

ACCESSORY DWELLING UNIT (ADU) APPLICATIONS

Must Minimally Meet Following Criteria

1. Adequate Parking – minimum 3 spaces (2 spaces for primary dwelling and 1 space for ADU).
2. Either the house proper or ADU must be primary residence of the homeowner.
3. Detached ADU's are required to install a fire sprinkler system. (Chapter 317)
- ✓ 4. If the property is located in one of Yarmouth's local historic districts, advisory review by the Historic Preservation Committee is completed (Chapter 701, Article X).

ADU's are governed under Chapter 702 – Site Plan Review Ordinance; Article J, Section 13. The ordinance can be found on the Town of Yarmouth website at the following path:

https://yarmouth.me.us/vertical/sites/%7B27541806-6670-456D-9204-5443DC558F94%7D/uploads/702_Site_Plan.pdf

OR

Go to the website: Yarmouth.me.us

Choose: Government

Choose: Charter, Codes & Ordinance, Comprehensive Plan

Scroll to: 702 – Site Plan

ADU Application Completion Checklist:

- ✓ ☒ Sections A&B – Completed
- ✓ ☒ Section C – Items a-r accounted for on the plot/site plan
- ✓ ☒ The Planning Director/Code Enforcement Officer Findings – Items a-w must be answered individually in a separate document. If an item does not apply indicate N/A
- ✓ ☒ Indicate on the drawings the square footage of all areas pertaining to the ADU (areas in excess of 900sf may require Planning Board approval).
- ✓ ☒ If on private water and/or private sewer, 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, identification of any required improvements to achieve capacity. Approval of an ADU shall be conditioned on any required improvements for the system(s).
- ✓ ☒ Provide 5 complete sets of the Application including 11x17 size sets of drawings for staff review
- ☐ Email a PDF copy of the entire application to Wendy Simmons at wsimmons@yarmouth.me.us for the website
- ✓ ☒ Complete and submit The Fire Sprinkler Permit (Fee \$75.00)
- ✓ ☒ Pay \$100.00 fee

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: 05/15/2023 Zoning District: MDR Map: #41 Lot: #115 Ext. Fee Paid:

Name of Owner/Applicant: Michael Brandimarte & Anna Steffeney

Mailing Address: 125 West Elm Street / Yarmouth, Maine

Phone: (206) 930-9488 Email: michael.brandimarte@outlook.com; steffeney@hotmail.com

Street Address: 125 West Elm Street / Yarmouth, Maine

Proposed Use: Garage; Storage; Accessory Dwelling Unit

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.

Michael Brandimarte
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 Michael Brandimarte

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 perhlorates.

MINOR SITE PLAN APPLICATION

PROJECT DESCRIPTION

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

Construct a new barn to replace existing garage and shed structures currently located on the property. The barn will house a 3 car garage and storage on the first floor, and one (1) Accessory Dwelling Unit (ADU) on the second floor. The Accessory Dwelling Unit will contain two bedrooms, and an open combined living, kitchen, and dining space.

The existing garage and shed located on this site have significant structural concerns, and have been approved to be removed. Demolition Permit #D21-07 was previously issued by the Yarmouth Department of Planning and Development on 7/14/21, and then renewed on 8/25/22.

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): #44 Lot number(s): #115
3. Existing zone(s) of the site: Medium Density District (MDR)
Shoreland Overlay District: Yes ☐ No ☒
Affordable Housing District: Yes ☐ No ☒
Mobile Home Park Overlay: Yes ☐ No ☒
4. a. Total land area of site: .76 Acres
b. Total floor area proposed building in square feet (all floors): 2,901.86 SF
c. Footprint of proposed building in square feet: 2,266.18 SF; (ADU = 891.29 SF)
d. Height of proposed building: 30' - 11 1/2" Stories: 2 Stories
e. Total number of proposed parking spaces: The ADU contains (2) bedrooms and therefore requires two (2) parking spaces. One (1) ADU space shall be located with the Garage; and one (1) ADU space shall be located in the driveway.
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: Shown on Drawing S1.0
- b. Zoning district: Shown on Drawing S1.0
- c. Date of plan: Shown on all drawings
- d. Property owner with deed reference: Shown on Drawing S1.0
- e. Lot area: Shown on Drawing S1.0
- f. Location and setback of all buildings: Shown on Drawing S1.0
- g. Date of construction of single-family dwelling: Shown on Drawing S1.0
- h. Separate floor layout of all finished levels: Shown on Drawing A1.0 & A1.1
- i. All plumbing facilities, kind and location: Shown on Drawing S1.0
- j. Use of all rooms: Shown on all drawings
- k. All entrances/exits: Shown on all drawings
- l. All partitions, temporary or permanent: Shown on all drawings
- m. Location and type of all appliances: Shown on Drawing A1.0 & A1.1
- n. Rights of way, public and private: NA
- o. All easements: NA
- p. Street names: Shown on Drawing S1.0
- q. Sewerage facilities: Town Sewer; Shown on Drawing S1.0
- r. Off-street parking spaces: Shown on Drawing S1.0

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.

