

TOWN OF YARMOUTH  
Department of Planning & Development  
200 Main Street Yarmouth, Maine 04096  
WWW.YARMOUTH.ME.US

(207)846-2401

Fax: (207)846-2438

MINOR SITE PLAN APPLICATION FORM  
ACCESSORY DWELLING UNITS

Date: 2-16-23 Zoning District RURAL Map 019 Lot 023 Ext.      Fee Paid     

Name of Owner/Applicant ROBERT & CARLA MAGUIRE

Mailing Address 636 NORTH RD YARMOUTH 04096

Phone 207-671-1669 Fax N/A Email bob.maguire@maguireconstruction.com

Street Address 636 NORTH RD YARMOUTH ME 04096

Proposed Use RESIDENTIAL DWELLING

The Department of Planning and Development shall send notices to all property owners at a minimum of 500 feet including a description of the proposal. Letters will be at a cost of \$5/letter to the applicant.

Fee: \$100.00

The Owner (or Applicant representing the Owner) hereby authorizes representatives of the Yarmouth Department of Planning and Development to enter upon and into the property for which this application has been made during normal business hours to make required inspections and observations appropriate to evaluating the site and processing this application.

I certify that, to the best of my knowledge, all information provided in this application, including all supporting plans and materials, is true and accurate.



Signature of Applicant

(If signed by Applicant's agent, provide written documentation of authority to act on behalf of Applicant)

Print or type name and title of signer ROBERT MAGUIRE OWNER

Surface Water and Groundwater: No owner of a lot, his agents or successors in interest shall alter the natural course of surface water on any lot in a way which would alter the natural flow of such water across any other parcel, unless such alteration is approved by the owners of all parcels affected. No owner of a lot, his agents or successors in interest shall use blasting chemicals that generate perflorates.

## MINOR SITE PLAN APPLICATION

### PROJECT DESCRIPTION

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

RENOVATION OF EXISTING BUNGALOW TO BE USED AS  
GUEST HOUSE / RENTAL

B. Project details

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

WATERSIDE 12.10.15

Subdivision lot numbers (if applicable) \_\_\_\_\_

2. Assessor's Map number(s) 019 Lot number(s) 023

3. Existing zone(s) of the site RURAL RESIDENTIAL

Shoreland Overlay District \_\_\_\_\_ Yes ☒ No

Affordable Housing District \_\_\_\_\_ Yes ☒ No

Mobile Home Park Overlay \_\_\_\_\_ Yes ☒ No

4. a. Total land area of site: 11.95 ACS

b. Total floor area proposed building in square feet (all floors): 1416 ☒

c. Footprint of proposed building in square feet: 2,967 ☒

d. Height of proposed building: 18'9 1/2" feet ONE stories

e. Total number of proposed parking spaces: 2+

f. Number of proposed handicap parking spaces: 0

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
- All partitions, temporary or permanent
- Location and type of all appliances

- n. Rights of way, public and private
- o. All easements
- p. Street names
- q. Sewerage facilities
- r. Off-street parking spaces

In permitting an ADU, the Planning Director and/or CEO shall find that:

- a. Exterior design of the accessory unit 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.
- b. The exterior design is in harmony with, and maintains the scale of the neighborhood.
- c. The accessory unit does not result in excessive noise, traffic or parking congestion.
- 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 as well as the Maine Subsurface Wastewater Disposal rules. 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.
- 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 have been 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.
- 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.
- g. Building profiles, location and orientation relate to natural land forms.
- h. One parking space shall be provided on-site for each a studio and or one bedroom accessory unit. Two parking spaces shall be provided on site for each a two bedroom accessory unit. Parking of the accessory unit is in addition to the required parking for the primary residence. Required parking spaces for the primary residence and the accessory dwelling unit may be provided in tandem on a driveway. A tandem arrangement consists of one car behind the other. No more than two cars in tandem may be counted towards meeting the parking requirement.
- i. A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory unit. Only one ADU is permitted per lot.
- j. Accessory dwelling units are not eligible for variances to setbacks.
- k. 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:
  - a. The accessory unit shall not be sold separately.
  - b. The unit is restricted to the approved size.
  - c. The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence.
  - d. The above declarations are binding upon any successor in ownership of the property;

