenient to include in the diagrams? With the tightness of the space, snowdrifts and plowing are not to be underestimated, which leads us to our final suggestion:
5. Pervious pavement should be used for paved surfaces. The new site plan includes a much greater pavement footprint and will lead to drainage issues otherwise.

Thank you for your continued efforts with this project!

Town of Yarmouth Parks & Lands Committee
Ron Dupuis, Chair

November 14, 2022

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

RE: 90 Main Street Development Plan

Dear Erin and Planning Board;

As abutters to the property and sharing the 'alley', we still have concerns on the Plan. We have communicated our concerns in writing to Charlie & Kate, but one issue has not yet been addressed:

To bring to closure our concerns regarding our easement, we request that our access to the right of way is formalized with a supplemental easement deed recorded with Registry of Deeds for both properties and filed with the Planning Board. This supplemental easement will specifically include:

- a. Specifying the length (140 feet) and width (33 feet) of the passageway along our full property line from Portland Street.
- b. The owners of '90 Main Project' are fully responsible for property taxes on the passageway.
- c. The owners of '90 Main Project' are fully responsible for maintenance of the passageway, including snow removal.

As we have no say now or in the future regarding the use and care of the passageway, we believe this clarity is important both for future condominium owners of the '90 Main Project' and future owners of our property.

We look forward to offering our support of the project to the Planning Board as soon as possible.

Respectfully,

Marge & Pete Titcomb
18 Portland Street

Erin Zwirko

From: Edward Ashley <edwardashley02@gmail.com>
Sent: Sunday, December 4, 2022 5:24 PM
To: Erin Zwirko
Subject: 90 Main Street (for the Planning Board)

Dear Madam Chair and Members of the Planning Board-

First, I continue to believe and urge that a single residence constructed in the rear at 90 Main Street would be a far superior project, better for the future owner/occupant, the immediate neighbors and the neighborhood generally, the Town and the environment. I have stated my reasoning before, I believe it is understood by the Board, and I will not belabor the point.

Second, I continue to feel it is incompatible to have small reduced scale arched dormer windows in the small dormers of the two structures. With fully closed pediments for all of these small dormers, there is really no need, and very little space, for windows with no functional purpose (there being no attics). If something ornamental is desired notwithstanding, I would think it more in keeping with local examples to have porthole windows with crossed muntins.

Third, I urge the Board to find that there is no need to remove the trees on the north side of the entry road from Portland St., as referred to on page 11 of the Planning Report of 10-11-22, since the applicant has committed to trimming the trees up to minimum 14' height on any overhang, in excess of the amount stated by the Fire Chief, and there is adequate agreed roadway width for entry of the F.D. equipment without such removal. It is simply not necessary. Having reviewed the relevant language of NFPA1, the Fire Code, I can report that it calls for Fire Dept Access Roads, with unobstructed access and vertical clearance of not less than 13'6", the width of which shall not be obstructed, including by parking of vehicles, and these minimum widths and clearance are to be maintained at all times, in a manner which does not impede or impair accessibility. NFPA 18.2.4.1.1 through NFPA 18.2.4.1.3. The Board was able to observe on the site walk that the vegetation along side the old red Schoolhouse in no way impedes access. Furthermore, I submit that the preferred access if needed would be from Main Street, not Portland Street, with good access to both buildings from that single entry point.

I applaud much of what I see on the latest submission by applicant, including statements made at the site walk, but urge the Board to make these undertakings specific conditions of approval.

- I absolutely support the Tree Committee recommendation for a detailed tree preservation plan, to include fencing around the dripline of all protected trees. These should specifically be shown on the site plan, including, without limitation, the large evergreen at the southerly corner of the lot, the large deciduous tree situated between Bldg C and the Titcomb property, the trees around the perimeter of the old red schoolhouse, the three maples in a row in front of Bldgs C and B, inside the depicted walkway connecting the two houses.
- All construction equipment, materials and supplies must come in from Main Street, and not from Portland Street, with any claim of necessity for Portland Street access in a particular case being first approved by the Town Engineer.
- The turning diagrams prepared by applicant, demonstrating vehicle movements without trespass upon the Titcomb property, should be memorialized and made binding upon future owners/occupants of the project houses.
- Great care must be taken to avoid damage to the Heritage elm tree on Portland Street adjacent to the Portland St. entryway.
- On new plantings, I suggest applicant plant a row of at least three deciduous shade trees behind Bldg B, along that building's rear line, to offer shade, cooling and the other advantages (to the lot, the neighbors and the

10.1

Town) of additional canopy, and to screen the view of the rear of the building situated between Bldg A and the old schoolhouse.

- The Planning Report of 10-6-22 refers to many other points which should be included in a lengthy listing of conditions of approval, and I support that recommendation.

Thank you for your attention,
Edward Ashley
20 Spartina Point
Yarmouth, ME 04096

Erin Zwirko

From: Susan Prescott <tspresco@gmail.com>
Sent: Monday, December 5, 2022 9:42 AM
To: Wendy Simmons; Erin Zwirko
Subject: 90 Main Street

Dear Madam Chair and Members of the Planning Board,

I have submitted comments on this proposal as a member of the Yarmouth Tree Committee, the comments offered here are my personal comments.

I have followed this proposal and attended the site visit. Simply put this proposal asks too much of this small site. This is a development proposed by the owners of 90 Main Street yet the buildings proposed are oriented to the rear of the property, the majority of the impact falls on the neighbors, the Titcombs on Portland Street.

The definition of an alley is as a rear, secondary access yet this project would depend on the Portland Street entrance to service the new structures. If allowed, this would cause irreparable harm to multiple trees on the site and in particular will threaten a large heritage elm on Portland Street.

Our Town Tree Warden said " the proposed widening of the driveway apron for emergency access along with the construction of a 4ft sidewalk will have serious detrimental effects on the root system of the elm." The only way to properly attempt protection of these trees would be fencing at the drip line and in the case of the heritage elm that drip line encompasses all of the entrance from Portland Street. There is absolutely no way to adequately protect this tree and simultaneously allow the changes to the entrance that would be required for this proposal.

There is another option here, directly across the street from 90 Main Street, tucked behind the Snip & Clip building there is a residence that is accessed from Main Street. This is a perfect example of what could be built on the land at 90 Main. A single structure, single family or even a duplex, with ALL traffic entering and exiting from Main Street. This would protect the trees along the old red schoolhouse and would ensure the protection of the heritage elm. It also puts the impact where it should be, orienting the new structure to Main Street.

I respectfully urge the Planning Board to deny this proposal as submitted. The Planning Board can suggest the developers rethink this proposal, its impact as submitted is not appropriate for this site.

Thank you for your time and attention.

