



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

Planning Board Report
Hancock Lumber Showroom Addition, 258 Main Street
Preliminary Plans for Building & Lot Plan, & Major Site Plan
L & S Limited Liability Company, Applicant
Map 37 Lot 19; CD4 Village Center
Prepared by Erin Zwirko, Director of Planning and Development
Report Date: April 7, 2022; Planning Board Date: April 13, 2022

I. Project Description

L & S Limited Liability Company (Hancock Lumber) proposes to demolish the empty Bank of America building and construct a two-story addition to the existing retail store and office at 258 Main Street. The 4,070 square foot addition will be the future location of a showroom on the first floor and additional office space on the second floor. The former drive-through lane will be removed and revegetated, and new parking will be added to the property. The existing Hancock Lumber showroom is located at Yarmouth Crossing.

This development will be reviewed pursuant to the following ordinances:

- CH. 703 Character Based Development Code (CBDC) Building and Lot Plan as a Building and Lot Plan, CD4, Village Center, and
- CH. 702, Major Site Plan.



Town GIS aerial with Proposed Site in Red



Existing Hancock Lumber Retail Store and Office (left) and former Bank of America building (right)

The proposed showroom will be a two-story addition within the footprint of the former Bank of American space. The two storefronts will be connected by covered accessible ramps.



Main Street elevation of the proposed Hancock Lumber retail store, offices, and showroom



Rendering of Main Street Elevation

[illegible][illegible]

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The existing structure at Hancock Lumber is considered nonconforming relative to the setbacks required by the CD4 District, which requires buildings to be set close to the property line and parking be located behind. This existing building may be extended as shown in the application per Chapter 703, Article I.Q and Chapter 701, Article III.C. The nonconformance requirements of the Zoning Ordinance (Chapter 701) are incorporated into the CBDC (Chapter 703) by reference and allows “...a Building which is nonconforming with respect to yard setback requirements may be expanded if the area of expansion does not reduce the existing yard setbacks of the Building.” It would not advance the goals of the CBDC to force a layout of the site in order to meet the setback requirements of the CBDC.

The Planning Board’s review of the proposal on April 13, 2022, will be a preliminary review and no vote will be taken. In addition to addressing many of the Town Staff comments, the applicant does not identify specific waivers that may be necessary for the project to proceed. Based on this review, and as described in the next sections, the Town Staff identified a number of necessary waivers from Chapter 702, Site Plan Review, and Chapter 703, Character Based Development Code (CBDC). In particular, the review has identified that a waiver from the CBDC parking requirement, shopfront façade glazing, and roof slope. Further, the application is missing a number of required application submittal items, which the Planning Board may waive, including the traffic analysis, a stormwater analysis, a soils report, and a photometric plan. Based on the Town Staff review, the stormwater analysis and soils report could be waived, but receipt of a traffic analysis and photometric plan are necessary.

II. Public Notice and Comment

Notices of this public hearing were sent to 51 property owners in the vicinity (within 500 feet) of the proposed development. As of this writing, we have received a comment from one individual.

Uses in Vicinity: The surrounding neighborhood consists of:

- Railroad Square – Downeast Energy, Strong Bodies fitness, Bickford Education Center, Artascope, antique truck pavilion.
- Main Street – Village Green Park, Gorham Savings Bank in Depot Building, Chinese Restaurant, Brickyard Hollow, Peoples United Bank, office building, Intermed and other office uses, office/commercial, Irving gas station, Peachy’s Smoothies.
- Yarmouth Crossing – current location of the Hancock Kitchen Center, Whilde Tutoring School, River School, Farmhouse Florist, offices.