- e. The deed restrictions shall lapse upon removal of the accessory unit.
- l. Units within an Accessory Structure shall not exceed 900 square feet. If an ADU occupies an entire single floor, the Planning Department may allow for an increase in the allowed size of the ADU in order to efficiently use all of the floor area, so long as all other standards of this section are met.
- m. An ADU may have no more than two (2) bedrooms.
- n. The water and sewage facilities shall meet all existing laws and codes.
- o. Approval of an accessory apartment shall be conditional on obtaining applicable building, plumbing, electrical and any other necessary municipal permits.
- p. The Fire Chief must review and sign off on the application.
- q. 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 Accessory Dwelling Units on upper stories are not permitted.
- r. 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.
- s. An existing single family dwelling that is nonconforming solely due to lot size, lot width, lot frontage, lot coverage, height or setback requirements may be expanded to incorporate an Accessory Apartment subject to the requirements of Chapter 701 of the Yarmouth Code Article III for the expansion of other non-conforming single family dwellings.
- t. ADU's may be permitted on back lots.
- u. ADU's are not permitted on a lot with a non-conforming use.
- v. ADU's are not permitted on a lot with mixed uses.
- w. When an owner wishes to eliminate the accessory apartment 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.

#### MINOR SITE PLAN REVIEW PROCESS AND PROCEDURES

For minor site plan applications, the Department will mail such notice as detailed above within 7 days of determination of completeness of a complete application, as determined by the Director. The Director of Planning and Development shall not make a decision on the proposal for a period of ten (10) days after the mailing of abutter notification to provide an opportunity for public comment.

#### CONDITIONS OF APPROVAL

The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.



