
YARMOUTH GENERAL BOARD of APPEALS

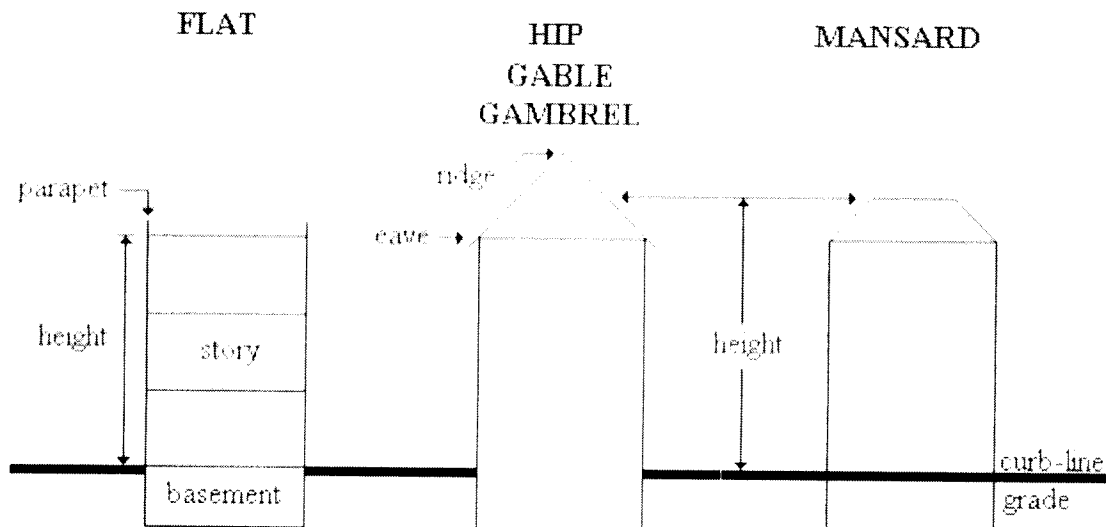
Height Exception Standards, Findings, & Decision
General Board of Appeals Meeting of March 9, 2020
#20-BOA-0001

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:

The applicant has met this finding of fact with the excerpts cited in the application. In addition, it is in keeping with the Rural Residential Character as cited in the Comp. Plan.

Findings and conclusion moved by Tom Marjerison, seconded by Phil Ahrens, and voted 5 in favor, 0 opposed.

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

Findings of Fact:

The applicant has met the finding of fact by agreeing to maintain the existing natural buffer and demonstrating the elevation difference between the parcel and the abutter at 605 East Main St.

Findings and conclusion moved by Phil Ahrens, seconded by Craig Wolff, and voted 5 in favor, 0 opposed.

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

Findings of Fact:

The applicant has met the finding of fact by demonstrating the elevation difference between the parcel and the abutter at 605 East Main St.

Findings and conclusion moved by Samuel Carter, seconded by Tom Marjerison, and voted 5 in favor, 0 opposed.

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. Separate Permits May Be Required: This approval is for the Height Exception only and does not constitute approval of Site Plan criteria, which must be reviewed and approved by the Planning Board.

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**.

Motion moved by Phil Ahrens, seconded by Tom Marjerison, and voted 5 in favor, 0 opposed.

Voted this date: 3/9/20

Chair, General Board of Appeals 