Best,
Susan Prescott

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



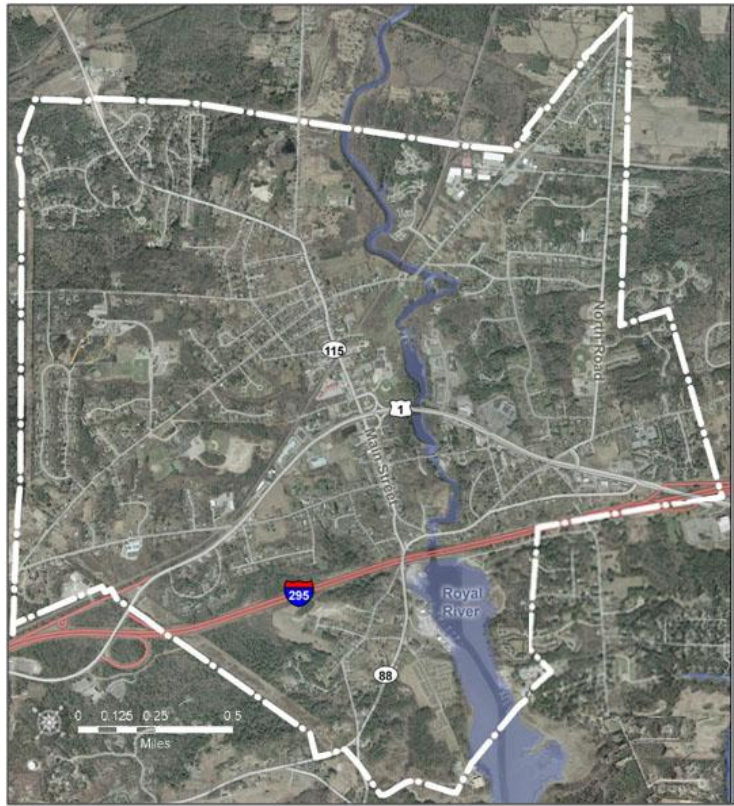
areas developed before 1970 where the lots are small and people can easily walk around. And for some people, the Village includes most of the town except for the coast and the islands.

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.

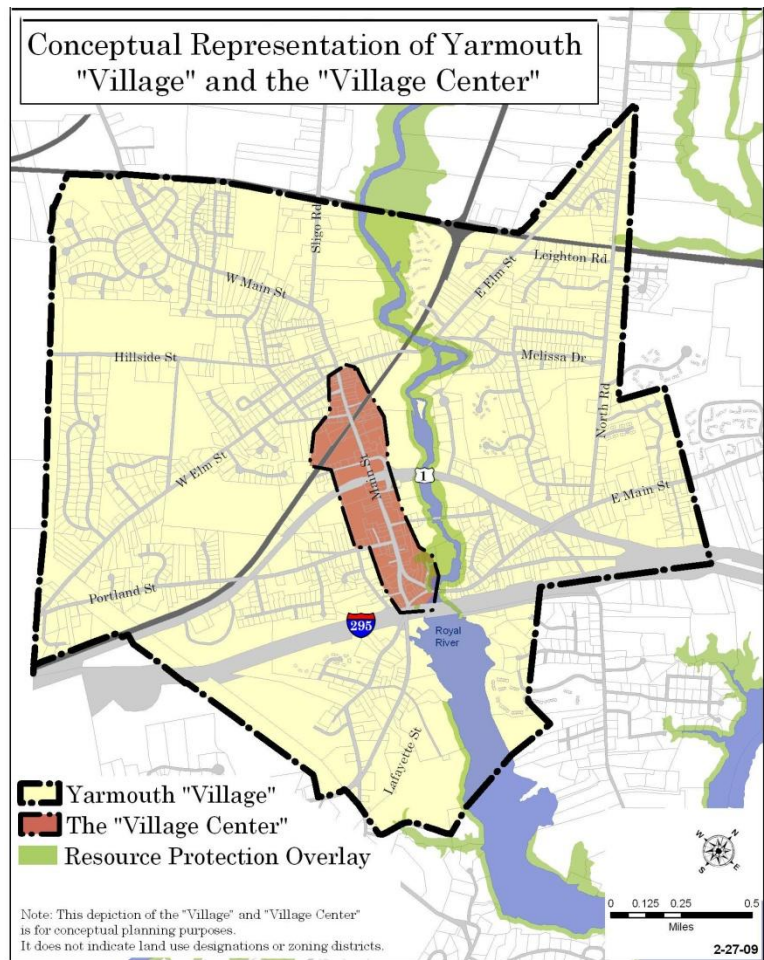
Main Street or the Village Center will be a vibrant, pedestrian friendly, mixed-use street where people can live, work, shop, and take care of their other daily needs. A balance between residential and nonresidential activities in the Village Center will be maintained. Historic properties will be well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

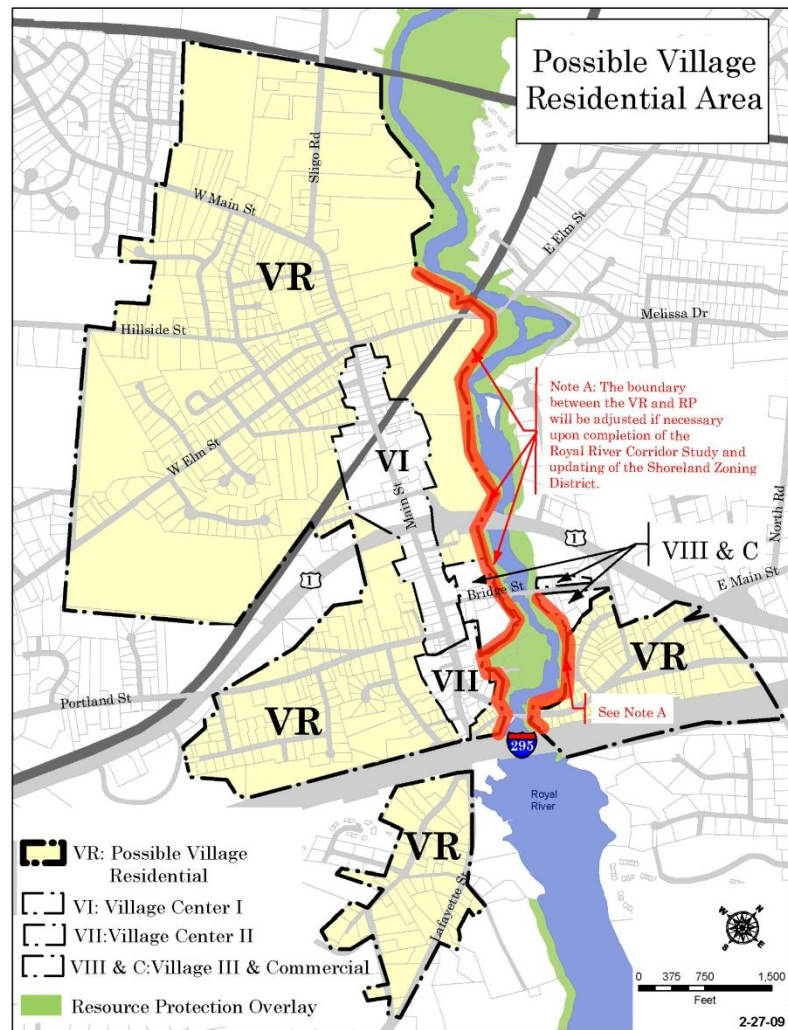
Strategy C.4.1– Create a new Village Residential (VR) zone out of part of the current Medium Density Residential District. The new VR District should include the older built-up areas of the Village. Figure 1-5 on the following page shows the possible boundaries of the proposed VR area. The final location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

