



A Guide to Accessory Dwelling Units

Understanding Yarmouth's standards and
application requirements for ADUs



Prepared by:
Yarmouth Planning & Development Department
Yarmouth Affordable Housing Committee
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The Yarmouth Affordable Housing Committee hopes that this guide can help interested property owners find the resources they need to explore whether an ADU is a viable option and to clarify the ordinances, standards, and application requirements.



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Key Contacts

Fire & Rescue Department (178 North Rd, (207) 846 – 2410)

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Eric Gagnon, Superintendent

Town Hall (200 Main Street): (207) 846 – 2401

Public Works Department – Erik Street, Director

Planning & Development Department – Erin Zwirko, Director

Code Enforcement Officer – Nicholas Ciarimboli

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Acknowledgments

This guidebook has been adapted for Yarmouth, with permission, from the “City of South Portland ADU Guidebook,” which is also adapted from the “Planning for Accessory Dwelling Units A Guidebook,” a collaboration between the City of Bath, Age Friendly Communities of the Lower Kennebec, the AARP, and Bath Housing. The Yarmouth Affordable Housing Committee expresses gratitude to South Portland, Bath, Auburn, Kittery, and other municipal leaders who have inspired this committee with research and policies that seek to address the statewide housing crisis in tandem with compassionate and innovative local solutions.

This guidebook and broader efforts of the Yarmouth Affordable Housing Committee to increase awareness of the potential of Accessory Dwelling Units in Yarmouth could not have been done without guidance from South Portland and their collaboration with Age-Friendly South Portland, and the resources from GrowSmart Maine, the Greater Portland Council of Governments, the AARP, and the U.S. Department of Housing and Urban Development.

Thank you to the residents, Town Departments, and Town committees that also collaborated in its production.

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Additional work of the Affordable Housing Committee can be found on the Town website at www.yarmouth.me.us.

Background

This guide was developed by the Town of Yarmouth's Planning & Development Department in collaboration with the Yarmouth Affordable Housing Committee. The committee was created by the Town Council in December 2020 with the purpose of:

- Reviewing key issues affecting quantity, availability, and affordability of Yarmouth housing;
- Working jointly with other boards and committees, and state and regional organizations; and
- Crafting thoughtful town-wide policy recommendations that promote a balanced long-term supply of housing options affordable to each demographic, spanning all incomes and age groups.

ADUs in Yarmouth were first adopted in 2006 and amendments were made to the ordinances over time to provide more flexibility:

- **2007** Allowed in the Rural Residential and Low Density Residential districts
- **2008** Expedited review under the Site Plan Ordinance
- **2021** Removed requirement for public water and public sewer
- **2023** Amendments for LD 2003 (“An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessory Dwelling Units”)

The Yarmouth Town Council adopted these amendments to facilitate housing choices and foster low-rise infill housing development. ADUs alone cannot fully address the scale of housing-related challenges in the town, region, state or even the country. However, they can be an important part of meaningful comprehensive and coordinated efforts to address them. Although ADUs are not approved “by-right” in Yarmouth, the speedier staff review, and more flexible standards could make it easier for property owners to pursue this housing type without drastically impacting the community's infrastructure.



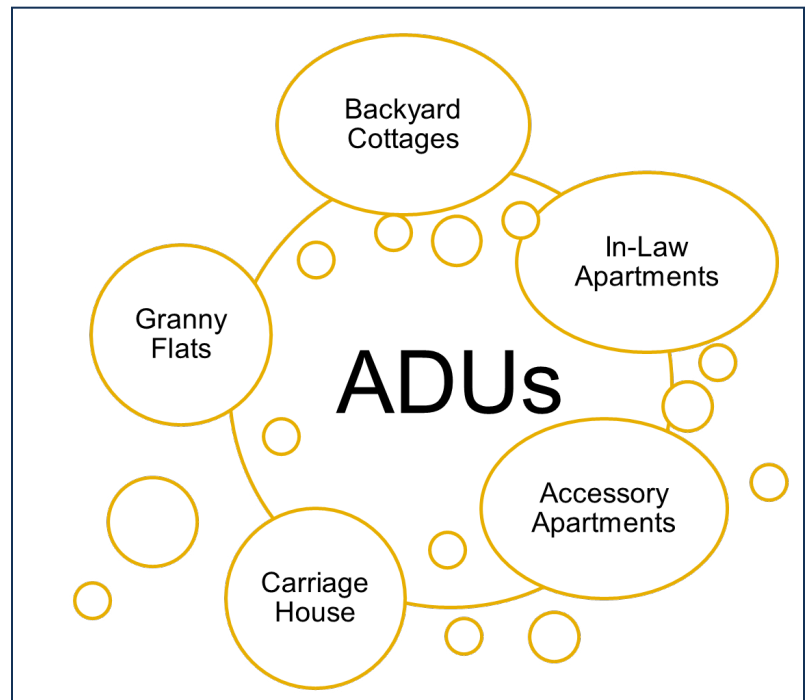
A digital copy of this guide can be found at www.yarmouth.me.us and hard copies can be obtained at the Planning & Development Department office at Town Hall (200 Main St, Yarmouth)

The Basics of ADUs

Figure 1. Common terms for ADUs

Definitions

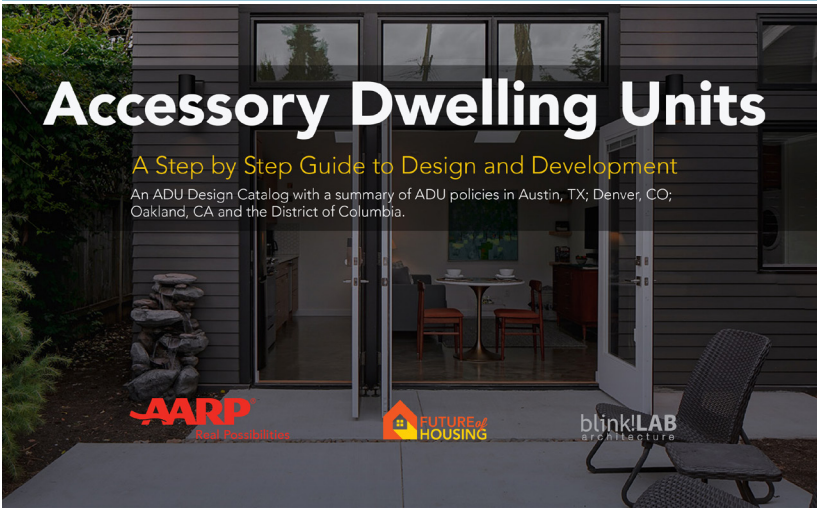
Accessory Dwelling Units (ADUs) have many nicknames, the most common of which are shown below, but as defined by Yarmouth's Zoning Ordinance (Chapter 701), ADUs are "A self-contained dwelling unit within or attached to a single-family dwelling or detached from the single-family dwelling located on the same parcel of land."



In layman's terms, an ADU is a separate, permanent, functionally independent residential unit built on properties already containing a primary residence. They can exist as stand-alone, detached structures, such as modified barns or garages, or they can be attached or within a structure, like in basements, attics, or other interior areas (so long as they comply with the Technical Building Code.) The key element is that they share a property with a single-household, primary residence and are "subordinate to" the primary residence on site.

An ADU must comply with State requirements, like the Maine Uniform Building and Energy Code (MUBEC), and shoreland zoning requirements established by the Department of Environmental Protection and municipal shoreland zoning ordinances. Private deed restrictions or homeowner association covenants may also apply.

ADUs come in a variety of shapes and sizes, and can be designed to best suit the needs of each homeowner. In general, ADUs are smaller than the primary structure, have a bedroom or sleeping area, a bathroom, a kitchen, and a living space to provide a private residence. While an ADU could be a tiny home, a "Tiny Home" on wheels, would not qualify as an ADU.



