



Juliana Dubovsky
Assistant Planner
E-mail: jdubovsky@yarmouth.me.us

Tel: 207-846-2401
Fax: 207-846-2438

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

**Minor Site Plan
Gravel Parking Area
Diane Gifford, Applicant
Map 61, Lot 85
Prepared by Julie Dubovsky, Assistant Planner
February 24, 2022, updated February 28, 2022**

REQUIRED REVIEWS

Chapter 702 - Site Plan Review Ordinance Article 1. Section B. No. 2 Minor development (at the discretion of the Planning Director multiple items in combination may be referred to the Planning Board):

- a. the construction or alteration of any parking area(s) providing four or less parking spaces (equivalent of 684 square feet)
- g. filling, grading or excavation projects which move in excess of 100 cubic yards, but less than 1,000 cubic yards of materials;"

PUBLIC COMMENT

Notices of this minor site plan were sent to 39 property owners in the vicinity (within 500 feet) of the proposed development. As of the writing of this report, no public comments have been received.

SITE PLAN STANDARDS (Chapter 702)

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.

Staff Comments: We find that the project is in conformance with the Comprehensive Plan.

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. [Note applicable provisions of 702.J 3.a,b,c,d,e,f,i,j,k]

Staff Comments: We find that the project 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 gravel parking area will be located on Belmont Street (a paper street) to serve as a construction staging area for future home demolition and construction at 122 Littlejohn Road. Levels of service on Belmont Street or Little John Road should not be affected as there are other means of access and egress for the neighboring homes to the east of lot 61-85 on adjacent streets. Additionally, as the primary use of this area is for construction related purposes, any congestion on the roadway will be temporary for the duration of the home demolition.

The Director of Public Works also notes that proximal Talbot Road and Littlejohn Island Road will be posted with a registered weight restriction of 23,000 pounds beginning February 25th and will remain in effect until May 1st, or until conditions permit the weight restrictions to be lifted. This means that any vehicle registered for more than 23,000 pounds cannot travel over these roads without a special permit. Permits are issued by the Town, but only when temperatures and weather conditions allow. Permits will likely have time and load restrictions. While not impossible, it will be very difficult to have heavy equipment and trucks access the site. He advises that the applicant wait until after the road posters have been lifted.

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 [1,2,3.f,g,h,i,11a.12 (sidewalks) & 13 (Bike Racks)] of this document.

Staff Comments: The proposal is to create gravel parking area from a currently unpaved/unimproved parking area for two (2) spots. The applicant's intent is to "allow for orderly material staging during demolition and later construction of a new home" at 122 Littlejohn Rd (Map 61, Lot 90). Per Technical Standards J.1., all parking spaces are to be 9ft x 19ft. As this will be an unmarked gravel parking area, it meets this standard with a proposed space of 40ft X 20ft for four (4) spaces at 90-degree angles. As a condition of approval, the applicant shall use the designated parking area for staging and parking rather than on-street parking on Belmont Street.

4. Sanitary Sewerage: The proposed development will not cause an unreasonable adverse effect to the Municipal sewerage treatment facilities and will not aggravate and 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. [See also Section 702.J.6]

Staff Comments: We find that the proposal will not adversely affect sanitary sewage systems.

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. [See also 702.J.7]

Staff Comments: We find that the proposal will not impact local water resources.

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. [See also 702.J.8]

Staff Comments: The proposal is not applicable for Police and Fire review.

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, berming, 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. [See also 702.J.5]

Staff Comments: We find that buffering is not applicable for this application.

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.

Staff Comments: We find that the application will not have adverse effects on natural areas.

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.

Staff Comments: The plans does not show any lighting in the proposed parking area. Based on the intended use of the gravel pad, lighting is not necessary.

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. [See also 702.J.9]

Staff Comments: The project applicant's architect, RDS Architects, states that the gravel pad will help prevent erosion. However, while gravel pads may start as permeable, compaction from heavy traffic can cause them to become impermeable as asphalt. Gravel can also migrate into the roadway during significant rain events, depending on the slope. Prior to the commencement of any soil disturbance the contractor shall install and maintain all appropriate soil erosion and sedimentation Best Management Practices (BMPs) per Maine Department of Environmental Protection latest standards.

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. [See also 702.J.10.a]

Staff Comments: The Town Engineer notes that prior to the commencement of any soil disturbance the contractor shall install and maintain all appropriate soil erosion and sedimentation Best Management Practices (BMPs) per Maine Department of Environmental Protection latest standards. Also, as a condition of approval, the applicant should verify that the Contractor performing the site work is certified for working in the Shoreland Zone.