Chapter 703 Article 5.M, Architectural Standards

Section

Category

Guideline Comments

1	COMPOSITION	APPLICANT ASSESSMENT	STAFF ASSESSMENT
a.	Buildings of three stories shall be designed to have a defined base, a middle, and top that includes an articulated cornice and roof, appropriate to the Building style, which shall be accomplished by such measures as:	The proposed buildings are both two stories with the space under the roof proposed to be a vaulted ceiling for the second floor. The following seems to only apply to a full three story building with the roofline above, but they will be answered incase it is applicable.	Ok.
i.	The top shall also include the upper Story.	Ok.	Ok.
ii.	Base transition line locations shall depend on the overall height of the Building, with such transition line usually occurring above the first floor.	There is a proposed trim line transition between the first and second story porches help tie them together.	Ok.
iii.	The design of the base of a Building, as well as the quality and durability of its materials, shall be emphasized.	The first story porch emphasizes the entry portion of the building and helps ground the building.	Ok.
iv.	The upper transition line shall occur below the upper floor windows. In many cases, the windows within the top may be square or shorter than those of the floors below.	A trim line is proposed at the base of the gable, matching the eave-line as is common in the vicinity. The windows above this line are arched and found in other buildings in the vicinity.	Ok.
v.	Transition lines may consist of a continuous, shallow balcony, a short setback, or a slightly articulated trim course.	A trim line is proposed at the base of the gable, matching the eave-line as is common in the vicinity.	Ok.
vi.	The transition may be supported by a change of window rhythm or size and a change in material or color.	Windows are aligned between the first and second floor, except as appropriate where the façade is divided by a horizontal element such as a porch.	Ok.
vii.	An articulated cornice shall be provided where the of the Building wall meets the roof.	The cornice trim is stepped two levels below the soffit.	Ok.
b.	Greater relative care shall be given to the design and the allocation of expense and workmanship to Building Facades than that given to other Elevations that are not readily visible from any street.	The detail is focused on the front façade, however as this is an urban site, all facades were given articulation.	Ok.
c.	Frontages of new Buildings shall be harmonious with the Block face on both sides of the Thoroughfare which the Building enfronts.	As the Thoroughfare is new and will only contain the two proposed single-family homes, the Frontage is harmonious with the character of the surrounding neighborhood.	Ok.

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d.	Building Facades shall be highly fenestrated, utilize classic composition and proportions, and composed to avoid a monolithic or monotonous effect, through use of such measures as:	All facades contain an appropriate quantity of windows with traditional proportions.	Ok.
i.	Blank walls are prohibited at Frontages.	The walls at the front façade are articulated with windows, door, a porch, and turret element.	Ok.
ii.	The Facades of Buildings with continuous façades of 60 feet or greater in width shall be provided with an entrance for every 50 feet of Façade where practicable, and shall be designed with projecting or recessed offsets not less than 2 feet deep, and at intervals of not greater than 50 feet.	N/A no façade is greater than 50 feet	N/A
iii.	The first floor and all other floors shall have a coordinated composition , which will usually be indicated by the alignment of upper floor windows and other features with openings and features of the first floor.	Windows are aligned between the first and second floor, except as appropriate where the façade is divided by a horizontal element such as a porch.	Ok.
e.	Principal Buildings shall have a Principal Entrance(s) which shall generally face any Adjacent Thoroughfare. Entryways shall clearly be the main focus of the Façade, and for multifamily, commercial, or mixed use Buildings, shall be directly accessible to the lobby, common area, and elevator lobby, if provided. Principal Buildings shall generally be placed parallel to the Adjacent Thoroughfare with a constant setback.	Principal entrances face the frontages of the proposed Thoroughfare. The porch element further accentuates the entrance on the façade.	Ok.
f.	Residential finished floor level of the first floor shall be 2 feet to 6 feet above Sidewalk or adjacent grade level in the front, but may be on grade in the rear. Residential windows at the sill shall generally be 5 feet min. from the grade of the adjoining Sidewalk. First floors of Buildings with Shopfront	The first floor is intended to be accessible, and therefore the first level at the entrances are at grade, the rest of the building grade is set 6" below or greater. The buildings are set back from the main Thoroughfares and will not be substantially visible.	A waiver is requested, and the town staff support it.

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	Frontages shall be located at Sidewalk grade.		
2.	WALLS		
a.	Material choices shall be appropriate to the chosen architectural style and shall be authentic, durable, and representative of or visually compatible with the predominant materials in use within the visual vicinity of Yarmouth Village. This may be accomplished by such measures as:	Painted wood / engineered wood clapboards are proposed as is prevalent in the vicinity.	Ok.
i.	Exterior materials shall be durable and of high quality, with a life expectancy exceeding 25 years.	The siding will last well beyond 25 years.	Ok.
ii.	Building walls and gables of Principal Buildings shall be natural stone, painted or unpainted brick or painted or opaque stained smooth-cut wood shingle, wood tongue and groove, wood clapboard siding, wood board-and-batten siding or smooth cementitious siding with all exposed surfaces painted. Façade materials or cladding comprising Exterior Insulated Finish System (EIFS), (including stucco, Driv-It, or similar products), and vinyl or aluminum siding are generally not allowed on Facades.	Walls and gables will be painted wood / engineered wood clapboards are proposed as is prevalent in the vicinity.	Ok.
iii.	If the Building walls of a Principal Building are stone or brick then the Backbuilding or Outbuilding may also be masonry, otherwise all Backbuildings and Outbuildings shall be made of wood or cementitious siding or wood shingles.	All existing and proposed buildings are primarily painted wood clapboards.	Ok.
iv.	Reflective wall materials are prohibited.	There are no reflective wall materials.	Ok.
v.	Smooth-face concrete block is prohibited as an exterior material. Split-face block may be used on Elevations not exposed to Thoroughfares.	There is no smooth-face concrete block proposed.	Ok.
vi.	Brick shall be of standard dimensions or Roman sized and shall have minimal color variation.	N/A. There is no brick proposed.	N/A

