



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

MEMORANDUM

To: General Board of Appeals
From: Nicholas J. Ciarimboli (Code Enforcement Officer)
Subject: Board of Appeals Case # - 20-BOA-0001 of March 9, 2020
Date: March 2, 2020

Please review the enclosed documents for information regarding the above-mentioned Board of Appeals case.

- 1.) Height Exceptions Standards Findings and Decision Form
- 2.) Comments
- 3.) Comprehensive Plan excerpt
 - a. An excerpt of the Comprehensive Plan has been provided for context as the application makes direct reference to this document. For the complete document, please visit our website www.yarmouth.me.us , select Government, select Charter, Codes & Ordinance, and Comprehensive Plan, select Comprehensive Plan 2010.
- 4.) Application Package

If you have any questions or require additional information, please let me know.
Thank you for your time.

Very Respectfully,

Nicholas J. Ciarimboli

"Our Latchstring Always Out"

YARMOUTH GENERAL BOARD of APPEALS

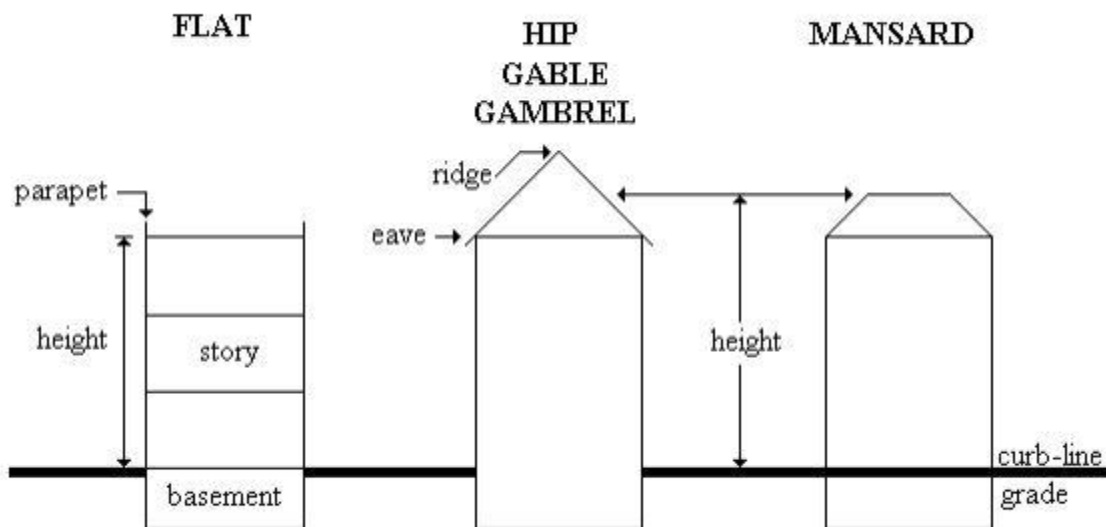
Height Exception Standards, Findings, & Decision
General Board of Appeals Meeting of March 9, 2020
#20-BOA-0001

Applicant/Project Description

Michael Robitaille on behalf of the Town of Yarmouth; 659 East Main St., Map 13-Lot 16, requests a height exception to accommodate a new Fire Training Tower at the height of 40'. The new Tower shall be placed adjacent to the existing training facility located at the Town of Yarmouth Transfer Station. This new Tower will serve as a regional training facility.

Chapter 701, Zoning, Article I.D, Definitions

Building Height: Vertical distance measured from the average elevation of the proposed finished grade at the front of the Building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs. This definition does not apply in the SOD.



Chapter 701, Zoning, Article II.K, Height Regulations

K. HEIGHT REGULATIONS

The height limitations for all districts should be 35 feet, except for silos for storage of feed crops, steeples, wireless communication towers, Alternative Tower Structures, and except when otherwise authorized by the General Board of Appeals, in cases where it is consistent with the objectives of the comprehensive plan, will not adversely affect surrounding areas, and is in scale with its environs, this restriction shall not apply, providing however, in the SOD and RPD the maximum structure height is 35'.

Standards for Height Exceptions. Before it issues a Height Exception permit, the Board of Appeals shall find, as a matter of fact, that the proposed use meets the following criteria:

- i.) The proposed height is consistent with the objectives of the comprehensive plan.

Findings of Fact:

**Findings and conclusion moved by _____, seconded by _____, and
voted ____ in favor, ____ opposed, _____.**
(note members voting in opposition, abstained, recused, or absent, if any).

- ii.) The proposed height will not adversely affect surrounding areas.

Findings of Fact:

**Findings and conclusion moved by _____, seconded by _____, and
voted ____ in favor, ____ opposed, _____.**
(note members voting in opposition, abstained, recused, or absent, if any).

iii.) The proposed height is in scale with its environs.

Findings of Fact:

**Findings and conclusion moved by _____, seconded by _____, and
voted ____ in favor, ____ opposed, _____.**
(note members voting in opposition, abstained, recused, or absent, if any).

Conditions of Approval:

1. Approval of Variations from Plans: The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant, testimony during the public hearing, and the administrative record. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.

2. _____

3. _____

4. _____

Motion to Approve or Deny: Based on the findings of fact and conclusions as voted above, and subject to the condition(s) of approval, if any, as stated above, the Yarmouth General Board of Appeals hereby finds that the requested Height Exception for **Town of Yarmouth, 659 East Main St., Map 13-Lot 16, Fire Training Tower** to allow a height of **40 feet** is hereby [approved/denied].

**Motion moved by _____, seconded by _____, and voted
____ in favor, ____ opposed, _____.**
(note members voting in opposition, abstained, recused, or absent, if any).