III. Character Based Development Code Review

The existing structure at Hancock Lumber is considered nonconforming relative to the setbacks required by the CD4 District, which requires buildings to be set close to the property line and parking be located behind. This existing building may be extended as shown in the application per Chapter 703, Article I.Q and Chapter 701, Article III.C. The nonconformance requirements of the Zoning Ordinance (Chapter 701) are incorporated into the CBDC (Chapter 703) by reference and allows “...a Building which is nonconforming with respect to yard setback requirements may be expanded if the area of expansion does not reduce the existing yard setbacks of the Building.” It would not advance the goals of the CBDC to force a layout of the site in order to meet the setback requirements of the CBDC.

In the application materials, the structure is described as having a modern farmhouse aesthetic, so it has strong residential elements, although supports a retail business. The shopfront standards of the CBDC are not incorporated into the building yet seems to still meet the requirements of the CBDC’s architectural standards. The Planning Board may find that the architecture is appropriate for the location set back from the Main Street frontage due to the building’s pre-existing location. The Planning Board may want to see more symmetry across the building (i.e., overall height, roof lines, window placements, roofing materials), although the architecture does break up the mass of a relatively large building. The Planning Board may want additional details about the façade materials.

Below are the elevations provided with the application materials (note that the side elevation of the existing retail store is not provided and is presumably not changing):



Main Street elevation of the proposed Hancock Lumber retail store, offices, and showroom



Right elevation facing Village Green Park



As documented in the following sections, staff reviewed the CD4 District standards, but much of the information is not provided on the plans. This information should be provided so that staff can easily confirm compliance with the various CBDC standards.

Waiver Requests

Based on this review, it appears that there are waivers that are necessary, in particular, for parking, for the shopfront façade glazing, and the roof slope. As described in Chapter 703.N.1., the Planning Board may grant waivers from the limits established by a metric standard to up to 35%. There may be other CBDC waivers necessary.

Minimum and Maximum Parking Spaces

It appears that the parking analysis was based on the parking requirements identified in Chapter 701; however, for this property located in the CD4 district, the parking requirements are identified in Chapter 703, Article 5.K. The Character Based Development Code (CBDC) allows a range of parking requirements, and while the ratio analyzed by the applicant is within the range, there could be a reduction of parking to meet the minimum number of parking spaces rather than exceed the maximum number of parking spaces:

| Use | Square Footage | Parking Requirement per Chapter 703 | Min. Spaces | Max. Spaces |
|--|----------------|--|-------------|-------------|
| Retail/Display Area | 4,670 | Min of 2, Max of 4 per 1,000 square feet | 9 | 19 |
| Office | 7,220 | Min of 2, Max of 4 per 1,000 square feet | 14 | 29 |
| Total | | | 23 | 48 |
| Applicant's Analysis | | | | 41 |
| Applicant's Proposed Number of Parking Spaces | | | | 57 |

The applicant's analysis indicates that 41 spaces are required, which is within the allowable range identified by the CBDC. The applicant will have 57 parking spaces onsite following construction, which exceeds what is allowed. Since this is a project subject to the CBDC, a waiver is needed to allow more than the maximum up to 35% of the requirement, or 16 parking spaces in excess of the maximum 48 parking spaces. At 57 parking spaces, it does not exceed 35%, but a waiver is still required. If the Planning Board is not inclined to approve a waiver, there may be an opportunity to reduce the number of parking spaces onsite in favor of an increased buffer along the westerly property line.

Façade Glazing

The minimum shopfront façade glazing required in the CD4 District is 70%. The applicant did not identify the façade glazing percentage on the building; however, it may not be appropriate for this application where the existing structure

is set back from the frontage. The CBDC suggests that shopfronts should be located on the frontage. Additional details are necessary to assess the façade glazing.

Roof Slope

An 12:12 artificial roofline/overhang has been applied along a portion of the front and side elevations with the actual roof pitch at 6:12, where an 8:12-14:12 is required. The Planning Board may want additional information from the applicant regarding the need for the artificial roofline/overhang in assessing whether this waiver could be granted.