Two free resources from the AARP on the basics of ADUs are “The ABCs of ADUs” and the “Step by Step Guide to Design and Development,” which can both be found at <https://www.aarp.org/pri/topics/livable-communities/housing/>

Figure 2. Configurations of ADUs

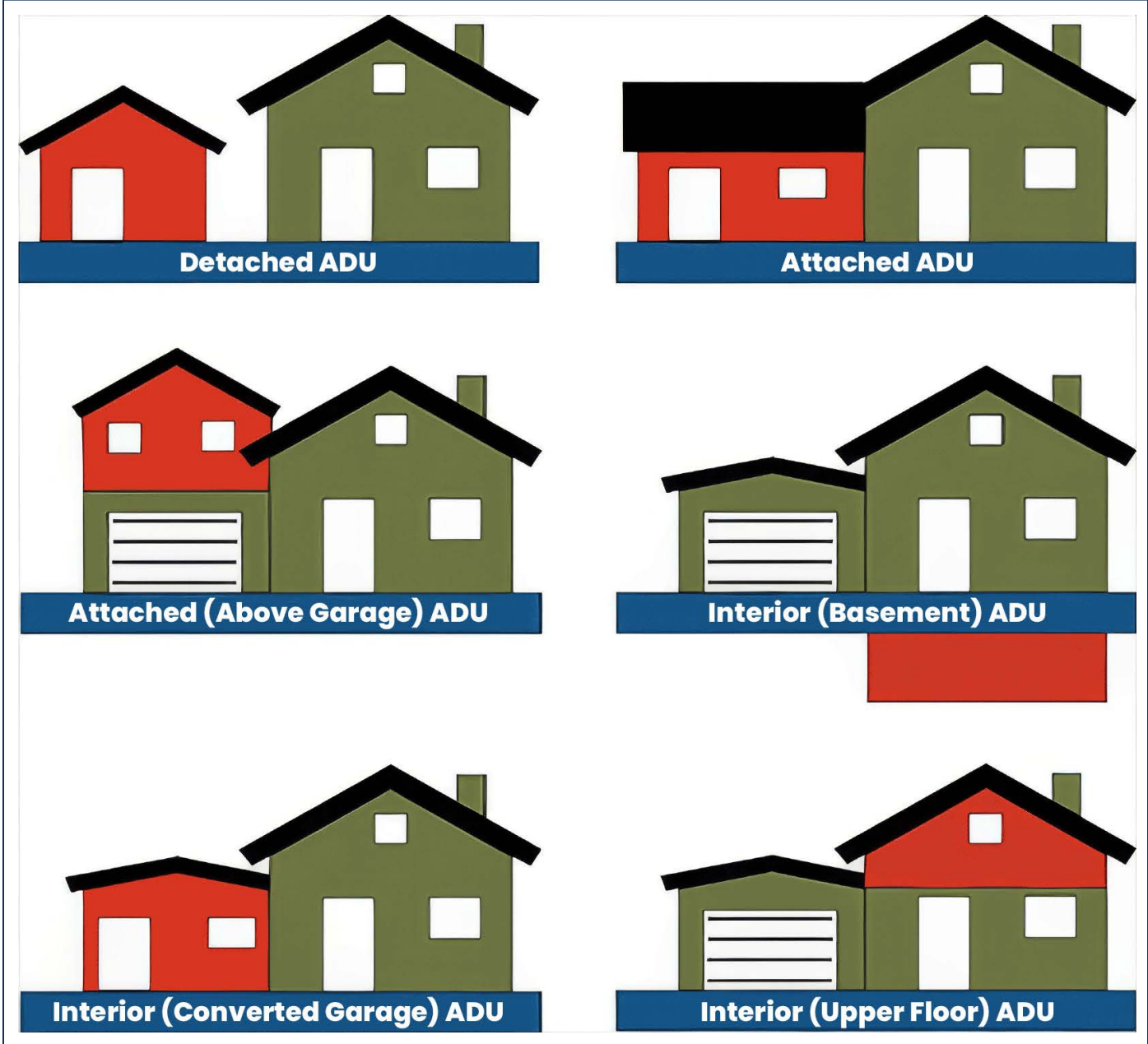


Photo Source: AARP “The ABCs of ADUs”

The Basics of ADUs

Configurations



Within on West Main St



Attached on East Elm St



Detached on West Elm St

To the left are images of the basic three types of ADUs: within, attached, and detached.

Examples of these in Yarmouth can be found throughout the community; some are modifications to existing structures and others are brand new construction on a single-family lot.

Since the ADU ordinance was adopted almost twenty years ago, this low-impact option has created some additional housing options for the Yarmouth community. However, the majority (67.7%) of homes in town are single-family detached, with approximately 50-60 ADUs currently.

The Zoning Ordinance has been amended piecemeal over time to facilitate ADUs. This includes the removal of the requirement for public water and public sewer in 2021, which enabled homeowners with septic systems and well water in the Low Density Residential and Rural Residential zoning districts to consider ADUs.

Prefabricated (prefab) or manufactured homes can also be ADUs.

Manufactured homes* refers to “a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site.” This includes **mobile homes**, which are regulated through the US Department of Housing and Urban Development (HUD). These are anchored in a fashion that allows them to be more easily relocated. New technology has enabled many innovations in manufactured housing, such as energy efficiency and custom-built features, and with smaller sizes and lower production costs they can be more affordable than site-built new housing.

Modular homes are regulated through the State. They are assembled from various prefabricated components, transportable in one or more sections, are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.” Modular homes must meet the Maine State Certified Modular Homes Standard and there are local home builders that are well versed in the requirements for building small prefab homes.

An example of a prefab ADU is shown below.



Photo Source: GO Logic, retrieved from <https://www.gologic.us/>

* See the Appendix for additional references on manufactured housing as ADUs like the [Manufactured Housing Institute](#) and more.

The Benefits of ADUs

There are myriad benefits of an ADU for a homeowner and the greater community.

“Choosing a home with an attached apartment allows us to share our kids’ childhood with their grandparents. This makes for a fun household that also provides dynamic childcare solutions while both Stephan and I work full time. The ADU lets us prioritize proximity to our family now, and then provides flexibility to use space efficiently, and differently as the needs of our family grow and change.”

- The Wollenburg-Gallo Family

“Using the ADU ordinance, we built an affordable home for our aging parents. We all benefit from having them close by.”

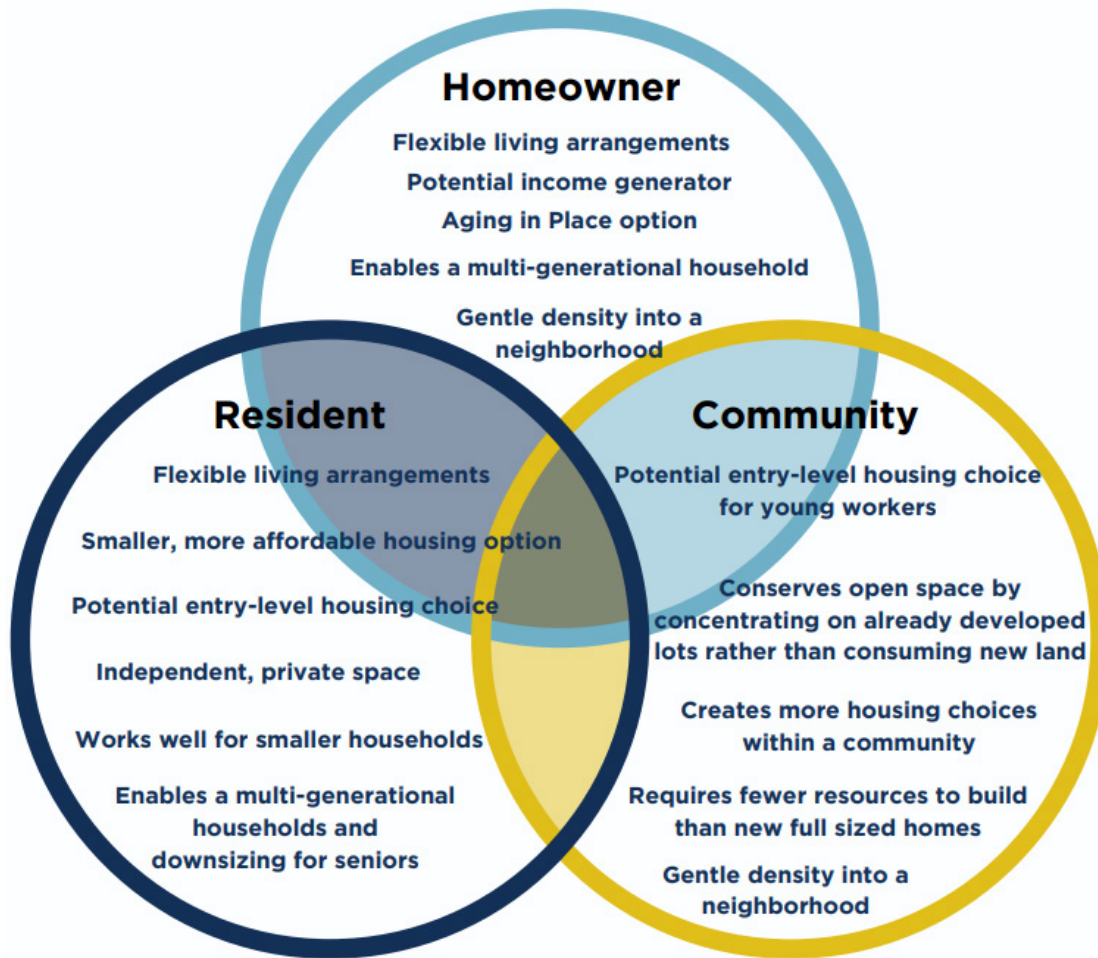
- The Hellstedt Family



“We wanted to create a space for family gatherings.”