TOWN OF YARMOUTH

Yarmouth Fire and Rescue

200 Main Street Yarmouth, Maine 04096

(207)846-2401 www.yarmouth.me.us Fax: (207)846-2438

FIRE SPRINKLER PERMIT

Date: 5/15/23 Map 41 Lot 115 Ext Permit #

Location of Work 125 WEST ELM STREET, YARMOUTH, ME.
(ADDRESS REQUIRED)

The undersigned hereby applies for a permit to make a fire sprinkler installation in accordance with local ordinance and state rules and regulations.

Owner's Name MICHAEL BRANDIMARTE / ANNA STEFFENEY

- ✓ 1. Fire Sprinkler System (NFPA 13)
(\$75.00 fee)
2. Fire Sprinkler System (NFPA 13R)
(\$75.00 fee)
3. Fire Sprinkler System (NFPA 13D)
(\$75.00 fee)

Total Fee: \$ 75.00

Contractor TBD Phone

Address TBD

State License # TBD

Applicant's Signature

Signature of State Licensed RMS

Please Print

INSPECTION: Please call the fire inspector at 846-2410 when ready for inspection. The inspection will be done within 1 working days from the time your work is completed.

NOTES:

1. ALL PAGES OF APPLICATION MUST BE COMPLETED
2. SUBMIT SHOP DRAWINGS AS REQUIRED BY TOWN STANDARD
3. APPLICANT MUST ALSO APPLY FOR STATE FIRE MARSHAL'S PERMIT
4. SUBMISSION REQUIRES REVIEW AND APPROVAL PRIOR TO WORK COMMENCING

FIRE SPRINKLER PERMIT

Plans Submitted _____

Permit# _____
Date: _____
Bldg. Permit# _____

| BUILDING DATA | | | |
|---------------------------|--------------------------|-------------------|--|
| Building Use (Circle one) | Residential / Commercial | Number of stories | |
| Occupancy Type: | | Number of units | |

| INSTALLATION DATA | |
|-------------------------|------------------------------------|
| Installation type | New / Alteration / Repair / Other: |
| Piping methods | BLACK IRON / CPVC / Other: |
| Fire Marshal's Permit # | |

| Component | Manufacturer and Model # | Qty | Type |
|------------------------|--------------------------|-----|------|
| Sprinkler Head Type #1 | | | |
| Sprinkler Head Type #2 | | | |
| Sprinkler Head Type #3 | | | |
| Sprinkler Head Type #4 | | | |
| Sprinkler Head Type #5 | | | |
| Sprinkler Head Type #6 | | | |
| Valve Type #1 | | | |
| Valve Type #2 | | | |
| FDC | | | |
| Water Flow Switch | | | |
| Valve Switch | | | |
| Low Pressure Switch | | | |
| Fire Pump | | | |
| Fire Pump Controller | | | |
| Jockey Pump | | | |

Applicant certifies that all information given is correct and that all pertinent electrical, alarm, sprinkler and fire prevention ordinances will be complied with in performing the work for which this permit is issued. Work must begin within six (6) months of permit issuance or the permit shall become invalid.

Signature of Applicant or _____
Authorized Representative Date

"I authorize appropriate staff within the Town of Yarmouth to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to collect facts pertaining to my application."

INSPECTION: Please call the fire inspector at 246-2410 when ready for inspection. The inspection will be done within 1 working days from the time your work is completed.

- NOTES:
- 1. ALL PAGES OF APPLICATION MUST BE COMPLETED
 - 2. SUBMIT SHOP DRAWINGS AS REQUIRED BY TOWN STANDARDS
 - 3. APPLICANT MUST ALSO APPLY FOR STATE FIRE MARSHAL'S PERMIT
 - 4. SUBMISSION REQUIRES FEE AND APPROVAL FROM TOWN ENGINEER

Anna & Mike

For applicants before the Yarmouth Historic Preservation Committee, we prepare property descriptions that highlight significant features of the house or building. This serves to document the present and is filed by the Town as part of the current record of the property. We also share these descriptions with the Yarmouth History Center for their files. These were delayed at the last meeting, so we're dropping them off. I'm happy to answer any questions.

Best wishes,

Greg Paxton *GP*
Yarmouth Historic Preservation Committee
greg.paxton@gmail.com
207.232.5995

125 W. Elm Street, Yarmouth, ME

Reconnaissance Level Survey states:

Core is Queen Anne with many details;; enclosed porch at front, attached, wraparound porch at rear and side, two turrets. Side/rear ells added during major expansion and renovation in 2007.