Front 1





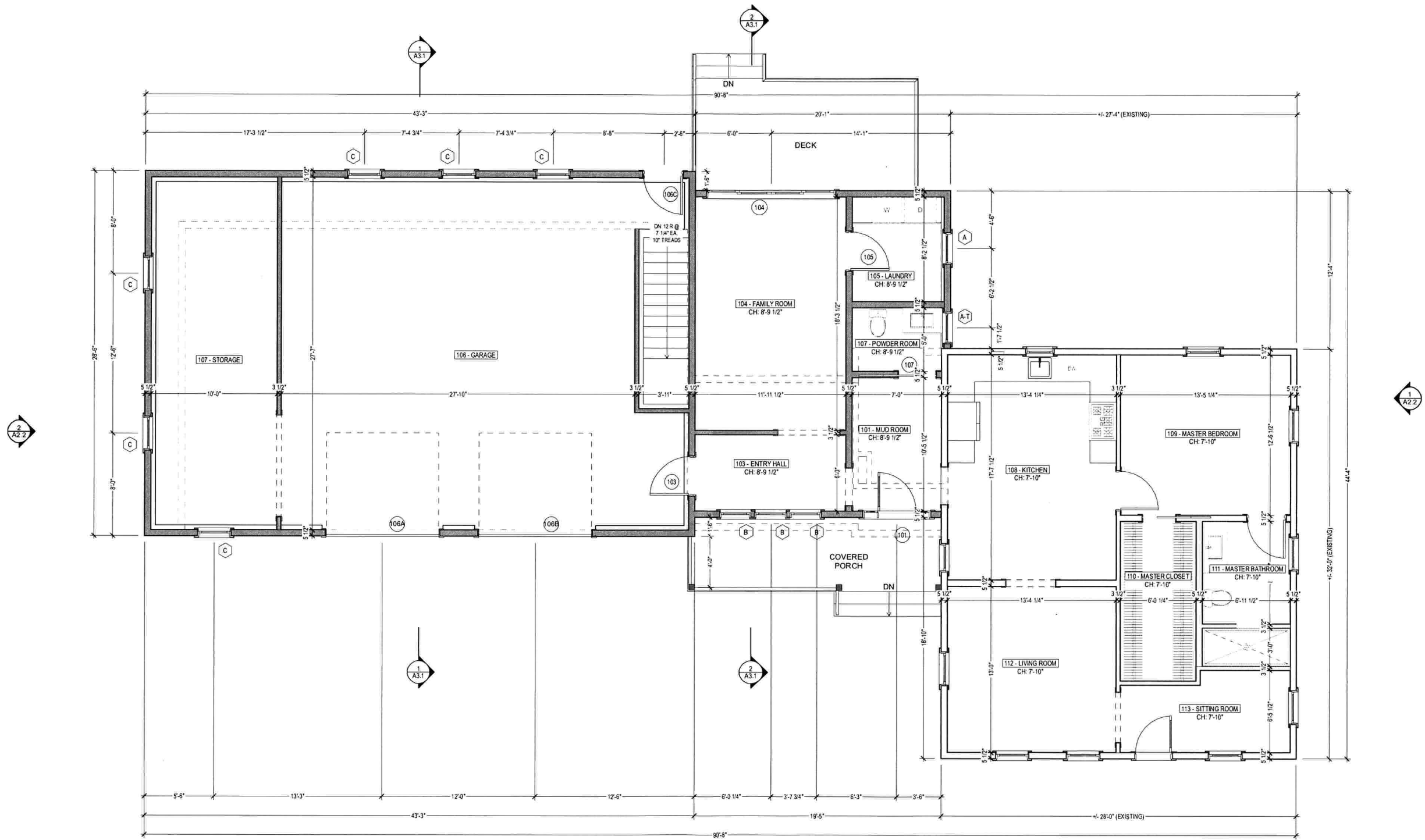
Front 2





2007





1 FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

DO NOT SCALE FROM THIS DRAWING.

Contractor shall measure and verify all dimensions on site prior to preparation of shop drawings, fabrication of parts, ordering materials or commencing works.  
This drawing is a part of a full set of drawings comprising the contract documents for the work of this project. The architectowner accepts no responsibility for the contractors' errors or omissions if each trade does not have the full set of drawings and specifications.

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FIRST FLOOR PLAN

MAGUIRE RESIDENCE  
634 NORTH RD  
YARMOUTH, MAINE

ISSUED FOR PERMIT

CONSULTANTS:

**KBA** kevin browne  
ARCHITECTURE  
207-847-3499  
info@kevinbrowne.com  
202 US route 1, ste 202  
fairbairn, me 04755

A1.1





1 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

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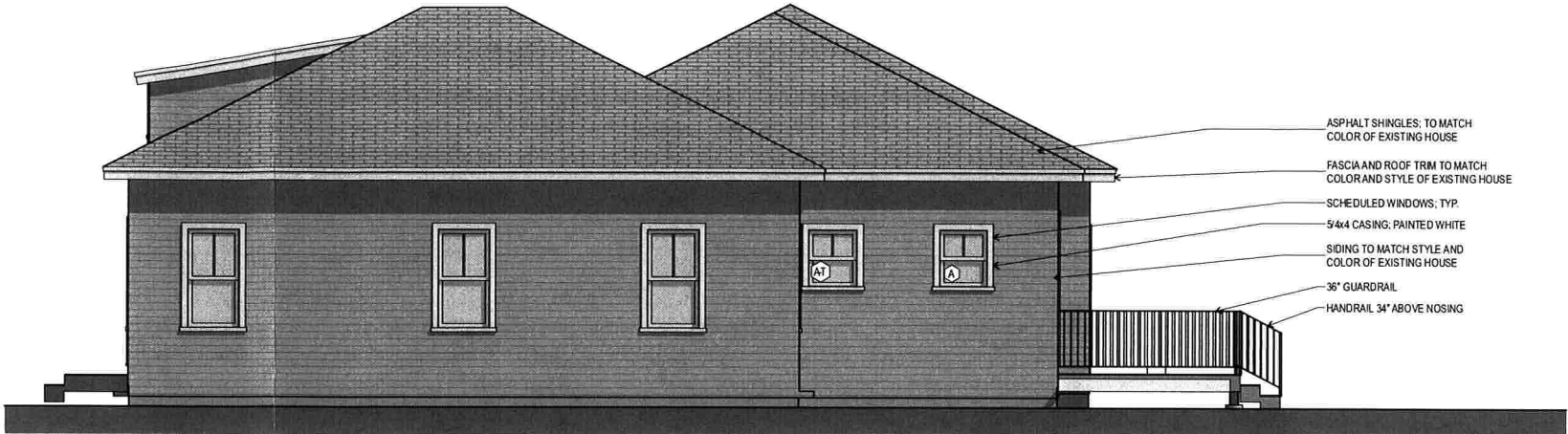
WINDOW SCHEDULE						
ID	TYPE	UNIT	QTY	UNIT R.O.		NOTES
				WIDTH	HEIGHT	
A	DH	TBD	1	2'-6"	3'-0"	2 LITE OVER 1 LITE DOUBLE HUNG
A-T	DH	TBD	1	2'-6"	3'-0"	2 LITE OVER 1 LITE DOUBLE HUNG, TEMPERED
B	DH	TBD	3	2'-6"	4'-0"	2 LITE OVER 1 LITE DOUBLE HUNG
C	DH	TBD	6	2'-8"	5'-0"	2 LITE OVER 1 LITE DOUBLE HUNG