- The Couture Family





The past 36 years of planning have put a strong emphasis on Yarmouth being a community where many types of households can afford to live. However, over time the range of housing options has become more limited. ADUs are becoming seen as one of the ways Yarmouth can maintain economic diversity, support the housing and economic needs of current households, and uphold the goal of preserving open space while creating new housing choices that do not exacerbate suburban sprawl.

Within town, residents have constructed ADUs to enable multi-generational households, create **supplemental income***, provide housing for caregivers or sense of security for seniors, and to create below market-rate housing options for renters. They can serve as flexible living arrangements for all ages and can be designed to consider a households' changing needs over time.

* Yarmouth does not currently regulate rentals of less than 30 days (short-term rentals) in an ADU nor any dwelling unit on a property.

Yarmouth’s ADU Review Process

Related Ordinances

It is important to note that unlike other municipalities that have specific ADU ordinances, Yarmouth does not. Rather, the technical standards for ADUs can be found in the Site Plan Review Ordinance, Chapter 702, Article I.J.13, since they are reviewed administratively by staff as Minor Site Plans. Town ordinances can be found online at www.yarmouth.me.us/ordinance.

ADUs are integrated into the Zoning Ordinance (Chapter 701) as an allowed housing type wherever single-family housing is allowed. ADUs are allowed in all the districts within the Character Based Development Code (CBDC), which are found in Chapter 703 and shown below, and do not require additional review under the CBDC standards. However, additional review would be required if the property is in a historic district or in the Shoreland District.

Figure 3. Allowed Housing Forms by CBDC District

TABLE 5.J.1 BUILDING & LOT PRINCIPAL USE		CD4	CD4-C	SD1
Permitted Districts:				
RESIDENTIAL				
Single Detached Dwelling		Y	Y	Y
Accessory Dwelling Unit		Y	Y	Y
Attached Dwelling – Duplex		Y	Y	Y
Attached Dwelling - Multi Plex (3-8)		Y	Y	
Attached Dwelling – Multifamily (>8)		Y	Y	
Attached Dwelling – Mixed Use		Y	Y	
Artist Live/Work Space		Y	Y	
Affordable Housing Development		Y	Y	

Source: Chapter 703, the Character Based Development Code (CBDC)

Ordinance Updates for LD 2003

In 2023, after eight months of review by the Yarmouth Planning Board and Town Council, amendments were adopted to Chapters 601 (Subdivision), 701 (Zoning), 702 (Site Plan) and 703 (Character Based Code) to meet the requirements of State law "LD 2003." Amendments included:

- Updating and providing consistent definitions of ADUs;
- Allowing ADUs in zoning districts where single-family homes are allowed;
- Eliminating the requirement for additional parking;
- Adding a minimum size of an ADU; and,
- Eliminating the requirement of owner occupancy for either the ADU or the principal dwelling unit.

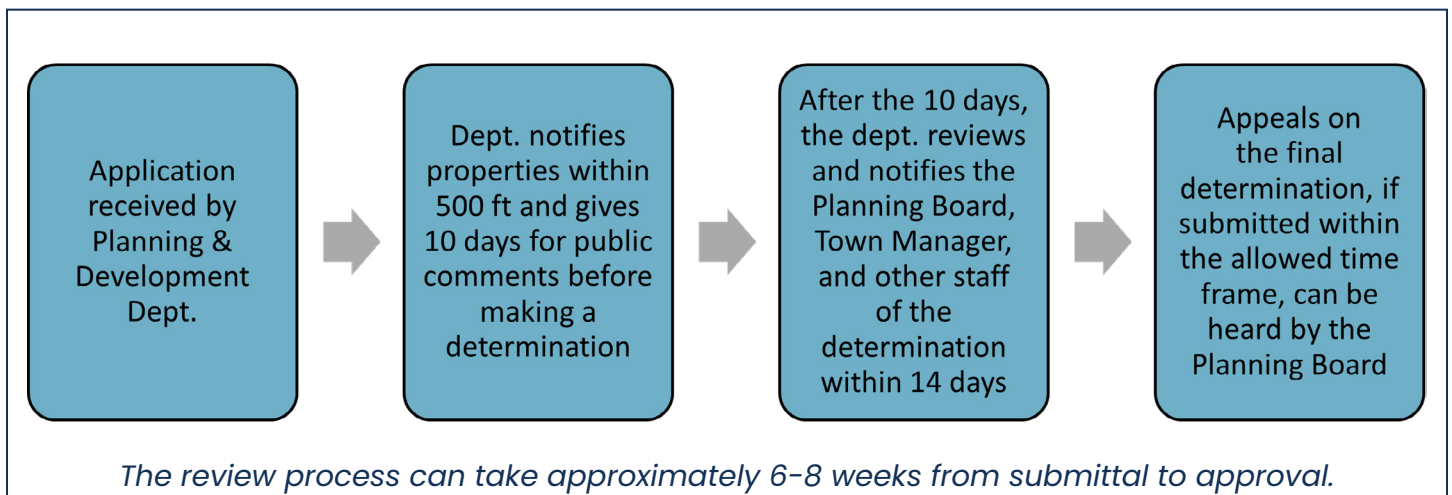
Even though ADUs are now allowed wherever single-family homes are, the creation of an ADU must still meet shoreland requirements, homeowner association requirements, deed restriction requirements, and Subsurface Wastewater Disposal rules, and any other applicable zoning regulations, standards, or private restrictions.

Changes made to comply with LD 2003 are highlighted in the following section, which provides an overview of the ADU Application.

Review Timeline

Since ADUs are considered a "minor development" according to the Site Plan ordinance (Chapter 702), they are usually administratively reviewed and approved by the Director of Planning and Development. It is the Director's discretion whether the application requires review by the Planning Board and a public hearing. Chapter 702 details the application process, as summarized by the graphic below.

Figure 4. General Review Timeline



The ADU Application

The breakdown below looks at Yarmouth’s standards and application requirements for ADUs. The Town’s ADU Application comes directly from the Site Plan Ordinance (Chapter 702, Section J.13.) On the cover page of the ADU Application, there is a simple checklist that can be used to ensure that an application is complete, legible, and accurate. The ADU Application Packet can be found online under “Forms & Applications” at www.yarmouth.me.us/forms.

The Planning and Development Department is available to assist potential applicants with a pre-application meeting to review your concept (drawings or plans) and the application requirements. Please contact Wendy Simmons (wsimmons@yarmouth.me.us), the Administrative Assistant, via email with an inquiry. Bring your application and any questions to this meeting.

Section A

This is the opportunity to provide a brief narrative on the proposed ADU. If additional information needs to be provided and there’s insufficient space, an attachment can be added.

Section B

The Town GIS Map is a resource for completing Section B. #2 & #3 and for the first feasibility assessment of your property to make sure it meets the setback requirements of the zoning district.

PROJECT DESCRIPTION

A. Describe the overall project and proposed uses of property.

B. Project details

1. Name and approval date of any subdivision for this site:

Subdivision lot numbers (if applicable) _____

2. Assessor's Map number(s) _____ Lot number(s) _____

3. Existing zone(s) of the site _____

Shoreland Overlay District _____ Yes _____ No

Affordable Housing District _____ Yes _____ No

Mobile Home Park Overlay _____ Yes _____ No

4. a. Total land area of site: _____
b. Total floor area proposed building in square feet (all floors): _____
c. Footprint of proposed building in square feet: _____
d. Height of proposed building: _____ feet _____ stories
e. Total number of proposed parking spaces: _____
f. Number of proposed handicap parking spaces: _____

C. Include a plot/site plan showing the following existing and proposed conditions:

- Lot boundaries’ and dimensions at scale
- Zoning district
- Date of plan
- Property owner with deed reference
- Lot area
- Location and setback of all buildings
- Date of construction of single-family dwelling
- Separate floor layout of all finished levels
- All plumbing facilities, kind and location
- Use of all rooms
- All entrances/exits

Revised 12/11/23 ez

Initials _____



***For Section B #4 e and f, additional parking is no longer required, per compliance with state law, but it is helpful to include in the application for Section D.**

Section C

Please note that a Site Plan drawing is required for Section C (items a-r of the application), which can also be found in the Site Plan Ordinance (Chapter 702, Section J.13: Technical Standards). Site Plans are scaled drawings that show the detailed layout of a development proposal, including lot lines, roads, existing and proposed building footprints, major landscape features (e.g., topography, trees, and environmentally sensitive areas), and utility rights-of-way (e.g., sewer, water, and cable).

Although professional drawings are often not required, the submitted drawings must be legible and accurate in order for staff to assess if the proposal is consistent with the standards of the ordinance. Tips are provided in *italics* below each requirement.