Two – bay garage. More recent than house.

The house is listed as contributing for Development and Architecture

The VIS plaque states: George H True House C 1892

The house is a high style Queen Anne, among the highest style of Queen Anne's in Yarmouth.

Significant elements include:

Stylistically typical asymmetric features on the front façade including an engaged octagonal corner turret above a clipped, bracketed, corner window, half-hipped dormer and a front porch (now enclosed).

The Deering Street (north) side of the house features a bellcast roof line. Siding includes clapboards, trellised, board and batten, and curved shingle siding above a fieldstone foundation, plus other details characteristic of Queen Anne eclecticism.

A large addition is built off the back in the same style, with the division between the original not articulated. The house has 2/1 replacement windows. The house includes two chimneys at the roof peak plus a newer chimney at the rear.

The two outbuildings appear to be post World War II and small in scale, particularly relative to the house.

Greg Paxton
Historic Preservation Committee
207.232.5995
4/27/2023

Planning Director / CEO Findings:

- a. The general design approach was to incorporate the scale, functionality and simplicity typically found in barns, as a way to contrast the existing complex massing found within the original house. While there are always exceptions, this contrast is a fairly typical arrangement found in New England, and specifically this Yarmouth neighborhood, with either attached, or detached arrangements of house and barn.
- b. The proposed project has been designed and drawn with same scale, building elements, and architectural vocabulary that is consistent with other structures found throughout this Yarmouth neighborhood. The selection of materials is also consistent with the older character of the existing garage and shed structures that are planned to be removed.
- c. This accessory dwelling unit will not provide or increase in any way excessive noise, traffic, or parking congestion.
- d. Water and Sewer service will be connected to public services via underground connections on Deering Street. The septic wastewater will collect within the structure and exit the building on the North side of the building and connect to the town sewer lines located beneath Deering Street. Similarly, water will enter the ADU via the North side of the building via an underground connection on Deering Street. Both services will be located in separate trenches.
- e. The primary access and entrance to the ADU is directly opposite the principle westerly entrance of the primary residence. While there are windows in the new ADU that open up to the North and South, these openings are directed to an open area of the owners lot, and to the adjacent street, not in the direction of any direct neighbors. The windows on the West side of the ADU that abut the closest neighbor have been purposefully minimized.
- f. The orientation and design of the ADU purposefully works around all of the native trees and natural site features. It enhances the existing open yard space and does not alter any natural existing topography.
- g. The ADU is purposefully placed as far away as possible from a seasonal drainage swale on the southerly side of the lot. This is the only sloped topography and natural land form located on this site.
- h. This accessory dwelling unit contains two bedrooms, and therefore requires two ADU parking spaces. The proposed design allows for one (1) parking space within the garage, and one (1) parking space outside the structure in the common driveway. The new structure also provides two (2) new additional garage parking spaces for the primary dwelling. Additionally, the existing driveway and newly expanded areas of the

existing driveway, allow for three (3) additional spaces, in addition to the one (1) dedicated ADU parking space.

- i. A single family dwelling unit does exist on this lot. There are no other existing ADU structures located on this lot. This will be the only ADU structure located on this lot.
- j. This project does not require a setback variance.
- k. The owners of this property, Michael Brandimarte and Anna Steffeney, have filed with the registry of deeds a declaration of restrictions containing a reference to the deed as stated in the Exhibit #1.
- l. This accessory dwelling unit does not exceed 900 SF. The submitted SF calculation is based on "Area of Living Space", not a Gross SF total, and not a Net SF total. Please see the graphic calculation included in the enclosed project drawings (Sheet A1.1). This calculation is based on "Habitable Space", or typical living space that can be occupied by a human being. I therefore did not include for example; wall space, closet space, stairs, bathtubs, showers, counter spaces, or areas of the dwelling where one cannot stand, garage space, etc. Only habitable living spaces were tabulated in this calculation.
- m. This accessory dwelling unit contains only two (2) bathrooms. There is an additional bathroom located on the first floor of the building, but it is in the Garage, and is meant for the general use of the primary dwelling supporting gardening and garage activities.
- n. The water and sewage facilities will meet all existing laws and codes.
- o. Approval of an accessory apartment shall be conditional upon obtaining applicable building, plumbing, electrical and any other necessary municipal permits.
- p. The Fire Chief will review and sign off on this application.
- q. This accessory dwelling unit has only one (1) entrance, directly opposite the principle entrance of the primary residence. It has no other entrances, and does not have an exterior stairway.
- r. This accessory dwelling unit is not within an existing garage structure, it is a new stand-alone structure separated from the existing primary dwelling.
- s. This new accessory dwelling will replace an existing shed and garage that are nonconforming. We have worked with the Yarmouth Codes Enforcement Officer to meet the necessary requirements.