

CK 3100

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

SP 21-08

Date: 7/12/21 Zoning District MDR Map 30 Lot 14 Ext. Fee Paid 100⁰⁰Name of Owner/Applicant Two Towns Property LLCMailing Address 374 Route One Suite 8 Yarmouth ME 04096Phone 846 6380 Fax Email ed-libby@msn.comStreet Address 538 Portland StreetProposed Use ADU

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.

Ed Libby
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 Ed Libby

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.

Existing house to become an ADU once new home is moved onto property as the principal residence.

B. Project details

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

NA

Subdivision lot numbers (if applicable) NA

2. Assessor's Map number(s) 30 Lot number(s) 14

3. Existing zone(s) of the site MDR

Shoreland Overlay District Yes ☒ No

Affordable Housing District Yes ☒ No

Mobile Home Park Overlay Yes ☒ No

regrettably we don't have this district

4. a. Total land area of site: .54

b. Total floor area ~~proposed~~ ^{existing} building in square feet (all floors): 717

c. Footprint of ~~proposed~~ ^{existing} building in square feet: 616

d. Height of ~~proposed~~ ^{existing} building: 1.5 feet 1.5 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:

a. Lot boundaries' and dimensions at scale ☒

b. Zoning district MDR

c. Date of plan 7/10/21

d. Property owner with deed reference Two Towns Property LLC BK 33291/Pg 32

e. Lot area .54 AC

f. Location and setback of all buildings ☒

g. Date of construction of single-family dwelling ☒

h. Separate floor layout of all finished levels ☒

i. All plumbing facilities, kind and location ☒

j. Use of all rooms ☒

k. All entrances/exits ☒

l. All partitions, temporary or permanent ☒

m. Location and type of all appliances ☒

- n. Rights of way, public and private ✓
- o. All easements ✓
- p. Street names ✓
- q. Sewerage facilities *Town Sewer existing*
- 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 property fronts on a public water main and public sewer line each with the capacity to serve the additional accessory unit.
- 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.

*ing
ditions*

To
Route 1

Portland Street

5/8" rebar as per 2000
ASTILBE LANE
SURVEY, not found, set
P&C at calc'd location

S 28°08'35" W 127.51'

HOUSE

Paved driveway
(crumbling)

Gravel driveway

Solid iron rod in
gravel driveway, as per
1992 PARKER SURVEY
(not found)

Assumed sideline

#1.01

Concrete pad
(former garage)

Tax Map No. 30, Lot 14

Land now or formerly
**Sheila M. Gregor,
Ronald Gregor, &
Thomas C. Gregor, Jr.**
538 Portland Street, Yarmouth, ME 04096
Book 3947, Page 062

TO BE CONVEYED TO
Two Towns Property LLC
(Or other entity)

23,587 sq. ft., ± ~ or ~ 0.5415 acres, ±
James Maxcoy to Ezekiel Sanford
Oct. 18, 1854, Book 266, Page 125

Found & Used
5/8" iron rod & c
marked "Palmit
PLS 1057" Bus

N 38°44'16" W 155.66'
(NW 10 rods (165'))
(N 38°44'36"E 155.66')

Astilbe Lane

S 24°08'19" W 40.00'
(NO Used)
165.67'

Set P&C in 2009

(SE 8 rods (132'))
N 38°43'28" W 131.94'
(SE 8 rods (132'))
(N 38°54'19" W 8 rods (132'))

Tax Map No. R2, (no lot)

Town of Yarmouth
Town of Cumberland

Location approximate as per
2000 ASTILBE SURVEY

(SE 10 rods (165'))
S 28°40'43" E 132.42'
(SE 8 rods (132'))

N 24°40'57" E 39.89'
(SW 40')
164.89'
(SW 10 rods (165'))

Found & Used
5/8" iron rod,
0.6' a.g., bent

Lawn area & occupation
of Veilleux (see notes)

S 39°39'20" E 131.83'
(NE 8 rods (132'))
(N 23°48'25" E 131.83')