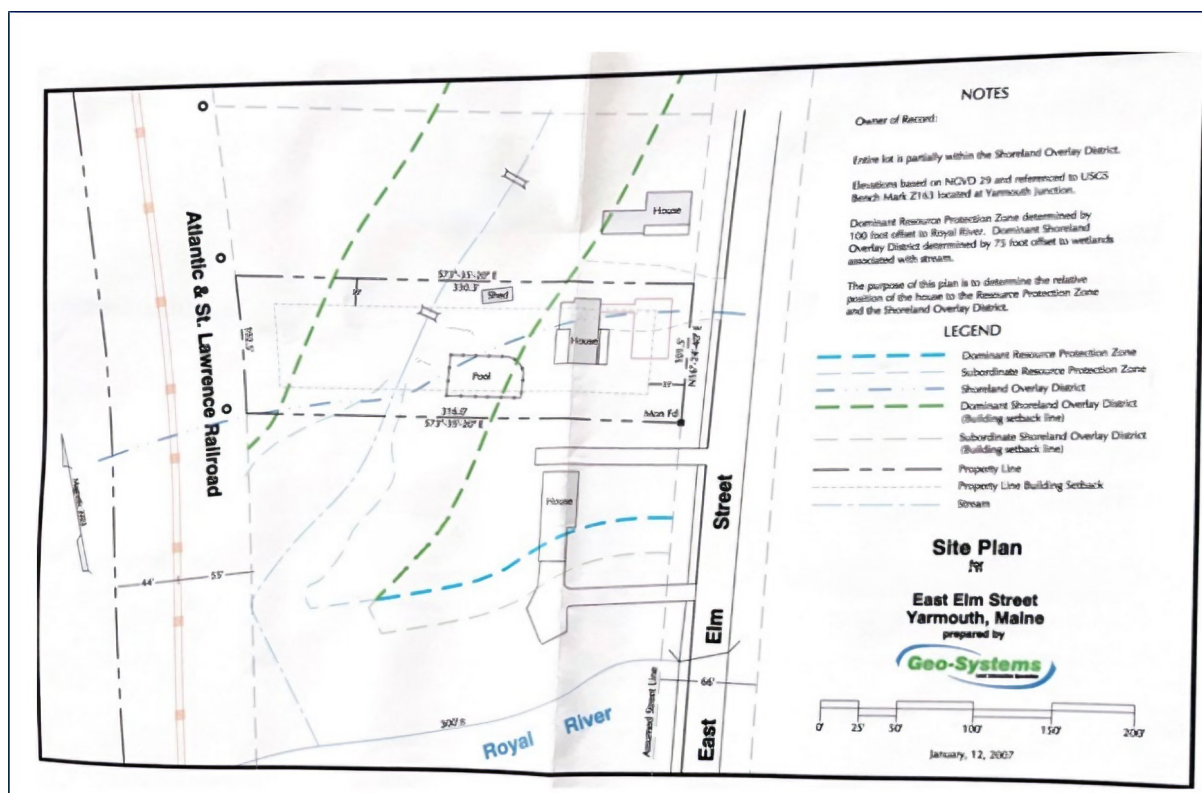
a. Lot boundaries and dimensions at scale - *Below is an example of site plan that shows the property's boundaries and dimensions to scale.*

b. Zoning District - *The Town GIS Map can help you find out which*

zoning district your property is in. Although ADUs are allowed where single-family homes are, they are not exempt from the municipal shoreland zoning ordinances or other private restrictions.

c. Date of Plan

Figure 5. Site Plan Example



The ADU Application

Section C (continued)

d. Property owner with deed reference

e. Lot Area

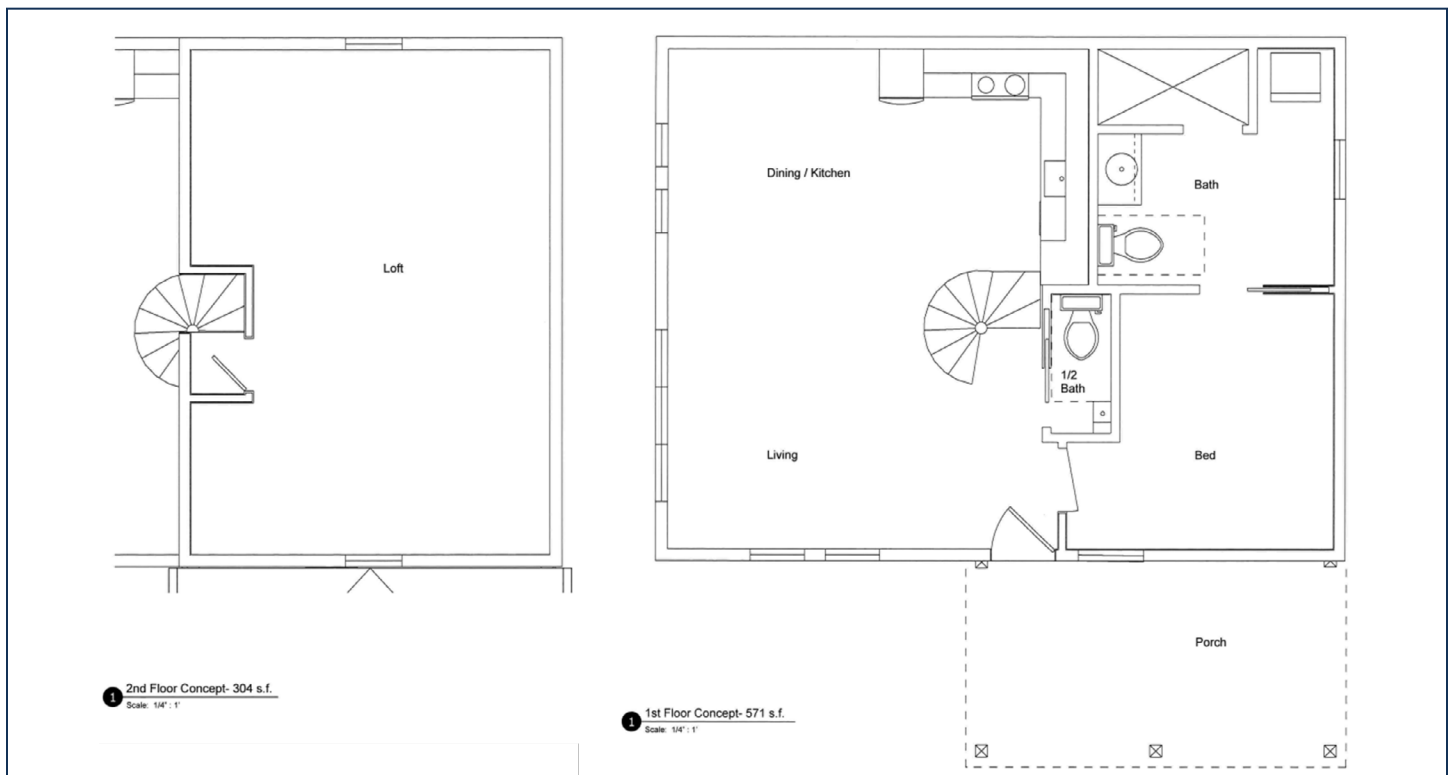
f. Location and setback of all buildings

– While the Town GIS maps can provide an aerial view of a property, more accurate measurements of the lot would be found in the Assessor’s record, the tax maps, or by reviewing the file at Town Hall.

g. Date of construction of the single-family building – This could be in the deed, but can also be accessed through the Town GIS Map under a property’s VisionLink information, which connects to the Town’s assessing database: <https://gis.vgsi.com/yarmouthme/Search.aspx>.

h. Separate floor layout of all finished levels – The Planning & Development Dept. can allow an ADU larger than 900 square feet if it is in a portion of an existing Structure, either on a single floor or on multiple floors, or an existing detached Structure may be converted to **an ADU to up to 1,215 square feet***. This is intended to give greater flexibility when converting existing large Accessory Structures, such as barns, to ADUs. LD 2003 established that the minimum size for an ADU is 190 square feet. Rather than adopt a number that may change in the future, Yarmouth’s standard refers to the Technical Building Code and Standards Board for minimum size.