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.

Staff Comments: The Town Engineer notes that currently the home is addressed from Littlejohn Road, and it appears that the main entrance is from the existing driveway connected to Littlejohn Road. Should the main entrance be adjusted to access from Crow's Nest Lane then the home shall have a new address assigned on Crow's Nest Lane per the Maine E-911 assignment protocol. As part of the building permit application, the applicant shall submit information regarding how the new home will be accessed to ascertain the appropriate address.

The Code Enforcement Officer also notes that as it appears the applicant will be relocating a shed to the undeveloped parcel, that a [Building Permit](#) is required (due to its placement not meeting the LDR setbacks of 40' Front and Rear and 20' side yard) and an [Uninhabited Shed Permit](#) will also be required.

A storage Building, as defined in CH. 701, is as follows;

Storage Building: A Building, not exceeding one thousand square feet, used only for the non-commercial

storage of materials or private property. A Storage Building may contain no more than one commercially registered motor vehicle.

As a condition of approval, prior to relocating the shed, the applicant shall submit the appropriate permits for the relocation of the existing shed onto Map 61-Lot 85.

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.

Staff Comments: The site plan does not provide details on vegetation or mature trees to be removed as part of the proposed parking area. Since the submitted Minor Site Plan & Demo references the Shoreland Zone Permit Site Plan it would be beneficial for the applicant to provide that drawing, even in draft form, as a record for the Town staff.

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, wastewater treatment facilities, roadways, sidewalks, trail systems and streetlights, existing or planned by the Town.

Staff Comments: The proposed gravel pad does not impact existing or planned Town infrastructure.

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.

Staff Response: Not applicable.

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. [See also 702.11a.f. 1 – 11]

Staff Response: Not applicable.

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.

Staff Comments: We find that there are no scenic vistas that will be impacted by the proposed gravel parking area.

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.

Staff Comments: Not applicable.

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.

Staff Comments: The Town Engineer had no concerns regarding these standards.

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.

Staff Comments: Not applicable

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.

Staff Comments: Relevant documents pertaining to the ownership of the undeveloped parcel were provided.

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

Staff Comments: Based on the documents provided, it appears that the applicant has technical and financial capacity for the proposal. The Town Engineer requests verification that the Contractor performing the site work is certified for working in the Shoreland Zone.

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.

Staff Comments: Not applicable.

24. Chapter 702 Art.1.I. Conditional Approvals.

See conditions of approval.

FINDINGS

On the basis of the application, plans, reports and other information submitted by the applicant, Adam Creutz of RDS Architects, on behalf of Diane Gifford, for **Minor Site Plan** the plan is in conformance with Chapter 702, Site Plan Review Ordinance, subject to the following conditions of approval:

1. Prior to the commencement of any soil disturbance the contractor shall install and maintain all appropriate soil erosion and sedimentation Best Management Practices (BMPs) per Maine Department of Environmental Protection latest standards.
2. The applicant shall defer construction of the gravel pad until the Posted Road - Heavy Road Limitations expire or shall submit the necessary permit to access the site during the road posting period.
3. The applicant shall use the designated gravel parking area for staging and parking and shall be prohibited from on-street parking on Belmont Street for construction and staging purposes.
4. In conjunction with the building permit application, the applicant shall submit information regarding how the new home will be accessed to ascertain the appropriate address for E-911 purposes.
5. In conjunction with the building permit application, the applicant shall provide the Shoreland Zone Permit Site Plan.
6. In conjunction with the building permit application, the applicant shall submit the required Building Permit and Uninhabited Shed Permit for the relocation of the existing shed onto Map 61-Lot 85.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan:** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority.
2. **Separate Building Permits Are Required:** This approval does not constitute approval of building plans, which must be reviewed and approved by Yarmouth Code Enforcement Officer.
3. **Site Plan Expiration:** The site plan approval will be deemed to have expired unless work has commenced within one year of the approval or within a time period up to two years from the approval date if approved by the Planning Board or Planning Director as applicable. Requests to extend approvals must be received before the one-year expiration date.
4. **Landscaping:** All required landscaping shall be guaranteed for a 2-year period.

Attachments

1. Steven Johnson, Town Engineer – Memo 2/17/2022
2. Erik Street, Director of Public Works – Memo 2/22/2022
3. Nicholas Ciarimboli, Code Enforcement Officer – Memo 2/22/2022