Edge of lawn & occupation generally along boundary line

Tax Map No.
Land now
John R. & I
19 Astilbe Lane
Book 26

GARAGE

Gate

Pool fence

Edge of lawn

SHED

Tax Map No. R2, Lot 44A

Tax Map No. 30

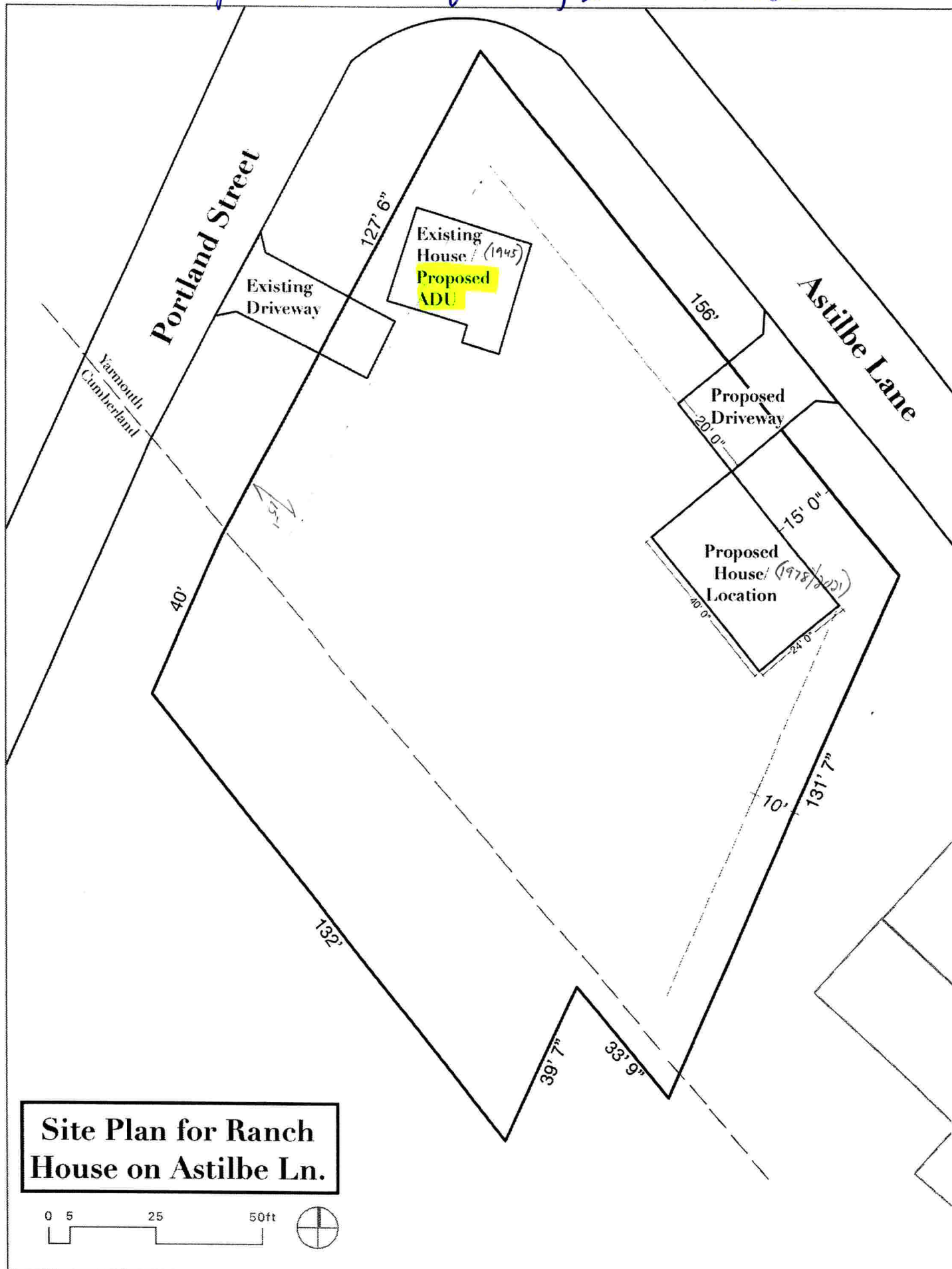
Land now or formerly
John R. & Lisa J. Veilleux
19 Astilbe Lane, Yarmouth, ME 04096
Book 20822, Page 222

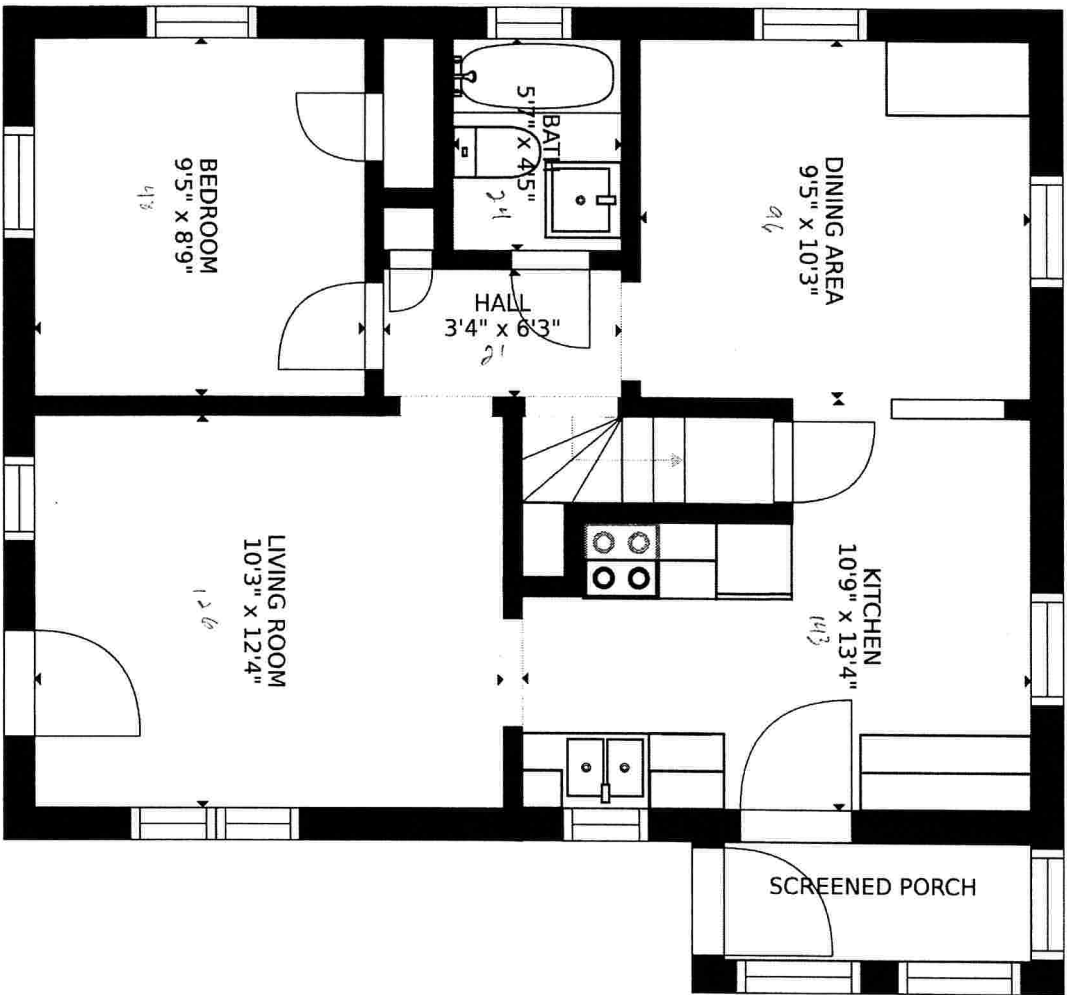
"Garage Parcel"
Tax Map R2, Lot 44
Land now or formerly
Main Line Fence Company
Book 4709, Page 226 (Parcel 2)
Samuel M. Loring to Daniel Bennett
Oct. 10, 1845, Book 248, Page 289