Figure 6. Floor Plan Example



Section C (continued)

i. All plumbing facilities, kind, and location

j. Use of all rooms – *There is no longer a prohibition on more than 2 bedrooms. Limiting the size or the number of bedrooms could be construed as a discriminatory practice toward protected classes, such as familial status, and could be considered a constraint on the development of ADUs. A floorplan should be included showing use of all rooms, ingress/egress, plumbing facilities, and layout, such as the example to the right.*

k. All entrances/exits

l. All partitions, temporary or permanent

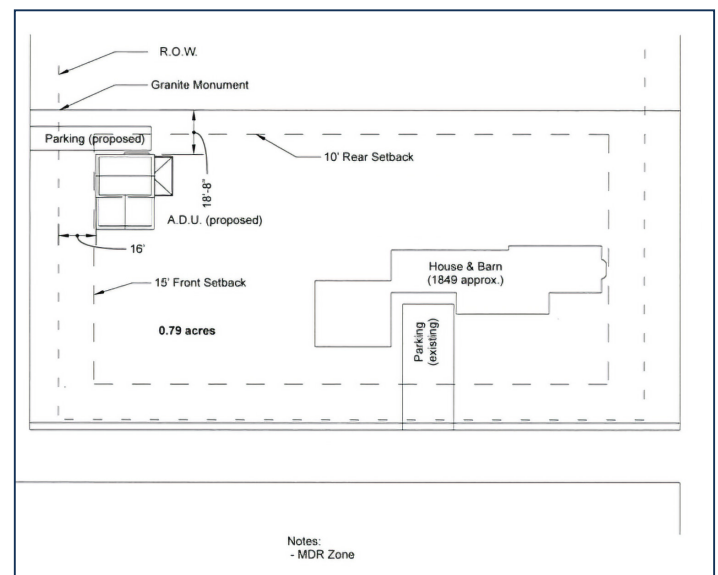
m. Location and type of all appliances – *This can be noted on the floorplan drawings.*

n. Rights of way, public and private – *This can be noted in the Site Plan drawing, as shown on Figure 7.*

o. All easements – *If applicable. A Standard Boundary Survey, defined as “sufficient investigation, study, and evaluation of all factors affecting and influencing the location of the boundaries, and including rights of way and easements of record within or immediately surrounding a certain lot, parcel or quantity of real estate,” would help in determinations. Setbacks should be referenced from the boundary survey and not the Town GIS map.*

p. Street Names

Figure 7. Site Plan Example



*The max of 1,215 square feet isn't an arbitrary number. This number is based on the Character-Based Development Code's use of a threshold of 35% of any limit established by a metric standard.

The ADU Application

Section C (continued)

q. Sewage Facilities – *Please note on the Site Plan drawing whether there is a sewer connection or the location of the septic system.*

Applicants should be aware of Town, Yarmouth Water District, and the Maine Subsurface Wastewater Disposal Rules to demonstrate that there is a connection to public water and sewer, or potable water and/or septic capacity for the ADU. Resources can be found at the website of the Maine Department of Health and Human Services' Division of Environmental and Community Health. Their Subsurface Wastewater Unit has resources for homeowners and tips for septic system owners. Please also see the following section on utilities for more on sewage facilities.

Section D

Section D of the ADU Application explains the standards of the ADU design as it relates to the “public health, safety and general welfare of the community” and outlines the analysis of the Planning Director and/or Code Enforcement Officer. Please note that for Section D items a-v, a separate document should be provided to individually answer each standard. If an item does not apply, please indicate N/A. Tips are provided in *italics* below each requirement.

a. Exterior design of the ADU is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices. – *Include photos of the existing structure(s) and the view from the street.*

b. The exterior design is in harmony with and maintains the scale of the neighborhood. – *If there are local examples of similar design, include these “precedent studies.” If*

involving new construction, alterations or additions within a Historic District, review the standards in Chapter 701, Article X, and the Historic Design Manual for examples.

c. The accessory unit does not result in excessive noise, traffic, or parking congestion. – *Note available parking. Even though there are no longer parking requirements for the ADU, it has been a common concern expressed by neighbors in the past, particularly if there is no overnight parking allowed on the adjacent street.*

Section D (continued)

d. The primary residence and the ADU shall connect to public water and public sewer in compliance with all applicable Town of Yarmouth and Yarmouth Water District requirements and ordinances as well as the Maine Subsurface Wastewater Disposal rules and plumbing code. If the primary residence and the ADU cannot connect to public water and/or public sewer, the applicant shall demonstrate by competent third-party evidence that the supply of potable water and/or septic capacity is sufficient for the primary residence and ADU. Approval of an ADU shall be conditional on any required improvements. – *All sewer connections require the submission of a completed sewer connect permit and fee. Also, all requirements of Chapter 304, Sewerage Ordinance, and Plumbing Code apply. See the section following on utilities and start conversations early with the Yarmouth Water District.*

e. Major access stairs, deck entry doors, and major windows will generally be limited to the walls facing the primary residence. Windows that impact the privacy of the neighboring side or rear yard shall be minimized. The design of the accessory unit shall relate to the design of the primary residence and shall not visually dominate it or the surrounding

properties. – *Again, this is where photos of all facades – if it is an existing structure – come in handy, and where elevations for new buildings are very helpful.*

f. The orientation and location of the buildings, structures, open spaces and other features of the site plan are such that they maintain natural resources including heritage or significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. – *If you have any horticultural questions, reach out to the Yarmouth Tree Warden.*

g. Building profiles, location and orientation relate to natural land forms.

h. A single-family dwelling exists on the lot or will be constructed in conjunction with the ADU. Only one ADU is permitted per lot.

i. ADUs are not eligible for variances to setback.

Section D (continued)

j. Before obtaining a building permit for an ADU the property owner shall file with the registry of deeds a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

- The accessory unit shall not be sold separately.
- The unit is restricted to the approved size.
- The above declarations are binding upon any successor in ownership of the property.
- The deed restrictions shall lapse upon removal of the accessory unit.

k. ADUs shall be at least the minimum size adopted by the Technical Building Code and Standards Board pursuant to 10 M.R.S. §9722 and shall not exceed 900 square feet. If an ADU occupies a portion of an existing Structure either on a single floor or on multiple floors, or an existing detached Structure will be converted to an ADU, the Planning Department may allow for an increase in the allowed size of the ADU up to 1,215 square feet in order to efficiently use all of the floor area, so long as all other standards of this section are met.

l. Approval of an ADU shall be conditional on obtaining applicable building, plumbing, electrical and any other necessary municipal permits.

m. The Fire Chief must review and sign off on the application. – *See the following section on utilities for more information.*

n. Unless part of the design of an existing single family dwelling the dwelling(s) shall have only one (1) front entrance and all other entrances shall be on the side or in the rear of the dwelling. A front entrance leading to a foyer with entrances leading from the foyer to the two (2) dwelling units is permitted. Outside stairways (either open or enclosed), that service an ADU on upper stories are not permitted. – *Show using photos of the existing facade or elevations for new structures. Precedent photos of local or historic exceptions are helpful.*

o. For an ADU located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single family dwelling, but any exterior modifications should be consistent with the architectural style of that structure unless the building is upgraded per the requirement of new structures or unless the new structure is designed in a traditional New England form such as a barn.

p. An existing single-family dwelling that is nonconforming solely due to lot size, lot width, lot frontage, lot coverage, height or setback

Section D (continued)

requirements may be expanded to incorporate an ADU subject to the requirements of Chapter 701 of the Yarmouth Code Article III for the expansion of other non-conforming single family dwellings.

q. ADUs may be permitted on back lots.

r. ADUs are not permitted on a lot with a non-conforming use, unless that non-conforming use is a single-family dwelling, in which case the ADU shall be allowed.

s. ADUs are not permitted on a lot with mixed uses.

t. When an owner wishes to eliminate the ADU, proof of the removal of the second kitchen and the restoration of the apartment to its status before the conversion shall be submitted to the satisfaction of the Planning Department. The owner shall record a Release of the Declaration of Restrictions on the Land after inspection and confirmation by the Code Enforcement Officer.

u. ADUs are not permitted on lots where the number of dwelling units allowed on a lot has been increased under **Chapter 701, Article II.EE, after January 1, 2024***.

v. ADUs must comply with all of the standards of Chapter 701, Article IV.R



*This new provision prohibits “double-dipping” for a property that already has an ADU or for adding an ADU on a property where the number of dwelling units has already been increased with the Dwelling Unit Allowance through LD 2003.

Considering Utilities

General Tips

- Be aware that any excavation work in the public Right of Way will require a Street Opening Permit. There can be no excavation work between November 15th and May 1st .
- If work in the roadway is needed, the Public Works Department will check to see if the roadway is under a moratorium (due to recent repaving) and if so, then pavement restoration requirements would apply. See Chapter 304 for more details.
- If there are any alterations to the driveway within the public Right of Way, an Entrance Permit will be needed.

Fire Prevention and Life Safety Ordinance (Chapter 317)

For many people this ordinance is a point of confusion around whether their proposed ADU would require a Residential Fire Sprinkler Systems (RFSS). The National Fire Prevention Association (NFPA) **13D Standard for the Installation of Sprinkler Systems in One-and-Two-Family Dwellings and Manufactured Homes*** is a minimum requirement standard that is intended to provide life safety protection.