WINDOW SCHEDULE NOTES:	
1) TYPICAL FLASHING DETAILS SEE SHEET TBD	
2) CONTRACTOR SHALL MEASURE AND VERIFY ALL ROUGH OPENINGS WITH WINDOW MANUFACTURER'S PRINTED INFORMATION.	
3) ROUGH OPENING DIMENSIONS LISTED ABOVE ARE BASED ON MANUFACTURER'S SIZES PLUS 1/2" IN HEIGHT TO ALLOW FOR CLAPBOARD AT SILL.	
4) CLADDING COLOR: TBD INTERIOR FINISH: TBD	
5) ALL WINDOW GLASS TO BE HIGH PERFORMANCE LOW-E GLASS.	
6) SUBMIT COMPLETE WINDOW SHOP DRAWINGS TO ARCHITECT FOR REVIEW PRIOR TO ORDERING WINDOWS.	
7) EACH PANE OF GLAZING INSTALLED IN A "HAZARDOUS LOCATION" AS DEFINED BY THE IRC 2015 SHALL BE SAFETY GLAZING AS REQUIRED, AND SHALL BE SO LABELED.	
8) SEE BUILDING ELEVATIONS FOR CASEMENT OPERATION DIRECTION	

TYPICAL WINDOW INSTALLATION	
NOTE: TAPES SHALL BE COMPATIBLE WITH SURFACES TO WHICH THEY WILL BE ATTACHED.	
STEP 1) CLAPBOARD ON ROUGH SILL FOR DRAINAGE	
STEP 2) INSTALL SILL PAN FLASHING TAPE. APPLY PRESSURE TO TAPED SURFACES USING GUN OR ROLLER.	
STEP 3) APPLY 100% SILICONE SEALANT AROUND INSIDE FACE OR TOP AND SIDES OF WINDOW FLANGE. INSTALL AND LEVEL WINDOW PER MANUFACTURER'S INSTALLATION INSTRUCTIONS. VERIFY SEALANT IS COMPATIBLE WITH WINDOW MANUFACTURER.	
STEP 4) APPLY TAPE TO WINDOW JAMB FLANGES AND ENSURE THE JAMB FLASHING OVERLAPS THE SILL FLASHING. APPLY PRESSURE TO TAPED SURFACES USING GUN OR ROLLER.	
STEP 5) APPLY TAPE TO WINDOW HEAD FLANGE AND ENSURE THE HEAD FLASHING OVERLAPS THE JAMB FLASHING. APPLY PRESSURE TO TAPED SURFACES USING GUN OR ROLLER.	
STEP 6) SECURE NON-CORROSIVE METAL CAP FLASHING WITH NON-CORROSIVE ROOFING NAILS BEFORE APPLYING TAPE OVER THE CAP FLASHING. APPLY PRESSURE TO TAPED SURFACES USING GUN OR ROLLER.	
STEP 7) FROM THE INTERIOR APPLY LOW-PRESSURE POLYURETHANE FOAM (FOR WINDOWS) IN SPACE BETWEEN THE ROUGH OPENING AND THE WINDOW FRAME.	