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vii.	Columns shall be brick, natural stone, painted synthetic or composite wood, painted or opaque stained wood.	N/A there are no columns. Posts are proposed to be painted wood.	N/A
viii.	Foundation walls , retaining walls, piers and pilings shall be block or poured concrete. Exposed block or concrete shall not exceed 12 inches in height or must be finished in native stone, or painted or unpainted brick or other appropriate durable cladding or surface treatment.	Foundation walls are exposed at 6", the edge of the foundation will be insulated and covered with a durable light grey cementitious coating.	Ok.
b.	Façade design and composition shall be representative of or compatible with the character of Buildings in the visual vicinity of Yarmouth Village, through such design measures as the following:	The façade design is harmonious with the character of the neighborhood.	Ok.
i.	Building wall materials may be combined on each Facade with the heavier below the lighter.	Materials are consistent for the two floors.	Ok.
ii.	Building walls and gables of Backbuildings and Outbuildings shall be designed to harmonize with the form, color, and details of their associated primary structure.	The proposed buildings harmonize with adjacent buildings, including color, proportion and details.	Ok.
iii.	Building walls shall be one color per material used. Paint for masonry applications shall have a flat finish.	The buildings are proposed to be primarily of one color and an off-white trim color.	Ok.
iv.	Mortar color value (lightness/darkness) for natural brick or stone shall be in the tan or warm range, not white.	No brick or stone is proposed on facades.	N/A
v.	Facades (and both front Facades of a corner Building) of any one Building shall be made of the same materials and similarly detailed.	Proposed materials and detailing is continued on all facades.	Ok.
vi.	Columns shall be proportioned according to the standards set forth in Traditional Construction Patterns by Steve Mouzon.	N/A there are no columns. Posts are proposed to be painted wood.	N/A
vii.	Intercolumniation (distance between columns) on the ground floor shall be vertically proportioned.	N/A there are no columns. Posts are spaced in a traditional proportion.	N/A
viii.	Except for hedge Streetscreens, Streetscreens shall be constructed	N/A. There are no streetscreens proposed.	N/A

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	of a material matching any Adjacent Facade.		
ix.	Columns shall have capitals and bases, except Doric columns with no base.	N/A. There are no columns. Posts are proposed to be painted wood with square trimmed base and capital.	N/A
c.	Construction methods shall encourage the traditional building methods of Yarmouth Village, incorporating such practices as the following	The building as it is proposed will fit within the prevailing style of the neighborhood.	Ok.
i.	Board-and-batten siding shall have “boards” no more than 12 inches in width and “battens” no more than 2 inches in width. Board-and- batten siding shall be installed so there are no visible joints in the underlying board material.	N/A. There is no Board-and-batten siding proposed.	N/A
ii.	Foundation openings shall be appropriately scaled and sized, shall occur in sufficient quantities, and shall respond to the grade of the lot to allow for drainage and ventilation.	N/A. There are no foundation openings proposed.	N/A
iii.	No more than three (3) materials may be used on the Facade of a Building in addition to the basement or undercroft.	The building façade is proposed to be primarily painted wood or engineered wood.	Ok.
iv.	Stone shall be native material and laid in local historic patterns. Use of native New England stone is encouraged.	N/A. There is no stone proposed for the facades.	N/A
v.	Brick shall be laid in a horizontal running bond, common bond, English bond or Flemish bond pattern with raked mortar joints of not greater than 3/8 inch in height. Variations such as soldier course and other articulated brick coursing are allowed.	N/A. There is no brick proposed for the facades.	N/A
vi.	Shingles and siding shall be 8 inches maximum to the weather. Shingles shall be machine cut with the bottom edges aligned.	Shingles are proposed to be consistent around the building, between 5” and 7” exposure.	Ok.
vii.	Arches and piers shall be natural stone or brick. Piers shall be no less than 12 x 12 inches in plan. Arches shall be no less than 8 inches thick.	N/A. There are no arches or piers proposed.	N/A

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viii.	Posts shall be painted or opaque stained wood or painted synthetic or authentic wood no less than 6 x 6 inches.	Posts are proposed to be painted 6x6 wood.	Ok.
ix.	Foundation walls shall be exposed a minimum of 6 inches and a maximum of 36 inches above grade.	Foundation walls are proposed to be exposed 6" to 12" for the majority of the façade except at the door entrances to accommodate accessible entry.	Ok.
x.	Surface-applied waterproofing shall not be visible.	N/A	N/A
xi.	Exterior trim shall be indistinguishable from wood when painted. Trim shall be pine graded better than number 2, fiber-reinforced cementitious trim, or PVCBD-based products.	Exterior Trim is proposed to be painted wood or engineered wood.	Ok.
xii.	All exposed wood , except cedar shake shingles, shall be painted or opaque stained.	All exposed wood will be painted.	Ok.
3.	ATTACHMENTS & ELEMENTS		
a.	Porches shall be proportional to the scale of the rest of the Building, and should be architecturally harmonious with the Building to which it is attached.	The proposed porch is proportioned appropriately to the building and provides a clear point of entry to the building.	Ok.
b.	Porches shall be designed to address functionality, appearance, and durability standards by such measures as:	See below.	Ok.
i.	Porches and posts shall be made of painted or opaque-stained wood or synthetic composite material (except for cedar or ironwood which may be untreated).	Posts are proposed to be painted wood.	Ok.
ii.	Porch decking shall be made of painted or opaque-stained wood, (except for cedar or ironwood which may be untreated), natural or painted brick, ceramic tile, natural stone or stained concrete faced on three sides with brick or natural stone.	Decking is proposed to be opaque-stained wood or oiled cedar. Patios are proposed to be	Ok.
iii.	Porch railings should be made of wood or metal. Metal railings shall be painted or rust proof.	Railings are proposed to be painted wood.	Ok.
iv.	Stoops shall be finished in painted or opaque-stained wood or	N/A. No stoop is proposed.	N/A