It states that, “All additions to existing buildings or structures along with the existing buildings or structures must be sprinkled when the cumulative area of the entire building, including the addition(s), equals or exceeds 4,000 square feet in area...”

Be sure to review this ordinance, particularly “Section 3. General System Requirements.” If it is applicable, an RFSS would need to be installed by a Licensed Fire Sprinkler System Contractor; a list is provided on the Office of Maine State Fire Marshall website. An initial inspection of the RFSS is required, but an annual recertification is not.



*For questions about the ordinance, please contact the Yarmouth Fire Department at 207 - 846 - 2410.

While new detached ADUs (after 12/31/2021) will require RFSS, existing buildings can have two exceptions:

Residential Fire Sprinkler Exceptions

Exception 1: If the cumulative area or volume of any addition or additions approved and constructed after April 19, 2001 is less than 25% of the building area or volume existing on or before April 19, 2001 a sprinkler system shall not be required per the requirements of this ordinance.

Exception 2: Existing One-Family Dwellings, existing One-Family Dwellings with an attached accessory dwelling unit, and existing Two-Family Dwellings shall only be required by 3.2.1.2 be sprinklered when fifty percent (50%) or more of the interior wall finish material is removed as part of the addition project. For the purposes of this section an addition project includes all building work performed in a five (5) year period."

A *Newsweek* article from October 2023, "Does Your Home Have a Fatal Flaw? Alarm Over Rising U.S. Fire Deaths," stated that:

"A 2013 fire association study found the national average cost to be \$1.35 per sprinklered square foot—a 16 percent drop since 2008— or \$6,026 per home. Adding them to an existing home can be much more costly, with some estimates for historic buildings reaching \$10 per square foot."

While homeowners may be deterred by the cost, the article notes that experts interviewed by *Newsweek* say residential fire sprinklers, which international standards have called for since 2009, are the only comprehensive countermeasure to the many contributors they see causing the increasing deaths," which are linked to the increasing use of synthetic materials and open-floorplan concepts that enable fire to spread quickly.



*Additional NFPA resources and definitions relating to Standard 13D can be found on their website (after making a free account).

Considering Utilities

Fire & Life Safety (continued)



Tips

The Fire Chief will review applications and note any concerns, including, but not limited to NFPA 1 Standards and NFPA 101 Standards for access.

This will include:

- Whether the access road or driveway extends to within 50 feet of at least one exterior door of the residence, is at least 20' wide and has 13'6" unobstructed vertical clearance, and provides all weather driving surface and supports the vehicle load of a fire truck;
- Whether or not it needs an additional address for 911 response;
- Whether there is an unobstructed window that meets the Means of Egress Code and a clear egress path (at least 36 inches wide) within the structure: and,
- That the ADU has devices such as carbon monoxide detectors, smoke detectors and a fire extinguisher.
- Make sure your plot/site plan drawing shows all the required elements (a-r) so the Fire Department can adequately assess emergency access.
- Homes with sprinklers can have certain exemptions if approved by an "Authority Having Jurisdiction." For example, they could have a 14-foot wide access road or a greater distance between the exterior door and the driveway.
- There are many different types and price points for interior residential sprinkler systems, which also vary based on the size of the ADU. Additional resources on the costs can be found on the National Fire Protection Association website (<https://www.nfpa.org/education-and-research/home-firesafety/fire-sprinkler-initiative>) and in the 2013 report, "[A Home Fire Sprinkler Cost Assessment](#)," commissioned for The Fire Protection Research Foundation in 2013.



*For questions about the ordinance, please contact the Yarmouth Fire Department at (207) 846 - 2410.

Water Capacity

The Yarmouth Water District is a separate agency from the Town, so contacting them in advance to discuss service configuration and capacity is strongly recommended. Property owners should also be aware of the costs of upgrading a property's water capacity or adding a new service line to a structure.

Be aware that due to the concern about potential future lot subdivisions, the Water District requires that detached ADUs install new water services, and separate the fire and domestic lines. One new connection will be attached to the water main and will be teed off into a separate domestic and fire service at the front property line, each with their own valve. The reason for requiring separate lines with separate valves at the front of the property line is to allow the fire service to function if the domestic metered line is required to be shut off for any reason.

If the ADU is attached and the flow requirements for the services require an upgrade, the new services will be configured as stated above. Furthermore, if the property owner wants a separate bill from the primary home for the ADU, they will need to install a new service line from the water main.



Tips

The Water District will review applications and note any concerns, including, but not limited to:

- Current service configuration, flow requirements, and capacity.
 - If you know what water fixtures you'll be using in your project, let the Water District know so that they can help you work through the calculations for the domestic service flow (gallons per minute) requirements.
 - Exact configurations and sizing for the proposed ADU cannot be determined until the current flow information is known.
- The Residential Fire Sprinkler System (if applicable) must be accurately sized to the fire service line.



*Contact the Yarmouth Water District at the early stages of your project by calling them at (207) 846-5821.

Sewerage Connections

Chapter 304, the Sewage Ordinance, is the primary resource on public and private sewage service connections and requirements. The Wastewater Department and the Town Engineer are responsible for the public sewerage system in Yarmouth and enforcing the ordinance. As noted in the application, the Site Plan drawing must show existing or proposed sewerage facilities. If the ADU is on private water and/or private sewer, the applicant must provide third-party documentation that the system(s) have sufficient capacity for the primary residence and the ADU, and if there is not sufficient capacity, the application must also include the required improvements to achieve appropriate capacity.

Tips

- For private sewerage systems, be sure to read Chapter 304, Article VIII, Section A, to understand the required permits for a new structure.

New connections to the public sewer system will require a Sewer Connection Permit and a Street Opening Permit.

Chapter 304 outlines the permit requirements, and a heads up that the hired contractor will have to:

- Present the Town with a Certificate of Insurance in order to work in any Town Right of Way;
- Present the Town with the Dig-Safe Number for the project;
- Obtain a Right of Way (aka a “road opening”) permit from the Public Works Department in addition to obtaining a sewer connection permit from the Town Engineer;
- Meet with the Town Engineer or Wastewater Superintendent to review material and installation requirements; and,
- All work must meet Town standards and the requirements of the Town Contractor Handbook, which can be found online on the Wastewater Pollution Control webpage, under the Engineering Department: https://yarmouth.me.us/departments/engineering/wastewater_pollution_control.php.

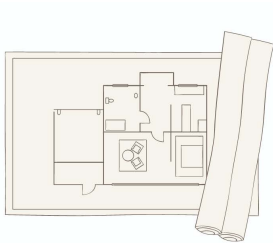


***If you have any questions about determining capacity, contact a licensed Plumbing Inspector, or the Wastewater Department at (207) 846-2415.**

Design & Construction

Building Code Review

A helpful resource on ADU designs are past applications submitted for Administrative Review on the Town's website, which show a range of floor plans, construction, and site plan drawings submitted. There are many building professionals that can help advise on the design, drafting, and construction of an ADU. The Town Code Enforcement Officer (CEO) is also a resource on understanding the Building Code and requirements for construction.



Tips

- Professionally drawn site plans and construction drawings are not required, but any drawings submitted should be neat, legible, accurate, and clearly illustrate your proposal.
- For new buildings, elevation drawings can help assuage neighbors' concerns about building heights or local architectural character.
- Check the Town website for past ADU applications (under Administrative Reviews on the Planning Department's webpage) to see what architects and contractors have been used.

Figure 8. Hand Drawn Floor Plan

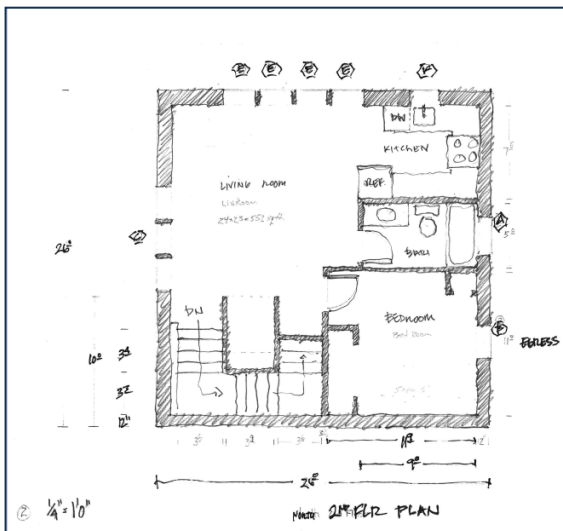
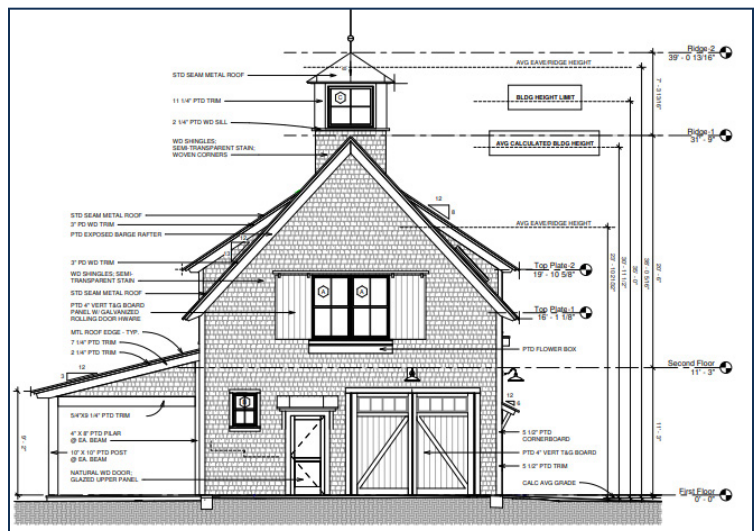


Figure 9. Architectural Drawing Example



*If you have any questions, schedule a pre-application review appointment through the Planning & Development Department at (207) 846 - 2401.