**Table 5.F.2A Character District Standards
CD4 Village Center District**

BUILDING PLACEMENT — PRINCIPAL BUILDING

| | | |
|-----------------------------------|--|---|
| Front Setback, Principal Frontage | 0 ft min, 16 ft max | A |
| Front Setback, Secondary Frontage | 2 ft min, 12 ft max | B |
| Side | 0 ft min | C |
| Rear Setback | greater of 3 ft min or 15 ft from center line of alley, if any or from any abutting residential zone | D |

YARD TYPES

(see **Table 5.G.1**)

| | |
|----------|-----------|
| Edgeyard | permitted |
| Sidyard | permitted |
| Rearyard | permitted |

BUILDING & LOT PRINCIPAL USE

See **Table 5.J.1**

LOT OCCUPATION

| | | |
|-------------------|------------------------------------|---|
| Lot Width | 18 ft min, 120 ft max | E |
| Lot Coverage | 85% max | |
| Frontage Buildout | 40% min, 100% max at front setback | |

BUILDING FORM — PRINCIPAL BUILDING

| | | |
|--------------------|---|---|
| Building Height | 3 stories and 35' max | F |
| First Story Height | 10 ft min, 25 ft max | |
| Upper Story Height | 10 ft min, 15 ft max | |
| Facade Glazing | 20% min - 70% max non- shopfront, 70% min shopfront | |
| Roof Type | flat, hip, gambrel, gable, mansard | |
| Roof Pitch, if any | 8:12 - 14:12 | |

**Table 5.F.2A Character District Standards
CD4 Village Center**

| Building Placement of the Principal Building | Required | Proposed | Finding |
|--|------------------|-----------------------|---|
| Front Setback Principal Frontage | 0' Min - 16' Max | Approximately 95 feet | The setback is not shown on the site plan and should be added. Being an existing nonconforming building relative to the setback, the building may be extended at the setback per Chapter 701 and Chapter 703. See discussion above. |
| Front Setback Secondary Frontage | 2' Min; 12' Max | n/a | There is no secondary frontage. |
| Side Setback | 0' Min | 20 feet | OK. The setback is not shown on the site plan and should be added. |

| | | | |
|--------------|---------------------------------------|---------------------------------|---|
| Rear Setback | 3' Min, or 15' from CL of alley | 64 feet at the nearest point | OK. The setback is not shown on the site plan and should be added. |
|--------------|---------------------------------------|---------------------------------|---|

| | Required | Proposed | Finding |
|------------------|----------------------------|-----------------|--|
| Yard Type | Edge, Side or Rear Yard | Edge Yard | The existing structure on the property does not closely follow these requirements; however, appears to be closely related to an edge yard. |

| Lot Occupation | Required | Proposed | Finding |
|---------------------------------------|--|-----------------------------------|---|
| Lot width | 18' Min; 120' Max | Existing lot width is 286 feet | This is a condition of the existing lot. The lot width is not shown on the site plan and should be added. |
| Lot Coverage (Building & Pavement) | 85% Max | Unknown | The lot coverage should be calculated for the property. There is likely an improvement over existing conditions due to the removal of the drive through lane. |
| Frontage Buildout | 40% Min 100% Max @ Front Setback | 107'/286'=37% | Being an existing nonconforming building relative to the setback, the building may be extended at the setback per Chapter 701 and Chapter 703. See discussion above. |

| Building Form | Required | Proposed | Finding |
|----------------------|---|-------------------------------|---|
| Building Height | 35' and 3 Stories Max | 2 stories 30 feet 7 inches | OK |
| First Story Height | 10' Min, 25' Max | 11 feet 1 inch | OK |
| Upper Story Height | 10' Min, 15' Max | 8 feet | The upper story height is less than the requirement but matches the second floor extension across the building. This is a pre- existing condition. |
| Façade Glazing | Shopfront: 70% Min | Unknown | The façade glazing should be calculated for the property. |
| Roof Type | Flat, Hip, Gambrel, Gable or Mansard | Gable | OK |
| Roof Slope | 8:12 – 14:12 (.67 – 1.16) | Varies | An 12:12 artificial roofline/overhang has been applied along a portion of the front and side elevations with the actual roof pitch at 6:12, where an 8:12-14:12 is required. Additional information about the necessity of exceeding this slope is needed. |