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	composite wood (except cedar or ironwood which may be untreated), synthetic composite material, natural stone, or painted or unpainted brick.		
v.	Porch posts may be wood or masonry.	Posts are proposed to be painted wood.	Ok.
vi.	Porches may be enclosed with glass or screens.	The porch is not intended to be enclosed.	Ok.
vii.	Stoops shall be at least 4 to 6 feet deep.	N/A. No stoop is proposed.	N/A
c.	Balconies shall meet character and functionality standards through Building design features that complement the Building by such measures as:	No balcony is proposed. A second story porch is proposed that matches the first story porch and meets the requirements of balconies and porches.	Ok.
i.	Balconies shall be used as a single, continuous element at the location of the upper or lower transition lines or separately as a periodic element of the Facade composition.	A transition line, trim, divides the first from second floor on the façade with the second story porch.	Ok.
ii.	Balconies shall be made of painted or opaque-stained wood or synthetic composite material.	The second story porch is proposed to be painted wood.	Ok.
iii.	Balconies shall be visibly supported by brackets or beams and shall be at least 4 feet deep.	N/A. There are no brackets or beams proposed.	N/A
iv.	Roof Decks , if visible from any Thoroughfare, shall be recessed from the eave by 3' or 1' from the front plane of the Building.	N/A. No roof deck is proposed.	N/A
d.	Chimneys , chimney enclosures, and fireplaces shall meet the following character and functionality standards through Building design features that complement the Building by such measures as:	N/A. No chimney is proposed.	N/A
i.	Chimneys, chimney enclosures and fireplaces , shall be of masonry, finished with painted or natural brick, or native stone.	N/A. No chimney is proposed.	N/A
ii.	Chimneys shall be a minimum of 16 inches to 20 inches rectangular in plan and consistent with the architectural style and scale of the Building and capped to conceal spark arresters. Vented gas fireplaces or similar appliances	N/A. No chimney is proposed.	N/A

	shall not be located on Facades, and the firebox shall not extend beyond the plane of the exterior wall, unless incorporated fully within a chimney structure.		
iii.	Flues shall be tile or metal left to age naturally or painted black and shall be no taller than required by the Building Code. Flues shall be no taller than required by the Building Code.	N/A. No flue is proposed.	N/A
iv.	Each chimney shall have a projecting cap.	N/A. No chimney is proposed.	N/A
v.	Chimneys shall extend below the ground as true masonry Structures.	N/A. No chimney is proposed.	N/A
vi.	Chimney pots and expressive chimney cap details are encouraged.	N/A. No chimney is proposed.	N/A
e.	A satellite dish or antenna shall be as small as feasible and placed in the least visible location on the property allowing adequate signal reception	N/A. No chimney is proposed.	N/A
f.	Decks shall meet character and functionality standards through built design features that complement the Building by such measures as:	N/A. No deck is proposed.	N/A
i.	Decks shall be permitted only in rear yards and on roof tops and shall be made of synthetic or composite painted or opaque stained wood, or in the case of roof top decks, stained concrete, concrete pavers, bricks or brick pavers or ceramic tile. They shall not be visible from streets or paths.	N/A. No deck is proposed.	N/A
ii.	Decks and stairs to decks shall be painted or opaque-stained, with the exception of the "floor" and the treads which may be painted, stained or left unfinished.	N/A. No deck is proposed.	N/A
g.	Bay (which may include bow) windows shall meet character and functionality standards through built design features that complement the Building by such measures as :	See below.	

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i.	Bay windows shall have a full foundation that extends all the way to the ground or be visually supported with brackets or corbels of appropriate size.	Bay windows are set above grade with substantial brackets to match trim color.	Ok.
ii.	Bay windows shall be a 4 feet deep maximum and shall be three-sided.	The bay windows are proposed to be less than 4 and are three-sided.	Ok.
iii.	Bay windows shall be built of wood or other material indistinguishable from wood when painted.	The bay windows are proposed to be painted wood or engineered wood.	Ok.
h.	Posts, columns, and balustrades shall be built of painted or opaque-stained wood or painted synthetic wood.	Posts and balustrades are proposed to be painted wood.	Ok.
i.	Solar shingles, panels and arrays that complement the Building design and character standards are encouraged.	N/A. None are proposed.	N/A
j.	Open exterior stairs and fire escapes above the first floor are discouraged, and are prohibited where visible from any Thoroughfare, except where no reasonable alternative safety egress is available and subject to Planning Board review	N/A. None are proposed.	N/A
k.	Cupolas are allowed and may extend above the applicable height limit as defined and provided for in Article 7, and must be designed and scaled as integral and appropriate to the building to which it is attached.	N/A. None are proposed.	N/A
4.	ROOFS		
a.	With respect to roofs of Buildings : Roof composition, functionality, and façade surface material shall meet Building design standards that complement the character of the Building by such measures as:	See below.	
i.	Roof materials shall be in keeping with the architectural character and style of the Principal Building, Backbuilding, Outbuilding, or Structure they cover.	The roof is proposed to be asphalt shingles, which is prevalent roofing material in the neighborhood.	Ok.
ii.	Principal Buildings, Backbuildings, Outbuildings, and other Buildings	N/A. None are proposed.	N/A

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	and Structures may have Green Roofs . Green Roofs shall be considered pervious for purposes of impervious surface calculation except in the Shoreland Overlay District.		
iii.	Flashing shall be galvanized metal or copper.	The proposed flashing will be galvanized metal.	Ok.
b.	Roof type and roof pitch , if any, of Principal Buildings, Backbuildings, and Outbuildings shall comply with the standards in Tables 5.F.2A- 5.F.2C (Character District Standards). Roof type, rooftop, and pitch shall meet character and functionality standards through Building design features that complement the Building.	The main roof pitch is proposed to be 8:12 and meets the standard. The dormer roofs are 12:12 which was more appropriate aesthetically.	Ok.
c.	Flat roofs shall meet Building design standards that complement the character of the Building by such measures as:	N/A. None are proposed.	N/A
i.	Flat roofs are permitted only as provided in Tables 5.F.2A-5.F.2C (Character District Standards). If they are occupiable and accessible from an interior room they shall be edged by a railing or parapet.	N/A. None are proposed.	N/A
ii.	Flat roofs must use white membrane/high albedo (light or reflective) roofing materials, except where Green Roofs are utilized.	N/A. None are proposed.	N/A
d.	Roof penetrations , other than chimneys, shall be placed so as not to be visible from streets or paths to the extent practicable, and shall be black or match the color of the roof except those made of metal which may be left natural. Natural roof ventilation using linear soffit vents, ridge vents and dormer vents is required. Roof vents such as turbines or power roof ventilators are not permitted unless not readily visible from the Principal Frontage.	Roof penetrations are proposed to be metal, black or dark grey and will be located over the bathrooms. They will be obscured from the thoroughfare by the turret roof and location away from the porch.	Ok.