Additional guidance on design and construction could come from the State in the future through “LD654 - Resolve Directing the Office of Policy Innovation and the Future (**GOPIF***) to Study Methods to Encourage the Development of Accessory Dwelling Units.” The stakeholder group is tasked to:

- Study methods and develop model policy to encourage the development and construction of ADUs;
- Review existing models for financing and incentivizing accessory dwelling units; and,
- Explore standardized building designs; solicit input from interested parties; and review municipal efforts to adopt ordinances governing accessory dwelling units.

Historic Preservation Committee

With the adoption of the Historic Preservation Advisory Ordinance in 2021, alterations to a property located within the historic districts or Demolition Delay Overlay Zone, or activities that affect a Historic Site, Historic Object or Historic Landmark, such as the addition of an ADU, would warrant a review by the Historic Preservation Committee (HPC). This is noted on the cover page of the ADU application. The HPC is tasked with advisory review of applicable projects, as well as assisting, advising, and educating residents, property owners, and Town officials on preservation, renovation, rehabilitation, and reuse of historic, cultural, architectural and archaeological sites. Please see the Zoning Ordinance (Chapter 701) Articles IX and X for further information on the HPC’s purview.

If your project is applicable for HPC review, please see the guidance from the HPC on their website at <https://yarmouth.me.us/hpc>.

The HPC welcomes the opportunity for conceptual review of proposed projects early in the process, in the interests of saving time and money, and attaining a desirable end result.



*For more information the work by the Governor’s Office of Policy, Innovation and the Future (GOPIF) on ADUs and housing, visit: <https://www.maine.gov/future/housing>

In addition to in-person consultation, the HPC provides several online resources on how to make alterations to your home that respect and retain the town's architectural heritage.

HPC Tips:

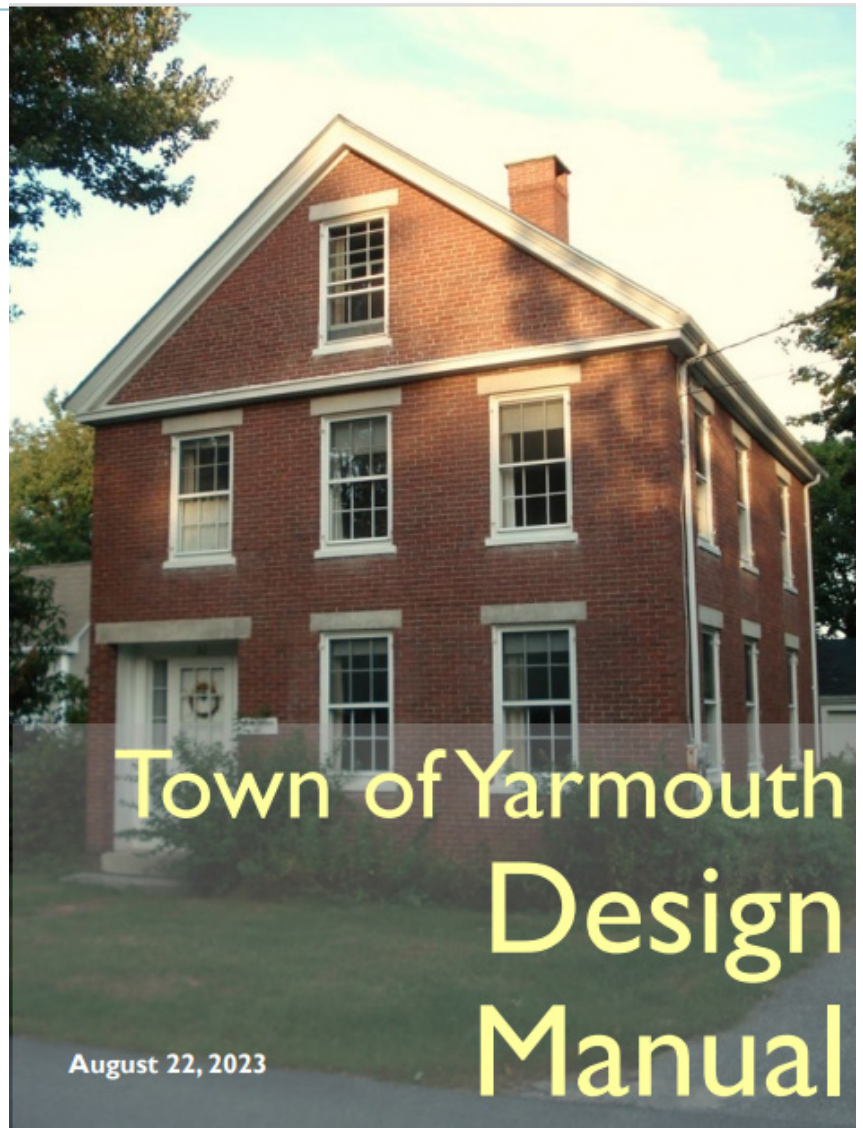
General tips for HPC review include:

- Photos of existing facades, materials, and local precedents;
 - For historical photos, check with the Yarmouth Historical Society well in advance.
- Be sure to note the HPC submission deadlines and the requirements of the ***HPC Historic Property Review Application Form**,

which can also be found on their website; and,

- If modifying or adding on to an existing structure within the Demolition Delay Overlay Zone, the project may be subject to Ch. 701, Article IX, the so-called Demolition Delay ordinance, which should be consulted in addition to Ch. 701, Article X.

To determine if your home is in a historic district or the Demolition Delay Overlay Zone, please refer to the Historic Structures Public Map Viewer on the Town's GIS platform. A map of the districts is also available at the end of Chapter 701, Article IX.



***Contact the Building Inspector & Code Enforcement Officer for questions related to the HPC application at (207) 846 - 2401.**

Fees & Financing

Permit & Application Fees

The total cost of submitting an ADU application for review depends upon the scope of work. For Administrative Review of an ADU, which may or not go before the Planning Board, the fee is \$150.00. The Department will send notices to all property owners within 500 feet of the project proposal. Letters will be at a cost of \$5/letter to the applicant.

Commonly required permit applications (after Administrative Review) include:

- Building Permit
- Electrical Permit
- Plumbing Permit
- Subsurface Wastewater Permit Application or a Sewer Connection Permit
- Street Opening Permit
- Fire Sprinkler Permit Fee
- Sewer Connection Permit

These can be found on the Town website under “Forms and Applications.” Please note that due to the high volume of requests to the CEO, applications may take up to 30 days before receiving review.

Financial Resources

Currently, ADUs are predominantly funded by homeowners who must rely on their personal assets and mortgages to finance a construction project. This can be a barrier for low to moderate-income homeowners who may not have personal savings or adequate home equity. Common financial tools from local banks include Home Equity Loans or HELOC (Home Equity Line of Credit), Home Construction Loans or FHA 203(k) Renovation Loans.

In Appendix B there is an ADU Project Budget Worksheet from the city of Bath, which was modeled on the New Hampshire Homeowners Guide to ADUs. Consulting with your financial advisor prior to starting your project is highly recommended.