| Building Placement of any Outbuildings | Required | Proposed | Finding |
|---|----------------------|-----------------|----------------|
| Front Setback | Principal Bldg + 20' | NA | NA |
| Side Setback | 0' Min | NA | NA |
| Rear Setback | 3' Min | NA | NA |

| Parking | Required | Proposed | Finding |
|--------------------------------|--|--|--|
| Third Lot Layer (5.F.1) | Principal Bldg + 20' | 7 feet | This is a condition of the existing lot. The parking setback is not shown on the site plan and should be added. |
| Parking (5.K.1) | 4,670 sf retail: min 9 spaces, max 19 spaces 7,220 sf office: min 14 spaces, max 29 spaces Total: min 23 spaces, max 48 spaces | 57 parking spaces available across the lot | Since this is a project in the CBDC, a waiver is needed to allow more than the maximum allowed up to 35% of the requirement, or 16 parking spaces in excess of the maximum 48 parking spaces. At 57 parking spaces, it does not exceed 35%, but a waiver is still required. If the Planning Board is not inclined to approve a waiver, there may be an opportunity to reduce the number of parking spaces onsite in favor of an increase buffer along the westerly property line. Additionally, an EV charger and bike racks should be installed on the property per the requirements of Article 5.K.1. |

| Encroachments of Building Elements | Required | Proposed | Finding |
|---|-----------------|-----------------|---------------------------------|
| Front Setback, Principal Frontage | 8' Max | 0 | OK |
| Front Setback, Secondary Frontage | 8' Max | n/a | There is no secondary frontage. |
| Rear Setback | 5' Max | 0 | OK |

Screening of Drive-Through and Parking (Article 5.L)

Chapter 5.L.2 states that *Drive-throughs, Parking Areas and Parking Lots shall be screened from the Frontage by a Building or Streetscreen*. The Hancock Lumber site is a pre-existing developed property within the CD4 District. The project proposes an expansion of the existing retail space and offices into the footprint of the former Bank of America branch. The property was developed with the parking within the first and second lot layer. To require the addition to comply with the setback requirements may create a layout that does not further the goals of the CBDC. Along the frontage are hedges that functionally operate like a streetscreen; however, the hedges also affect sight lines of vehicles exiting the property. The Planning Board may also want to consider how the hedges along Main Street and the two driveways affect the safety of pedestrians on the sidewalk. The Bike and Pedestrian Committee recommend that the vegetation along Main Street be replaced with low growing vegetation to improve the sight lines.

Architectural Standards (Article 5.M)

| | |
|---------------------------|--|
| Composition | The composition is driven by the proposal to expand the existing structure into the Bank of America footprint. The entire structure is described as having a modern farmhouse aesthetic and will be highly fenestrated. Although the two sides of the building have different activities occurring inside and differences in the composition, the accessible ramp brings the two sides together. The Planning Board may want to see more symmetry across the building (i.e., overall height, roof lines, window placements, roofing materials). The Planning Board may want additional details about the façade materials. |
| Walls | The façade materials are compatible with the Yarmouth village. It appears that the proposal is generally in compliance with this architectural standard group. |
| Attachments & Elements | This accessible ramp is the primary element that is applicable to this architectural standard group. Other than the ramp being poured concrete, which may be acceptable for this application, it appears that the proposal is generally in compliance with this architectural standard group. |
| Roofs | An 12:12 artificial roofline/overhang has been applied along a portion of the front and side elevations with the actual roof pitch at 6:12, where an 8:12-14:12 is required for the CD4 District. Additional information about the necessity of exceeding this slope is needed. |
| Openings Windows, & Doors | It appears that the proposal is generally in compliance with this architectural group. Confirmation that no single glass panes are larger than 20 square feet may be necessary. |
| Shopfront | This commercial building has a residential aesthetic rather than reflecting the retail nature of the business and appears to not meet the shopfront requirements for minimum façade glazing. The applicant appears to apply a consistent treatment across the addition to the pre-existing building; however, a waiver is likely required to have less than the required façade glazing for a retail shopfront. |
| Miscellaneous | It appears that the proposal is generally in compliance with this architectural standard group. |

