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October 30, 2020

Attn: Wendy Simmons, SHRM-CP  
Planning Department  
Town of Yarmouth  
200 Main Street  
Yarmouth, ME 04096

Re: Administrative Appeal Application of Rebecca Rundquist  
Subject Location: 53 West Elm Street / Map 41, Lot 71

Dear Ms. Simmons:

This letter responds briefly to a supplemental memorandum submitted by Ms. Cooper, in addition to responding to certain comments made by Ms. Cooper at the October 26, 2020 General Board of Appeals public hearing. The Applicant and I will also be present to speak in support of the Appeal Application and to respond to any questions at the November 2, 2020 hearing.

According to AIRDNA, a vacation rental data service, there are 27 STRs in Yarmouth, Maine. Of these, 56% are rented for only one or two nights; 74% for three or less nights; and 83% for six nights or less. The remaining 18% rent for between one week and 29 days.<sup>1</sup> The only difference between a STR and a motel or rental cabin is that if you buy a home in a zoning district in which motels and rental cabins are a permitted use, you do that knowingly and willingly. When you buy a home in a quiet residential neighborhood, you should not expect to have strange groups of people moving in and out of the house next door every couple of days.

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<sup>1</sup> <https://www.airdna.co/vacation-rental-data/app/us/maine/yarmouth/overview>

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The STR use is not the same as renting a room to someone. For one thing, when you rent a room it is usually to a single person, often a student or senior who needs an inexpensive living arrangement, not a group of people vacationing for a few days. Very often, that person ends up sharing the kitchen, living areas and even meals with the homeowner. Groups of people who come to vacation for a day or a few days (sometimes with different family members swapping days) have no connection with the neighborhood, and often little appreciation for the quiet and peaceful enjoyment of the permanent residents. Attached to this letter are several pictures of what was described at the last Board meeting as STR tenants turning in neighbors' driveways, as there is not enough on-site parking and maneuvering area at the STR. In one picture you will see that a STR tenant has parked in the neighbor's driveway, leaving the car door open, while the tenants walked back and forth across the street to unload.

Ms. Cooper is correct when she states that Yarmouth does not specifically regulate STRs but misses what this means. As noted in the Appeal Application, and as discussed at last week's meeting, the Yarmouth Ordinance could not possibly be any more clear – ***“any use not specifically allowed as either a permitted or special exception use is specifically prohibited”*** and the *only* procedure allowing such uses is by action of the Town Council. The Yarmouth Town Council has thus far not chosen to specifically allow STRs as a permitted use or special exception – and per the Ordinance that use is therefore prohibited. This only makes sense. There is little purpose for the Ordinance and the above statement in the Ordinance if any use that is not specifically permitted and regulated by the Ordinance is allowed as an *unregulated* use.

In part, the stated purpose of the Ordinance is to “promote the health, safety and general welfare; to encourage the most appropriate use of land throughout the Town; to promote traffic safety; to provide adequate light and air; to prevent overcrowding of real estate; [and] to promote a wholesome home environment.” This means everyone's safety, welfare and home environment, not just the 27 STRs in the community.

This appeal raises several issues with respect to the Planning Director's August 17, 2020 determination over which the Board has jurisdiction: (a) whether STRs are a permitted use under the Ordinance; (b) whether the property is being used as a single-family detached dwelling with one or more individuals living together as a family or is not and is therefore being used in violation of the ordinance; and (c) whether the insufficient parking that led to denial of the use of the property as an Accessory Dwelling Unit on two separate occasions should be applied to the STR use as well (although, this

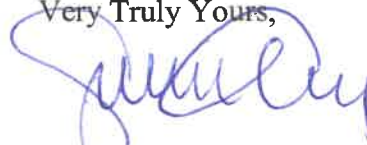
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cannot be based on the Ordinance as there are no regulations for an STR in the Ordinance).

We appreciate the Board's thoughtful considerations of these issues and look forward to responding to any questions the Board may have at the November 2, 2020 continued public hearing.

Very Truly Yours,



SANDRA L. GUAY

SLG/lb

Copy to: Rebecca Rundquist