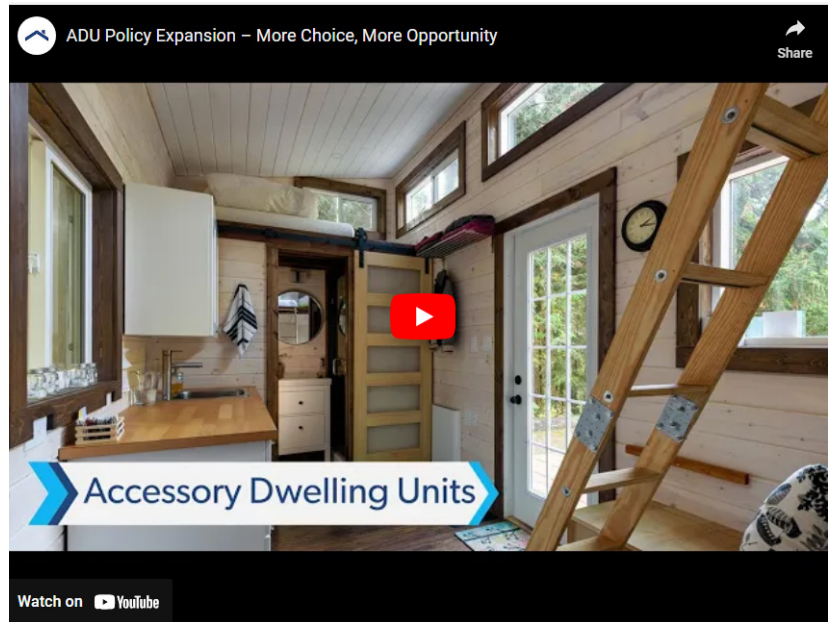


* For additional information, please visit the Building Permits & Codes webpage at <https://yarmouth.me.us/codenforcement> or call (207) 846 - 2401.

Mortgage Options

To broaden mortgage eligibility, in 2022, FreddieMac announced a [new mortgage policy specific to ADUs](#), which now allows prospective borrowers to count potential income from an ADU towards qualifying. A link to the ADU FAQ from Freddie Mac is provided in the Appendix. However, assessing rental income can be tricky for banks, which must follow federal regulatory guidelines, so they might require historical information or a lease. Appraisers have yet to catch up with new ADU policies. Whereas a bank will see ADUs as part of general improvements to the house, assessing, which is done on a municipal level, can vary greatly place to place.

As the federal and state government address the housing crisis, funding options for ADUs are changing rapidly. We expect that this section of Yarmouth's ADU Guide will be updated to reflect future funding opportunities if (and when) they develop.



How to make ADUs work for your community?

 Chris Lee Backyard ADUs Head of Design & Development	 Chelsea Torrey Mortgage Loan Officer, Town and Country Federal Credit Union	 Jon Boynton Planner, City of Belfast, Maine	 Eli Rubin Community Planner, City of South Portland, Maine
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GrowSmart Maine
Helping Communities Navigate Change.

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ADUs Webinar | November 2023 | GrowSmart Maine

*GrowSmart Maine, a statewide non-profit, has numerous resources on ADUs. To view their November 2023 webinar that delved into financing, visit their website: <https://growsmartmaine.org/>

Appendices



References

AARP Housing Resources: <https://www.aarp.org/pri/topics/livable-communities/housing/>

FreddieMac ADU FAQ: <https://sf.freddie.mac.com/working-with-us/origination-underwriting/mortgage-products/accessory-dwelling-units>

FreddieMac “Manufactured Homes as an Accessory Dwelling Unit FAQ”: <https://sf.freddie.mac.com/faqs/manufactured-home-as-an-accessory-dwelling-unit-faq>

FreddieMac Single-Family, Mortgage Products: <https://sf.freddie.mac.com/faqs/manufactured-home-as-an-accessory-dwelling-unit-faq>

GrowSmart Maine: <https://growsmartmaine.org/>

Home Fire Sprinkler Cost Assessment: <https://www.nfpa.org/education-and-research/research/fire-protection-research-foundation/projects-and-reports/home-fire-sprinkler-cost-assessment-final-report>

Innovations in Manufactured Homes Network (I’m HOME): <https://www.lincolnst.edu/our-work/innovations-in-manufactured-homes-network-im-home>

Maine Legislature Title 30-A, Chapter 197, §4358. Regulation of manufactured housing: <https://legislature.maine.gov/statutes/30-A/title30-Asec4358.html>

Manufactured Housing Institute: <https://www.manufacturedhousing.org/>

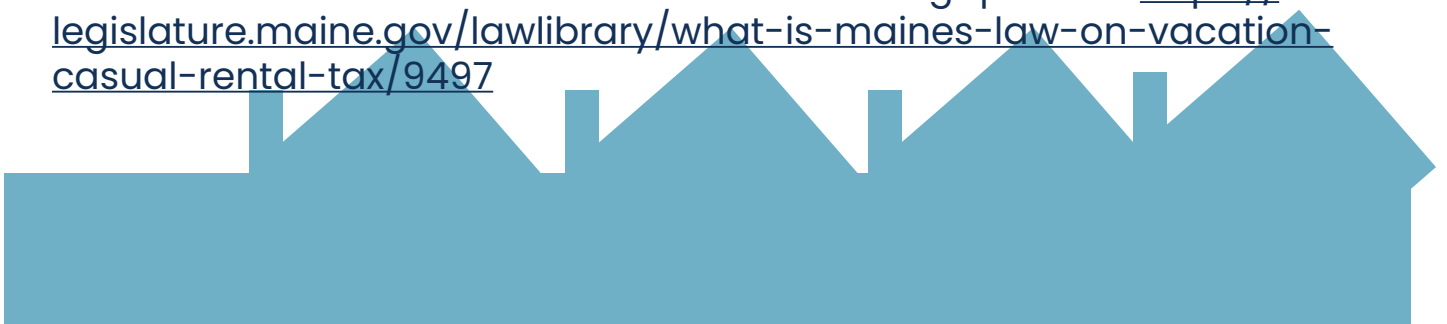
National Fire Prevention Association (NFPA) Fire Sprinkler Initiative Information: <https://www.nfpa.org/education-and-research/home-fire-safety/fire-sprinkler-initiative>



Appendix A: Resources for Renting Your ADU

If you decide to rent out your ADU, you become a landlord, which comes with certain responsibilities. Before leasing an ADU, familiarize yourself with the responsibilities involved in a landlord-tenant relationship. It is recommended that you consult an attorney to assist you in developing a lease and to answer any questions. More information can be found at the following resources:

- US Department of Housing & Urban Development: An overview and links to tenants' rights and protections under federal and state law: <https://www.hud.gov/states/maine/renting/tenantrights>
- How to Manage Your ADU as a Rental Unit – My Home by Freddie Mac: <https://myhome.freddiemac.com/blog/homeownership/how-to-manage-your-adu-as-a-rental-unit>
- Maine Homeworks – The Landlord Education seminar, designed for those owning and managing residential properties, covers a variety of topics ranging from tenant application to eviction. MaineHousing and Fair Housing topics are included: <https://www.mainehomeworks.org/>
- Rental Housing Alliance of Southern Maine – A member organization providing resources and education: <https://rhamaine.org/>
- Chapter 16: Attorney General's Model Landlord-Tenant Lease. Provides landlords and tenants with a model lease. It also provides a guide to each section of the model lease: https://www.maine.gov/ag/consumer/law_guide_article.shtml?id=27935
- The requirements of the Maine Revenue Services: Sales, Use, and Service Provider Tax FAQ: <https://www.maine.gov/revenue/faq/sales-use-service-provider-tax>
- The Maine Revenue Services' Instructional Bulletin No. 31 goes into detail about Maine's law on the taxation of rental living quarters: <https://legislature.maine.gov/lawlibrary/what-is-maines-law-on-vacation-casual-rental-tax/9497>



Appendix B: Budget Worksheet Example from the City of Bath , Maine

ADU Project Budget – Worksheet

Use this worksheet to get a sense of how the economics of building an ADU might work for you.

1) Potential Expenses	Projected Cost per Expense
• Design Cost	\$
• Permitting Cost	\$
• Construction Cost	\$
• Loan Closing Costs	\$
• Other Up-Front ADU Costs	\$
2) Total Development Cost	\$

3) Anticipated Monthly Rental Income	\$
Monthly Costs for ADU	Cost per Expense
• Monthly Loan Payment	\$
• Monthly Property Tax Prorated	\$
• Monthly Insurance Prorated	\$
• Monthly ADU Utility Cost if Owner Responsibility	\$
• Other Monthly Costs Attributed to ADU	\$
4) Total Monthly Cost	\$
5) Net Monthly Income – Subtract 4 from 3.	\$

Resources Available to Fund an ADU	Amount Available
• Cash	\$
• Home Equity Loan	\$
• Home Equity Line of Credit	\$
• Other Potential Resources	\$
6) Total ADU Funding Available	\$
7) Subtract 2 from 6 to assess costs against funding available to build.	\$

This page is loosely based on Appendix B of the New Hampshire Homeowner’s Guide to ADUs.

Source: “Planning for Accessory Dwelling Units,” City of Bath, Maine (2022). Retrieved from: <https://www.cityofbathmaine.gov/media/Departments/Planning/ADU%20Guidebook.9.27.KS.pdf>



Photo Source: Scott Couture