Private Lot Landscape (Article 5.N)

| Landscape | Required | Proposed | Finding |
|----------------------------|---|----------------------------|--|
| 5.N.s Trees Required | 1 tree per 30' frontage | No new trees are proposed. | The number of trees along the Hancock Lumber frontage are not identified on the site plan and should be added. The proposed Main Street Streetscape Master Plan identifies a number of new trees along the frontage between the two driveways. |
| 5.N.u Minimum Landscape | 30% landscape in 1 st Lot Layer; 20% landscape overall | Unknown | The minimum amount of landscaping is not identified on the site plan and should be added. There is likely an improvement over existing conditions due to the removal of the drive through lane; however, meeting the minimum requirement may not be achieved due to the pre-existing developed nature of the property. |

| | | | |
|---------------------------|---|-------------------------|---|
| 5.N.ii.i Parking Lots | 1 island per 20 spaces | One pre-existing island | A pre-existing island is located within the parking lot. At 57 parking spaces, 2 islands would be necessary. |
| 5.N.ii.ii Parking Lots | 1 tree per 2,000 s.f. | Unknown | It is not clear whether the existing vegetation meets this standard. |
| 5.N.ii | Pedestrian walkway of at least 5 feet through parking lot | None | The expansive parking lot receives quite a bit of vehicular traffic from personal vehicles, larger contractor vehicles, and delivery trucks. The parking lot could benefit from cross walks from Main Street and through the parking lot to access the retail stores and offices. |

Signage Standards (Article 5.O)

The application materials indicate that the existing signage on Main Street will remain. The application materials make no mention of whether additional building signage will be added to indicate the retail store entrance and the showroom entrance. It appears that there is space on façade to provide this signage. The new signage must conform with the sign standards of Chapter 703, Section O of the CBDC. Additional information regarding building signage is needed.

Lighting Standards (Article 5.P)

A photometric plan was not provided. It appears that only building lighting will be provided. The maximum at property lines may not exceed 1.0 foot candles including other interior standards. The applicant will need to demonstrate compliance with the technical standards of Chapter 702, Site Plan, and the lighting requirements of Chapter 703, CBDC.

IV. SITE PLAN STANDARDS REVIEW (CHAPTER 702)

Chapter 703 Article 1 Section C.3:

b. The Town Municipal Code (collectively, the “Existing Local Codes”), including without limitation Chapters 601 (Subdivision), 701 (Zoning) and 702 (Site Plan Review) thereof, shall continue to be applicable to matters not covered by this Chapter, except where the Existing Local Codes would be in conflict with this Chapter and except as may otherwise be provided in Section 1.C.3.c.i.

1. Conformance with Comprehensive Plan: The proposed development is located and designed in such a way as to be in conformance with the Town’s Comprehensive Plan.

Applicant Response:

The proposed project consists of the expansion of an existing business, with the majority of new structure area being built in the footprint of an existing, vacant building. The project will also enhance the curb appeal for the site with the construction of a new cohesive store frontage, which will connect the existing and new buildings. For these reasons, it is believed that the project is in conformance with the Town of Yarmouth’s Comprehensive Plan.