EXTERIOR DOOR SCHEDULE						
ID	TYPE	UNIT	QTY	UNIT R.O.		NOTES
				WIDTH	HEIGHT	
101	INSWING ENTRY	TBD	1	3'-0"	7'-0"	
103	ENTRY	TBD	1	3'-0"	6'-8"	
104	4-PANEL SLIDER	TBD	1	10'-0"	7'-0"	
106A	OVER-HEAD	TBD	1	9'-0"	8'-1"	
106B	OVER-HEAD	TBD	1	9'-0"	8'-1"	
106C	INSWING ENTRY	TBD	1	3'-0"	6'-8"	

INTERIOR DOOR SCHEDULE					
ID	LOCATION	OPERATION	LEAF DIM'S		NOTES
			WIDTH	HEIGHT	
105	LAUNDRY	SWING	3'-0"	6'-8"	
107	POWDER ROOM	POCKET	3'-0"	6'-8"	



1 EAST ELEVATION  
SCALE: 1/4" = 1'-0"



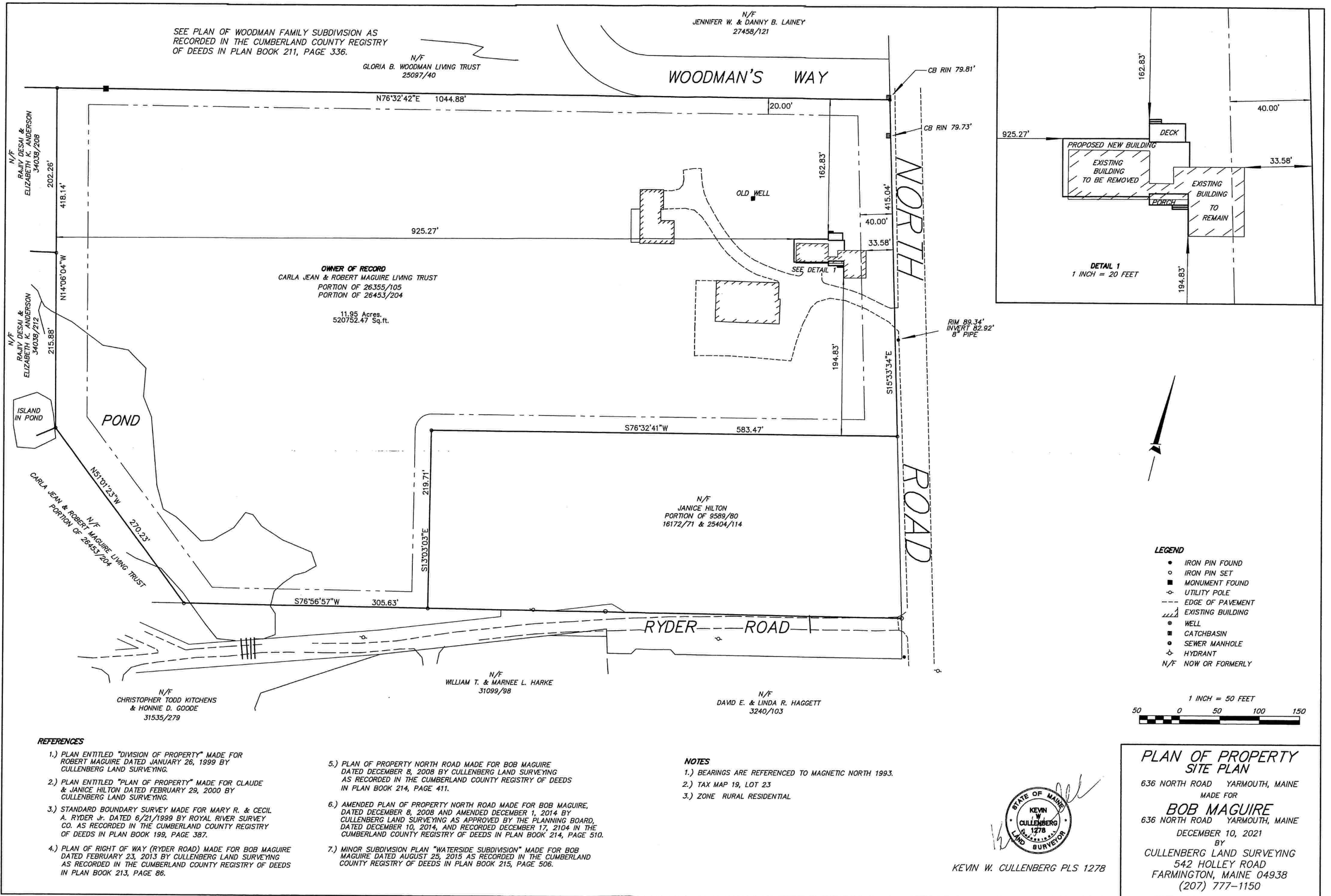
2 WEST ELEVATION  
SCALE: 1/4" = 1'-0"