e.	The location and masking of rooftop machinery and equipment (other than solar equipment) shall be as consciously designed as any other aspect of the Building. Screening shall be incorporated in a manner consistent with the overall architectural design of the Building.	N/A. None are proposed.	N/A
f.	Buildings that have gutters, downspouts or rain chains, splash blocks or downspouts connected to rain barrels or underground drainage systems or cisterns shall meet character and functionality standards through built design features that complement the Building by such measures as:	A gutter is proposed for the first floor porch, the downspout will be against the corner trim, both will match the off-white trim color.	Ok.
i.	Gutters, downspouts and projecting drain pipes shall be made of galvanized steel, wood, or painted aluminum to match the fascia or wall material, or raw copper.	Gutters, downspouts and projecting drain pipes are proposed to be made of galvanized steel and painted to match trim color.	Ok.
ii.	Gutters are required where eaves extend over adjacent private or public property line(s).	N/A. No eaves extend over property lines.	N/A
iii.	Gutters shall be square, half-round or ogee in profile.	Gutters are proposed to be square or ogee.	Ok.
iv.	Downspouts shall be arranged as an integral part of the Facade composition, and shall generally be placed at the corners of the Building least visible from Frontages.	The downspout is proposed to be against trim corner trim and will match the off-white trim color.	Ok.
v.	Splash blocks must be made of concrete, brick or gravel.	The splash block will be made of gravel or precast concrete.	Ok.
vi.	Drip edge is acceptable except at entry points, with suitable ground splash surface treatment.	N/A. A gutter is proposed at the main entry point. The side entry is on the gable end.	N/A
g.	Roof and eave overhangs shall be appropriate to the style of the Building, usually less than 18 inches.	Roof overhangs are currently proposed at 16 inches and will not be reduced below 12 inches with the refinement in subsequent submission.	Ok.
i.	Eaves shall be continuous, unless overhanging a balcony or porch.	All eaves are proposed to be continuous.	Ok.
ii.	Eaves should have an overhang that is 12 to 24 inches.	Roof overhangs are currently proposed at 16 inches and will not	Ok.

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		be reduced below 12 inches with the refinement in subsequent submission.	
iii.	Eaves on Backbuildings , Outbuildings and other Structures shall match the eaves of the Principal Building on the Lot if the latter are shallow, or shall be approximately half the depth of the eaves of the Principal Building on the Lot if the latter are deep.	N/A.	N/A
iv.	Eaves that encroach into adjacent private properties, subject to easement, shall be a maximum of 2 feet and shall be provided with gutters that must empty within the property of the house for which they are installed.	N/A. No eaves extend over property lines.	N/A
v.	Rafter tails , if exposed, shall not exceed 8 inches height at their ends.	N/A. None are proposed.	N/A
vi.	Gable ends shall have historically accurate and appropriately detailed rake and fascia trim.	Rake and fascia trim are proposed to match the stepped style trim common in the vicinity.	Ok.
vii.	The underside of soffits and roof overhangs shall be elaborated and well finished.		
viii.	Overlapping or “nested” gables are prohibited unless the smaller gable is part of a balcony or porch.	N/A. None are proposed.	N/A
h.	Dormers shall be roofed with a symmetrical gable, hip, vaulted, eyebrow, or shed roof, shall be placed flush with, or a minimum of 18 inches from, Building side walls. Dormers shall have at least one window. The number of windows in each dormer shall be consistent with the style of the Building to which they are attached.	Dormers, or bay and turret roofs in this case, are proposed to have walls flush with walls below. The dormers are associated with bay windows and a turret with windows, additional windows are also in the gable of the dormer.	Ok.
5.	OPENINGS, WINDOWS & DOORS		
a.	Material choices shall be appropriate to the chosen architectural style and shall be authentic, durable, and representative of or visually compatible with the predominant materials in use within the visual	The building façade is proposed to be primarily painted wood or engineered wood.	Ok.

	vicinity or in the Yarmouth Village area:		
i.	Residential windows shall be made of PVC, wood, or aluminum-clad or vinyl clad wood. Storefront windows may include aluminum frames.	Windows are proposed to be PVC, aluminum clad, or fiberglass.	Ok.
ii.	Glass shall complement and enhance the Building façade with design considerations including performance, safety, wind/snow loads, and thermal stress and shall meet the Maine Energy Code.	The glass shall meet the Maine Energy Code.	Ok.
iii.	glass shall be transparent with a Visual Transmittance (VT) of at least .60.	The glass shall be transparent.	Ok.
iv.	Shutters , if provided, shall be made of painted wood or synthetic wood and shall be sized, shaped and proportioned to match the associated openings.	N/A. No shutters are planned.	N/A
v.	Vents in foundation walls shall be painted cast iron or aluminum grates, pierced natural stone or natural or painted brick.	N/A. There is no basement proposed.	N/A
vi.	Principal Entrance Doors shall generally be stained or painted wood. Insulated metal or fiberglass doors, if allowed, shall have traditional details such as frame and panel below and multiple lights (windows) above.	Principal entrance door is proposed to be insulated fiberglass with glazing at the top and panel below.	Ok.
vii.	Utility vents shall not be located on primary Façades.	No utility vents shall be located on the primary façade.	Ok.
b.	Façade design and composition , shall be representative of or compatible with the character of Buildings in the visual vicinity of Yarmouth Village, through such design measures as the following:	The facade design and composition is compatible with the character of the neighborhood. See below.	Ok.
i.	All openings , including porches, and windows, with the exception of those in Shopfront Frontage, shall be square or vertical in proportion as appropriate to the style of the Building.	All opening are proposed to be rectangular, except for arched windows at the top in the gables as is present in multiple buildings in downtown Yarmouth.	Ok.
ii.	Operable windows are required for a majority of the windows on all Facades except for those of Shopfront Frontages.	All windows are proposed to be operable, with the exception of the in the stairway turret element.	Ok.

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iii.	All window design shall be compatible with the style, materials, color and details of the Building.	The window design is compatible with the style of the building.	Ok.
iv.	Windows at Frontages and through those parts of a Building within the First and Second Lot Layers shall be double-hung, casement or awning windows.	All windows are double hung, with the exception of the in the stairway turret element, which is fixed. The proportion of the panes ties them together aesthetically.	Ok.
v.	Windows in Facades shall be no closer than one foot to the corners of the Building, except Shopfronts.	All windows are proposed to be more than one foot from corners.	Ok.
vi.	Window panes throughout a Building shall be uniform in size or proportion, provided that openings may become proportionally smaller on the upper stories.	The size and proportion of the panes proposed for half of the double hung window tops is repeated in the larger windows on the turret and the bay windows.	Ok.
vii.	Walls of Buildings along Frontages shall have windows or doors, or a combination of both, spaced no further apart than 20 feet.	All windows are proposed to be spaced closer than 20 feet.	Ok.
viii.	First floor walls shall have at least one window per bay and exposed basement walls shall have at least one small window per elevation as appropriate for an occupied foundation.	All walls are proposed to have at least one window per bay.	Ok.
ix.	Lintels and sills on Adjacent windows shall be aligned to create a harmonious Facade.	All heads and sills are aligned on adjacent windows.	Ok.
x.	Shutters shall be louvered, planked or paneled and shall be applied to all or none of the typical windows on any given Elevation.	N/A. No shutters are planned.	N/A
xi.	Windows shall be fully articulated with a lintel, face frame and drip mold.	Windows are proposed to have a head, face frame, and drip mold. This will be further detailed for the subsequent submission.	Ok.
xii.	Storm windows and screens shall be integral with the window. If window screens are provided they shall cover the entire operable portion of the window.	Storm windows and screens shall be integral with the window and cover the operable portion of the window.	Ok.
xiii.	Garage doors are discouraged on primary Facades. If located on the primary Façade, garage doors shall	N/A. None are proposed.	N/A