Staff Comments:

The Comprehensive Plan outlines a vision for the Village (in part):

*“Main Street or the Village Center will be a vibrant, pedestrian friendly, mixed-use street where people can live, work, shop, and take care of their other daily needs. A balance between residential and nonresidential activities in the Village Center will be maintained. Historic properties will be well maintained and their historic character preserved while allowing for the creative use of these properties. **New buildings or modifications of existing buildings shall be of similar scale, form, and disposition to the Village’s historic buildings and development pattern, thereby maintaining the visual integrity, livability and walkability of Main Street.** Parking will be improved to support a financially viable core of businesses and services but without detracting from the residential livability of the Village Center or adjacent residential neighborhoods and parks. Key municipal, community, and educational facilities will continue to be located in the Village Center. Pedestrians and bicyclists can move easily and safely throughout the Village Center and to and from the Village residential neighborhoods.” (emphasis added)*

Consolidating the Hancock Lumber businesses to the existing property at 258 Main Street provides the opportunity to upgrade the existing retail space and offices consistent with the goals identified in the Character Based Development Code.

2. Traffic: The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways, public road or pedestrian walkways existing or proposed. The Planning Board may require mitigation when the proposed development is anticipated to result in a decline in service, below level of service “c”, of nearby roadways of intersections. Levels of service are defined by the 1985 Highway Capacity manual published by the Highway Research Board.

Applicant Response:

The proposed project should not add any burden to the existing traffic on Main Street. No traffic study was conducted as part of this application, but the proposed change from a bank with drive-thru to office space and showroom will not significantly change the traffic in and out of the project site.

Staff Comments:

The applicant did not submit a traffic analysis to support that there would be no significant impact from the proposed addition to the Hancock Lumber property. Town Staff and the Bike and Pedestrian Committee recommend that a traffic analysis be provided. Alternatively, the Planning Board may waive this requirement.

Town Staff and the Bike and Pedestrian Committee recommend that a traffic analysis review the existing and proposed conditions based on the latest ITE standards. Additionally, given the volume of existing truck vehicle trips, the analysis should also review the parking and site circulation and potential impacts to Main Street and the adjacent signalized intersection. The Bike and Pedestrian Committee also recommends that the analysis include whether the proposed addition would cause additional heavy vehicle or truck trips to the property.

The Planning Board may also want to consider how the hedges along Main Street and the two driveways affect the safety of pedestrians on the sidewalk. The Bike and Pedestrian Committee recommend that the vegetation along Main Street be replaced with low growing vegetation to improve the sight lines. The Committee also recommends considering eliminating one of the curb cuts to improve access management. These elements could be included in a traffic analysis. The photos below illustrate the Main Street frontage:



Main Street Frontage Looking South



Main Street Frontage Looking North

- 3. Parking and Vehicle Circulation:** The proposed plan provides for adequate parking and vehicle circulation. The amount of dedicated parking provided on-site or within a reasonable walking distance from the site meets the requirements of ARTICLE II.H of the Zoning Ordinance (Off Street Parking and Loading), the size of the parking spaces, vehicle aisle dimensions and access points are in conformance with the Technical Standards of Section J of this document.

Applicant Response:

All new parking spaces and aisles have been designed to be in accordance with Section J of Chapter 702 Site Plan Review Ordinance. Most of the parking areas will remain as existing, with the exception of the spaces located nearest to the existing Bank of America building. Based on the size and classification of the proposed buildings located on the subject parcel, it was determined through town standards that 42 parking spaces are required for the site. The project proposes 57 parking spaces, exceeding the required value. Three of the spaces are designated as accessible parking spaces. The breakdown for these values can be seen on the attached plan C2.1 Site Layout and Utilities Plan.