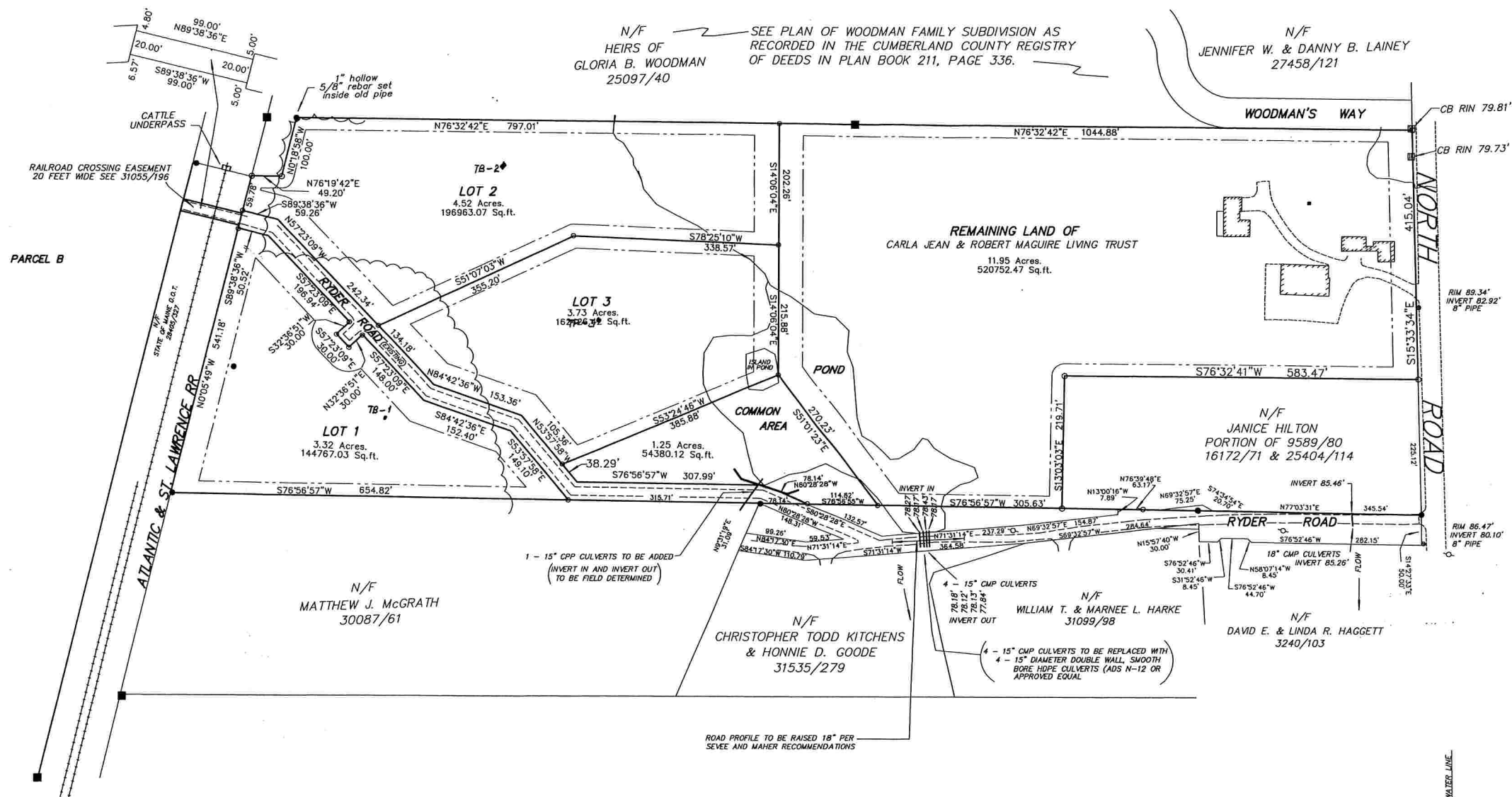
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APPROVED BY THE TOWN OF YARMOUTH, MAINE  
PLANNING BOARD dated 12-10-15