Tax Map No. R2, Lot 44A

Land now or formerly

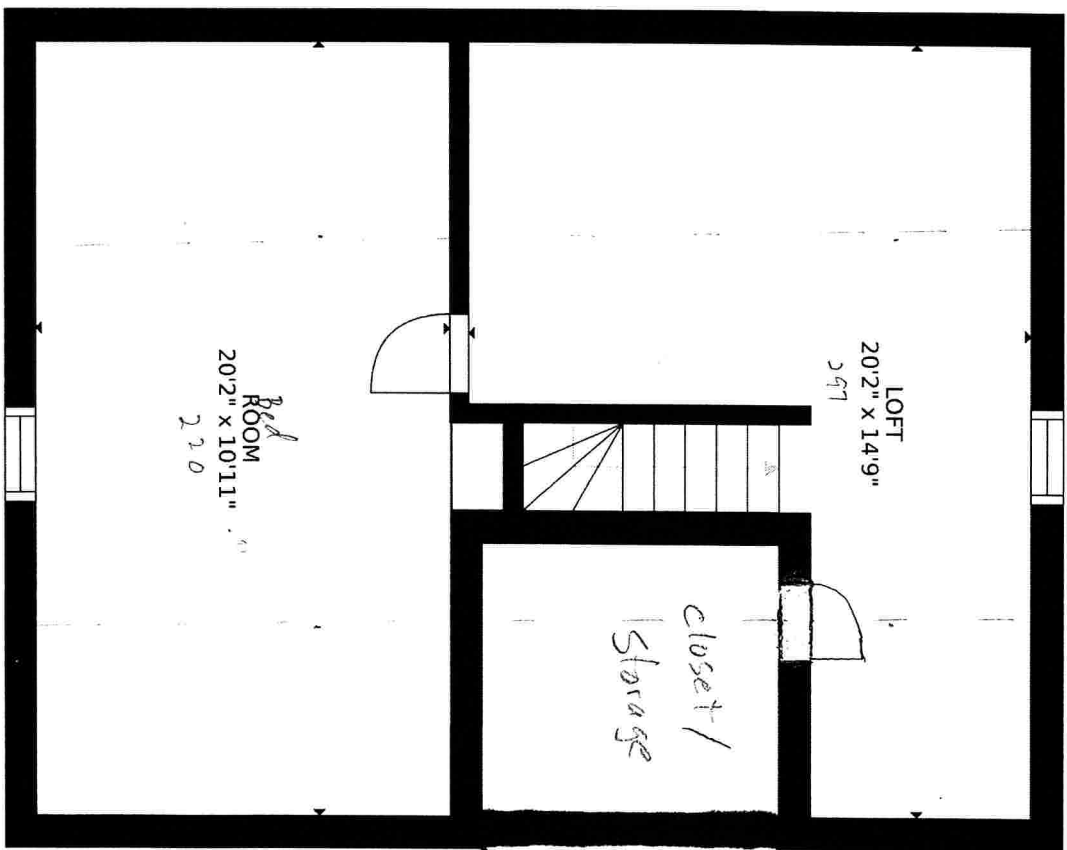
Proposed conversion of existing structure to ADU





FLOOR 1

458 sf Floor Area



FLOOR 2

458 + 259 = 717 total

517 gross
258 less where ceilings < 5'
259