Voted this date: _____

Chair, General Board of Appeals _____



TOWN OF YARMOUTH
INTERNAL MEMORANDUM

TO: Nicolas Ciarimboli, Code Enforcement Officer
FROM: Steven S. Johnson, P.E., Town Engineer
DATE: February 24, 2020
RE: Zoning Board of Appeals height exception application 659 East Main Street – Fire Training Facility

Nick:

I have reviewed the subject height exception application from Chief Robitaille of the Fire Department to request a height exception for a new modular fire training building proposed at the existing training facility dated February 18, 2020. I have the following comments regarding the application.

The applicant (Town) is proposing to construct a new prefabricated steel training building on site to allow regional firefighter active training for different real-life scenarios. One key aspect of this training is response to incidents in tall structures. The proposed new building will allow this critical training to occur. Height training is currently not available to firefighters in the state of Maine. The minimum training structure height for certification is 40 feet, which exceeds Yarmouth's maximum building height by five feet. The Town is asking for a variance to the height requirement to allow the new building.

The applicant has submitted adequate right, title and interest in the property as well as drawings, elevation drawings and photos of the site from several abutting areas. In review of the project it is my opinion that the requested height variance will not cause negative impact on any scenic vistas or limit the views of abutting properties. In fact, given the significantly lower elevation of the training facility in relation to abutting properties as well as the extensive existing buffering, it is unlikely that the new building will be seen from the abutting properties on East Main Street.

Based on this information, I recommend that the Board of Appeals approve the requested height exception. Please see me if you have any additional questions.

MAP 13 LOT 16

Submit Comments to Nick Ciarimboli by 2/26/2020

TOWN OF YARMOUTH

200 Main Street

Yarmouth, Maine 04096

(207)846-2401

Fax: (207)846-2438

NOTICE OF PLANNING DEPARTMENT FILING & REQUEST FOR COMMENT

Date Rec'd.: 2/18/20

Agenda Date: 3/9/20 - General Board of Appeals

Project Description: Height Exception

Project Location: 659 East Main St.

Applicant: Town of Yarmouth

Agent/Contact: Steve Johnson - 846-2401

*I have no comments
or concerns about this*

*ProSecr.
Cecil Hunt
2-19-20*

Project Description:

Requesting a height exception for the fire training facility located at the Transfer Station.

- ☐ Review For Completeness/Checklist
- ☐ Respond To Applicant Re: Completeness
- ☐ Staff Input/Request Sent:

Date Completed:

2/18/20

2/18/20

2/18/20

1. Director of Public Works (full size)
2. Town Engineer (full size)
3. Fire Chief (pdf)
4. Police Chief (pdf)
5. Director of Community Svcs (pdf)
6. Yarmouth Water District (pdf)
7. Code Enforcement Officer (full size)
8. Town Manager (pdf)
9. Harbormaster (pdf)
10. School District (pdf)
11. Tree Warden (pdf)
12. Economic Development Director (pdf)
13. Planning Director (full size)
14. Assessor - Subdivision Only (pdf)
15. Bike & Ped Committee (pdf)

X
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- ☐ Abutters Notice Created/Sent
- ☐ Agenda To PB
- ☐ Agenda Posting:

1. Shopping Notes
2. Website
3. Bulletin Board

- ☐ Copy Of Findings And Decision In File

MEMO



To: Nick Ciarimboli
From: Chief Daniel Gallant
Date: 18 February 2020
RE: Height Exception – 659 East Main Street

I have reviewed the Height Exception Application for the Yarmouth Fire rescue Training Facility located at 659 East Main Street and dated 18 February 2020.

I have no concerns or comments about this project.

Please let me know if I can be of any further assistance in this matter.

From: Andrew Gabrielson <andrewsgabrielson@gmail.com>
Sent: Tuesday, February 25, 2020 5:05 PM
To: Wendy Simmons <WSimmons@yarmouth.me.us>
Subject: Re: Request for Comment - 659 East Main St. - DUE 2-26-20

no comment

2010 Comprehensive Plan Excerpt

Chapter 3. Other Goals, Policies, & Strategies

D. MUNICIPAL AND SCHOOL FACILITIES

1. BACKGROUND

Growth in the community during the 1980s created a backlog of facility needs for both municipal operations and the School Department. A major focus of the 1993 Comprehensive Plan was on increasing the capacity of these facilities to accommodate the expanded population as well as future growth. Over the past fifteen years the Town and School Department have addressed most of the facility needs. In terms of educational facilities, the Town completed a \$20.5 million school modernization and expansion program. Total enrollment in the system has been relatively stable over the past decade with some shifting between grade levels as larger classes moved into the high school and were replaced by smaller elementary classes. Given the projections for stable or declining numbers of children, the current school facilities are adequate for the foreseeable future. Over the past fifteen years the Town rebuilt and expanded Town Hall to provide adequate space for general government operations and the police department, created a facility for parks and community services adjacent to Town Hall, and relocated the fire and emergency medical services to a facility on North Road. These improvements addressed many of the municipal facility needs identified in the 1993 Plan. There are still two major facility needs that need to be addressed. The Public Works Garage and Bus Maintenance Facility are too small for current needs and are outdated. The fire department campus on North Road needs additional space for storage, meetings, training, and administrative functions and improved housing for firefighters.

2. POLICIES AND STRATEGIES

Policy D.1. Provide up-to-date facilities with adequate space for all municipal departments.

Strategy D.1.1 – Assess the need for additional space at the North Road Fire Department campus to meet the department’s needs.

Strategy D.1.2 – Develop a plan for providing adequate facilities for the Public Works Department.