*[Handwritten signatures and initials]*

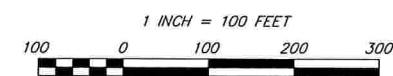
CUMBERLAND ss. REGISTRY OF DEEDS  
RECEIVED December 15, 2015  
at H M M  
PLAN BOOK 526 PAGE 00215  
ATTEST  
Cumberland County REGISTER

OWNER OF RECORD

PARCEL A  
CARLA JEAN & ROBERT MAGUIRE LIVING TRUST  
26355/105  
26453/204

PARCEL B  
ROBERT MAGUIRE LIVING TRUST  
26453/205

RYDER ROAD RIGHT OF WAY  
ROBERT & CARLA J. MAGUIRE  
30499/236



MINOR SUBDIVISION PLAN  
WATERSIDE SUBDIVISION  
NORTH ROAD YARMOUTH, MAINE  
MADE FOR  
**BOB MAGUIRE**  
636 NORTH ROAD YARMOUTH, MAINE  
AUGUST 25, 2015  
BY  
CULLENBERG LAND SURVEYING  
892 OLD DANVILLE ROAD  
AUBURN, MAINE 04210  
(207) 777-1150

C-100

REFERENCES

- 1.) PLAN ENTITLED "DIVISION OF PROPERTY" MADE FOR ROBERT MAGUIRE DATED JANUARY 26, 1999 BY CULLENBERG LAND SURVEYING.
- 2.) PLAN ENTITLED "PLAN OF PROPERTY" MADE FOR CLAUDE & JANICE HILTON DATED FEBRUARY 29, 2000 BY CULLENBERG LAND SURVEYING.
- 3.) STANDARD BOUNDARY SURVEY MADE FOR MARY R. & CECIL A. RYDER JR. DATED 6/21/1999 BY ROYAL RIVER SURVEY CO. AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 199, PAGE 387.
- 4.) PLAN OF RIGHT OF WAY (RYDER ROAD) MADE FOR BOB MAGUIRE DATED FEBRUARY 23, 2013 BY CULLENBERG LAND SURVEYING AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 213, PAGE 86.
- 5.) PLAN OF PROPERTY NORTH ROAD MADE FOR BOB MAGUIRE DATED DECEMBER 8, 2008 BY CULLENBERG LAND SURVEYING AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 214, PAGE 411.
- 6.) AMENDED PLAN OF PROPERTY NORTH ROAD MADE FOR BOB MAGUIRE, DATED DECEMBER 8, 2008 AND AMENDED DECEMBER 1, 2014 BY CULLENBERG LAND SURVEYING AS APPROVED BY THE PLANNING BOARD, DATED DECEMBER 10, 2014, AND RECORDED DECEMBER 17, 2104 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 214, PAGE 510.