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	be recessed at least 3 feet from the plane of the Façade.		
xiv.	Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the architectural style and details of the Building as a whole.	The building entrance is articulated by the porch, which is detailed in character with the neighborhood and the rest of the building.	Ok.
xv.	Transoms and sidelights are encouraged.	There are no transoms or sidelights proposed, but it may be considered for the following submission.	Ok.
xvi.	The Principal Entrance of a Building shall generally be located within the primary Façade. Side entry Buildings are allowed provided that the Principal Entrance is expressed at the street Frontage Line.	The principal entrance is located on the primary façade and is emphasized by the porch.	Ok.
xvii.	Openings above the first Story shall not exceed 50% of the total Building wall area, with each Facade being calculated independently.	The proposed façade the openings on the first story are all below 50% of the wall area based on the submitted elevations are: Front: 20%, Patio Side: 26% Rear: 15% Side: 11%	Ok.
xviii.	Doors that operate as sliders are prohibited along Frontages.	N/A. None are proposed.	N/A
c.	Construction methods shall reflect the traditional building methods of Yarmouth Village, incorporating such practices as the following:	See below.	
i.	Windows in wood or cementitious sided houses shall have a flat casing, 5/4 inch in depth. Brickmold casing shall be used in masonry walls.	The windows are proposed to have casing that is 5/4x4 minimum.	Ok.
ii.	Multiple windows in the same rough opening shall be separated by a 4 inch min. Mullion.	Multiple windows in the same rough opening is only proposed in a single location and is separated by at least 4 inches.	Ok.
iii.	Muntins at Frontages, if any, shall be true divided lites or simulated divided lites fixed on the exterior surface with spacer bars to cast a shadow.	Muntins are proposed to be simulated divided lights with interior, exterior, and inside IGUs.	Ok.

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iv.	Single glass panes shall be no larger than 20 square feet.	There is no glass pane that is proposed to be over 20 square feet	Ok.
v.	Sidelights shall not exceed 18 inches in width.	N/A. None are proposed. If added at the next submission they will be 18 inches maximum.	N/A
vi.	Lintels of stone or pre-cast concrete shall extend horizontally beyond the window opening dimension equal to the height of the lintel. Brick soldier lintels shall extend one brick beyond the opening.	N/A. None are proposed.	N/A
vii.	Windows may be subdivided into lites by muntins, and the lites shall be square or vertical in proportion.	Lites are all proposed to be vertical in proportion.	Ok.
viii.	Doors at a minimum shall have a lintel, face frame and drip mold.	N/A. None are proposed.	N/A
ix.	Doors and Garage doors shall have windows and raised panels where facing any Thoroughfare, except carriage house style garage doors or where transom windows are provided in lieu of garage door windows.	Principal entrance door is proposed to be insulated fiberglass with glazing at the top and raised panel below. There is no garage doors.	Ok.
x.	Garage doors shall not cumulatively exceed 40 percent of the Building face or 9 feet wide, whichever is greater. Each garage bay shall have its own door.	N/A. None are proposed.	N/A
xi.	Doors , except Garage doors, shall be constructed of planks or raised panels (not flush with applied trim) which express the construction technique.	Principal entrance door is proposed to be insulated fiberglass with glazing at the top and raised panel below.	Ok.
xii.	Driveway gates shall have a maximum opening width of 12 feet.	N/A. None are proposed.	N/A
d.	Prohibited:		
i.	Doors and windows that operate as sliders are prohibited along Frontages	N/A. None are proposed.	N/A
ii.	Aluminum storm windows or doors are generally not allowed.	N/A. None are proposed.	N/A
iii.	Flush-mounted and projecting windows (not including bay windows) are prohibited where visible from Frontages.	N/A. None are proposed.	N/A
6.	SHOPFRONT FRONTAGES	N/A. None are proposed.	N/A

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	The following Architectural Standards shall be applicable to Shopfront Frontages; provided that if any standard of this Article 5.M.6 is in conflict with any other standard or requirement of this Chapter, the provision of this Article 5.M.6 shall govern:	N/A	N/A
a.	For Principal Buildings located on a corner, the Principal Entrance shall either be oriented at the corner, or to face the larger Thoroughfare.	N/A	N/A
b.	Except for the glazed part thereof, Shopfront Frontages shall be made of wood, which shall be painted or transparent or opaque stained, stone, metal, or unpainted or painted brick, including terra cotta, or painted or unpainted composites.	N/A	N/A
c.	All glass shall meet the standards specified in Article 5.M 5 .	N/A	N/A
d.	Neither reflective (mirror), colored, nor spandrel glass shall be permitted on the Facade.	N/A	N/A
e.	Ceiling height of non-residential first floor Stories shall be 10 feet minimum.	N/A	N/A
f.	One continuous load-bearing beam shall carry the entire load of the Facade to the partition walls or bay delineations so that the Shopfront Frontage may be changed with no structural impediment.	N/A	N/A
g.	Shopfront Frontages shall have internal structural support blocking to allow installation of signs and awnings whether or not signs or awnings are installed at the time of initial construction.	N/A	N/A
h.	A paved walkway shall connect the front entry to the nearest sidewalk.	N/A	N/A
i.	Doors, windows, awnings, signage and lighting shall meet character and functionality standards to achieve a simple	N/A	N/A

