



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 # - 17-BOA-0001 of April 3, 2017
Date: 3/22/17

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
 - a. No comments or concerns were raised regarding this case aside from those of Fire Rescue Chief, Michael Robitaille (attached).
- 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 April 3, 2017
#17-BOA-0001**

Applicant/Project Description

The Sheridan Corporation on behalf of applicant Global Village; 2 DeLorme Drive, Map 35-Lot 02, requests a height exception to accommodate a Radome to be placed on its office building's roof to a top height of 56' from the present "Globe" ridge height of 49'-8" +/- . This fiberglass type dome structure will allow unencumbered access to the satellite network that will allow new product development as well as support the existing inReach technology.

**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 [Project name, address, Map & Lot, and description] to allow a height of [height allowed for specific structure] 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,
Maine*

Incorporated 1849
YARMOUTH FIRE RESCUE
178 NORTH ROAD (PO BOX 964)
YARMOUTH, MAINE 04096



MICHAEL ROBITAILLE, CHIEF OF DEPARTMENT

RICH KINDELAN, DEPUTY FIRE/EMS CHIEF
BILL GODDARD, DEPUTY CHIEF

PLANS REVIEW

To: Alex Jaegerman, Town Planner
From: Michael Robitaille, Fire Rescue Chief
Date: March 16, 2017
RE: Sheridan Corp, 2 Delorme Drive

I have reviewed the plans submitted by Dana Sturtevant, regarding the Height Exception request for a Radome to be placed on the roof of the Garmin building located at 2 Delorme Drive.

The proposed plan, as submitted, will require a site visit for training as this space appears that it will be considered Confined Space per OSHA standards.

As submitted, I see no other concerns and would support the Height Exception.

Please do not hesitate to contact me if you have any questions or concerns.

TOWN OF YARMOUTH

COMPREHENSIVE PLAN 2010

EXCERPTS

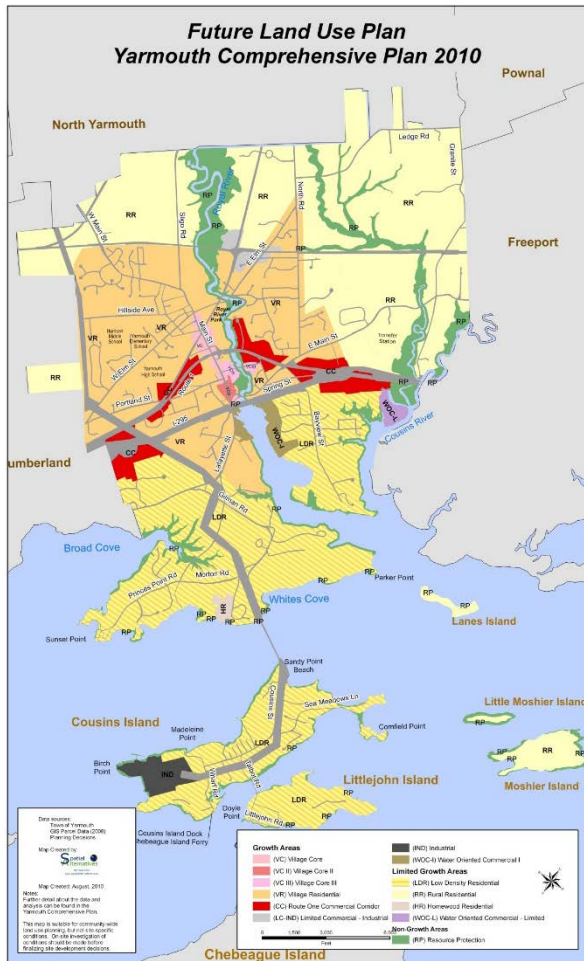
Selected passages from pages 47 – 51

D. Growth Areas

The designated Growth Area identifies those areas of Yarmouth where the Town desires to see the majority of new residential development and virtually all non-residential development occur.

The Growth Area is divided into a number of land use designations, described below. The location of the various designations is shown on Figure 2-2 on page 50. The final location of the boundaries of these designations will be determined when this Plan is implemented and will take into consideration the ongoing planning process of the Town including the Royal River Corridor Study and the updating of the Town’s Shoreland Zoning. Sections A, B, and C within each of the designations provide elaboration on the proposed use of land and development pattern within that designation

FIGURE 2-2 FUTURE LAND USE MAP



6. LIMITED COMMERCIAL-INDUSTRIAL

- A. General Description – The Limited Commercial-Industrial designation includes the areas along the railroad lines west of the Village that are currently zoned commercial or industrial. This area should continue to evolve as a location for low impact non-residential uses. The focus of the land use regulations should be on allowing a wide range of types of uses provided that they do not have significant negative impacts on adjacent property and the surrounding neighborhood.
- B. Allowed Uses – The allowed uses in the Limited Commercial-Industrial Designations should include a wide range of non-residential uses including business and professional offices, light manufacturing, research facilities, business services, contractors and similar activities, warehousing and storage, and similar uses. Residential uses should be allowed only as part of a mixed-use building or project.

Selected Passages from pages 72-73

I. Community and Economic Development

1. BACKGROUND

The Town places a high value on the Village Center and Route One not only as places with vibrancy, attractiveness, and community pride but also as centers for economic activity, jobs, property tax generation and diversity. The Town supports and will encourage commercial and industrial growth, an improved business development environment, job creation, and investment in commercial buildings and activities where and as such growth and development is consistent with the Town's overall vision and goals. The Town's goal to promote and grow a sound and diverse economic tax base will be advanced in accordance with an Economic Development Plan to be developed in the future. Considerations for such a plan may include:

Strategy I.1.1 – Re-establish an Economic Development Advisory Committee whose primary initiative shall be to develop an Economic Development Plan. At minimum, a plan shall:

- Engage the citizens and business community in identification of opportunities for commercial development and redevelopment.
- Serve as a liaison between town government and existing business and commercial interests for policies, practices, and capital projects that promote business success.
- Work to recruit and assist potential new developments and investments in town.
- Represent the Town and participate in state and regional efforts and discussions on economic growth.

Strategy I.1.2 – Consider strategies to develop the local “creative economy” and support community efforts to boost arts and cultural offerings.

Strategy I.1.3 – Explore the potential of participating in the state’s green development and technology cluster concept.

Strategy I.1.4 – Rezone additional lands for commercial use where appropriate. Use of contract zoning will be considered to allow commercial growth and investments in ways and locations complementary to and not in conflict with residential, natural resource, or community concerns, and consistent with the Future Land Use Plan.

Strategy I.1.5 – Encourage or allow mixed uses, more flexible standards for home occupations, and low impact cottage industries.

Strategy I.1.6 – Continue to work with the owners of the Wyman Station power plant on Cousins Island to manage the property valuation process and encourage fuel conversion, efficiency upgrades and other investments to extend the useful economic life of the plant.

Strategy I.1.7 – Explore adoption of Form-Based Codes to replace, in whole or part, the current use segregation approach to land use and zoning, and achieve a streamlined permitting process.

Strategy I.1.8 – Utilize Tax Increment Financing (TIF) or other incentive programs to encourage commercial growth and investment.