WAIVERS:

- 1.) PERFORMANCE GUARANTEE (ARTICLE II.D.3.b.3): THAT SPECIAL CIRCUMSTANCES DO EXIST THAT WOULD JUSTIFY THE WAIVER OF THE PERFORMANCE GUARANTEE FOR THE LID IMPROVEMENTS TO BE INSTALLED ON INDIVIDUAL LOTS, INCLUDING THAT THE LID IMPROVEMENTS ARE ENSURED THROUGH THE BUILDING PERMIT PROCESS AND ARE COMMITTED THROUGH A CONDITION OF APPROVAL, THE PLANNING BOARD THEREFORE GRANTS THE REQUESTED WAIVER OF PERFORMANCE GUARANTEE FOR THIS DEVELOPMENT.

CONDITIONS OF APPROVAL:

- 1.) A COMPLETE SUB-SURFACE WASTE WATER SYSTEM DESIGN WILL BE REQUIRED BEFORE CONSTRUCTION OF THE HOME STARTS.
- 2.) PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR THE NEW DWELLINGS ON EACH LOT, THE BUILDING PERMIT APPLICANT MUST SUBMIT TO THE TOWN ENGINEER A PLAN SHOWING GRADING, SIZING AND LANDSCAPING OF THE BMP'S AND HOW STORMWATER RUNOFF WILL BE CAPTURED AND DIRECTED TO THE BMP'S. ISSUANCE OF A BUILDING PERMIT SHOULD BE CONTINGENT ON THE TOWN ENGINEER APPROVING THE PROPOSED PLAN FOR SITE SPECIFIC STORMWATER MANAGEMENT.
- 3.) DEEDS FOR LOTS 1, 2 AND 3 SHALL INCLUDE LANGUAGE REQUIRING HOMEOWNERS TO MAINTAIN INFILTRATION RAIN GARDENS IN PERPETUITY.
- 4.) EACH NEW HOME CONSTRUCTED ON LOTS 1, 2 AND 3 SHALL HAVE NEPA APPROVED RESIDENTIAL SPRINKLER SYSTEMS.
- 5.) COPIES OF ALL FINAL DECLARATIONS, ROAD MAINTENANCE AGREEMENTS AND DEED RESTRICTIONS SHALL BE PROVIDED TO THE TOWN PLANNING DEPARTMENT.
- 6.) A PRE-CONSTRUCTION WORK MEETING SHALL BE HELD BETWEEN THE CONTRACTOR AND THE TOWN PRIOR TO BEGINNING CONSTRUCTION ON LOTS 1, 2 AND 3.

NOTES

- 1.) BEARINGS ARE REFERENCED TO MAGNETIC NORTH 1993.
- 2.) EASEMENT WILL BE GRANTED FOR OVERHEAD UTILITIES FROM NORTH ROAD TO PARCEL B-1 AND PARCEL B-2.
- 3.) TAX MAP 19, LOT 23 & 23-2
- 4.) THIS SUBDIVISION PLAN IS SUBJECT TO THE FOLLOWING WAIVERS GRANTED BY THE PLANNING BOARD IN PRELIMINARY PLAN REVIEW:
  1. TRAFFIC AND STORMWATER REPORTS.
  2. STREET TREES, ESPLANADES AND SIDEWALKS.
- 5.) THE REMAINING LAND IS EXEMPT FROM SUBDIVISION REVIEW PER § 4404 (4) (A) (1).

LEGEND

- IRON PIN FOUND
- IRON PIN SET
- MONUMENT FOUND
- UTILITY POLE
- EDGE OF PAVEMENT
- /// EXISTING BUILDING
- \*\*\* FENCE LINE
- STONE WALL
- ⊙ WELL
- CATCHBASIN
- SEWER MANHOLE
- ⊙ HYDRANT
- N/F NOW OR FORMERLY
- W WET AREA
- TEST BORING



KEVIN W. CULLENBERG PLS 1278