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	classic storefront with such features as large glass panels below, divided light transoms above and sheltering awnings at the entry. Storefronts shall feature design elements to complement the Building by such measures as :		
i.	Windows shall sit on a 12 to 14 inch high kneewall.	N/A	N/A
ii.	Mullions (dividers between window units) are encouraged in first story Façades.	N/A	N/A
iii.	Muntins (dividers between glass panes) in first story Façades should be true divided light or permanent 3-dimensional muntins.	N/A	N/A
j.	Awnings are permitted provided they complement architectural features (such as cornices, columns, pilasters, or decorative details).	N/A	N/A
i.	Awnings, lights and signs may encroach into setbacks and across right of way lines but not onto private properties. A minimum of eight foot height clearance from the pavement must be maintained.	N/A	N/A
ii.	Awnings shall be a minimum depth of 4 feet.	N/A	N/A
iii.	Awnings shall have no side panels or soffit.	N/A	N/A
iv.	Awnings shall be rectangular in elevation and triangular in cross-section with straight edges and shall have a metal structure covered with non-translucent canvas, synthetic canvas or painted metal.	N/A	N/A
v.	Awnings of the quarter-round or domed variety are prohibited.	N/A	N/A
vi.	Awnings shall not be internally illuminated other than soffit sidewalk lighting.	N/A	N/A
vii.	Awnings may be retractable.	N/A	N/A
viii.	All awnings on a single business shall be identical in color and form.	N/A	N/A

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k.	Businesses are encouraged to place tables, chairs and temporary displays on the public sidewalk provided a minimum 5 foot wide clear corridor is maintained for pedestrians.	N/A	N/A
l.	Any security shutters shall be designed to be visually integrated with the Façade composition.	N/A	N/A
7.	MISCELLANEOUS		
a.	The use of recycled and/or locally-sourced materials is strongly encouraged.	Locally sourced materials are proposed to be used when available.	Ok.
b.	Low-VOC (Volatile Organic Compound) paints, sealants, and stains are strongly encouraged on all surfaces requiring such treatment.	Low VOC materials are proposed to be used.	Ok.
c.	Facade colors shall be harmonious with respect to the Building and Adjacent Buildings.	Façade colors were chosen to be harmonious with the buildings in the vicinity.	Ok.
d.	The following items are prohibited at Frontages: clothes drying apparatus, HVAC equipment utility or gas meters, antennas, satellite dishes, garbage containers, permanent grills, swimming pools, clothes lines, hot tubs and spas, unless no other location is feasible.	None of the items listed are proposed to be visible from the thoroughfare.	Ok.
e.	Flagpoles are permitted.	N/A. None are proposed.	N/A
f.	Light fixtures shall be compatible with the style of the Building to which they are attached or otherwise associated.	Proposed light fixtures shall be submitted separately.	Ok.
g.	Any security system signs shall be affixed to a Building.	N/A. No security system signs are proposed at this time.	N/A
h.	A real estate sign advertising a property for sale or lease is permitted.	Noted.	Ok.
i.	Utility boxes and gas meters shall be located at the rear of Buildings where practicable and if located Adjacent to Rear Lanes, Alleys or Rear Access Easements, shall require durable protective bollards set in concrete. The bollards must be painted a light color for visibility.	None of the items listed are proposed to be visible from the thoroughfare.	Ok.

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j.	Utility boxes and meters shall not be obstructed by landscaping or hardscape such that meter readers and maintenance personnel are unable to open or access utilities devices.	The items listed shall be fully accessible.	Ok.
k.	Trash collection sites shall be fully enclosed on three sides and enclosed on the fourth side with a self-closing gate. Materials and details shall be compatible with the Principal Building on the Lot. Both vehicle and pedestrian access to trash collection sites shall be provided.	Trash and recycling collection for the Main Street properties is fully enclosed with a gate on the front.	Ok.
l.	Ground level mechanical/telecommunication equipment shall be designed so it does not encroach on walkways or parking areas, and shall not be visible from any Public Frontage.	The items listed shall not encroach on walkways or parking areas and will not be visible from public frontage.	Ok.
m.	Buildings that are stylized in an attempt to use the Building itself as advertising shall be prohibited, particularly where the proposed architecture is the result of corporate or franchise architecture.	N/A	N/A
n.	The following shall not be permitted:		
i.	panelized extension wall materials;	N/A. None are proposed.	N/A
ii.	Exterior fluorescent lights, other than compact fluorescent lights in the incandescent spectrum;	N/A. None are proposed.	N/A
iii.	Colored light bulbs except seasonal displays;	N/A. None are proposed.	N/A
iv.	Above-ground swimming pools, plastic or vinyl pool tiles, or "Cool Deck" pool surfaces in the 1st or 2nd Lot Layers;	N/A. None are proposed.	N/A
v.	Signs on private property except as otherwise provided herein;	N/A. None are proposed.	N/A
vi.	External alarm systems; and	N/A. None are proposed.	N/A
vii.	Stucco over wood	N/A. None are proposed.	N/A
o.	The same Building Facade , massing, floor plan, footprint, materials, or architectural style may not be constructed within a Block, or within ten surrounding	The two proposed buildings have a similar floor plans, but are intentionally rotated, reflected, painted different colors, and have variety in detailing to distinguish	Ok.

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	Buildings, whichever is further; provided that mirror Elevations or styles may be built across the street from one another.	the houses. See rendering in Exhibit 27.	
p.	In developments of Lots accommodating 16 or more Buildings having a potential single family Residential Principal Use, a minimum of four substantially different Facades and styles shall be provided per floor plan.	N/A.	N/A
q.	Any fence, wall, or Streetscreen shall:	See below.	
i.	Be no more than 6 feet in height, measured from the average undisturbed grade of the Adjacent land at the property line;	Proposed fences are 4 to 6 feet high and will not disturb grade of adjacent properties.	Ok.
ii.	Have a finished side facing any Adjacent property, Thoroughfare, or water body;	Finished side of the fence shall face adjacent properties and the Thoroughfare.	Ok.
iii.	Be maintained in a good, sturdy, upright condition, free of missing parts or broken slats or boards.	The proposed fence will be kept in good condition.	Ok.
r.	There shall be no parking or driveway in the Frontage area between the Principal Building and the Frontage Line except to provide direct access to a garage entrance.	There will be parking between the buildings and their frontage line, which it is understood will require a waiver. The Thoroughfare designation is required per the ordinance to derive frontage, but practically it will be used as a driveway to access the two proposed residential buildings and the existing neighboring-single family home. The only way to remove this conflict would be to relocate the parking to the Thoroughfare, which would require a different waiver. We believe the proposed arrangement fits best within the intention of the ordinance and is appropriate for the site.	Ok.
s.	String lights are allowed in rear yards and are allowed in cafe seating patios or sidewalk café applications in predominantly horizontal plane configuration comprising repeated standard base hanging luminaires with design of such lighting subject to	N/A. None are proposed.	N/A

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	approval by the Planning Board as provided for in Chapter 702 (Site Plan) Article J.4.f.		
t.	Buildings and Structures of Value may be altered or demolished only in accordance with municipal preservation standards and protocols.	The long shed behind the 90 Main building was deemed by the Historic Review Committee and the Planning Board as not to be a Building of Value and was approved for demolition. No other structure is proposed to be demolished as a part of this application.	Ok.