Staff Comments:

The application materials indicate that there are 57 parking spaces on the property, although 25 parking spaces are located in front of the existing retail space and proposed showroom. The balance of parking spaces are located at the easterly end of the property. It appears that the parking analysis was based on the parking requirements identified in Chapter 701; however, for this property located in the CD4 district, the parking requirements are identified in Chapter 703, Article 5.K, the Character Based Development Code (CBDC). The CBDC allows a range of parking requirements, and while the ratio analyzed by the applicant is within the range, there could be a reduction of parking to meet the minimum number of parking spaces rather than the maximum number of parking spaces:

| Use | Square Footage | Parking Requirement per Chapter 703 | Min. Spaces | Max. Spaces |
|--|----------------|--|-------------|-------------|
| Retail/Display Area | 4,670 | Min of 2, Max of 4 per 1,000 square feet | 9 | 19 |
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| Total | | | 23 | 48 |
| Applicant's Analysis | | | | 41 |
| Applicant's Proposed Number of Parking Spaces | | | | 57 |

The applicant's analysis indicates that 41 spaces are required, which is within the allowable range identified by the CBDC. The applicant proposes 57 parking spaces onsite, which exceeds what is allowed. Since this is a project in the CBDC, a waiver is needed to allow more than the maximum allowed up to 35% of the requirement, or 16 parking spaces in excess of the maximum 48 parking spaces. At 57 parking spaces, the number of spaces do not exceed 35%, but a waiver is still required. If the Planning Board is not inclined to approve a waiver, there may be an opportunity to reduce the number of parking spaces onsite in favor of an increased buffer along the westerly property line as shown in the photo below:



Parking Area that could be eliminated in favor of increased before adjacent to Village Green Park

Additionally, the CBDC requires one EV charger per 30 parking spaces. As such, one EV charger must be installed on the property. Further, a bicycle rack should also be provided near the entry of the building. These elements should be added to a future submittal as required by Chapter 703, Article 5.K.1.

Finally, Erik Street, DPW Director, notes that the applicant should submit a construction management plan that documents how onsite vehicle and pedestrian traffic will be handled during demolition and construction of the addition. The applicant must delineate the work area on the site plan and provide an explanation on how the area will be protected from the public (and vice versa) while the proposed construction is ongoing.

4. **Sanitary Sewerage:** The proposed development will not cause an unreasonable adverse effect to the Municipal sewerage treatment facilities and will not aggravate an existing unhealthy situation such as the bypassing of untreated sewerage into Casco Bay, the Royal River, or its tributaries. If a subsurface wastewater disposal system is to be used, the system conforms to the requirements of the State Plumbing Code.

Applicant Response:

All sewer utilities will remain the same as existing. The proposed Hancock Lumber building will be in the footprint of the existing Bank of America building and will utilize the existing sewer connections.

Staff Comments:

Reusing the existing sewer service is acceptable assuming that the existing service is in serviceable condition and is of an appropriate size to convey the projected sewer flow to the main. At the appropriate time, a condition of approval shall require the applicant shall televise the existing service and forward a copy of the video to the Town Engineer for review and concurrence that the service is adequate for reuse. Additionally, the Town Engineer notes:

- There is likely adequate capacity in the Town sewer system to accept sewage flow from the project, however the Town Engineer will reserve judgment until the projected flow from the building is submitted.
- A sewer connection permit application and fee for the building will be required before the issuance of the building permit.
- It should be noted that during construction of all sewer infrastructure, all work must be inspected by Town staff prior to backfilling and all sewer work shall be constructed per Yarmouth Town Standards. A note to this effect shall be placed on the Utility drawings.
- All sewer infrastructure to be abandoned shall be as directed by the Town Engineer and a note to this effect shall be placed on the Utility Plan

The existing sewer infrastructure must be shown on the Utility Plan.

5. Water: The proposed development will not cause the depletion of local water resources or be inconsistent with the service plan of the Yarmouth Water District.

Applicant Response:

The new building will use the existing Bank of America service. No new services will be required as part of this redevelopment. The Yarmouth Water District has been contacted for this project and no issues with the existing water services are expected.

Staff Comments:

The applicant must submit evidence of the capacity to serve from the Yarmouth Water District (District) as well as evidence from the District that reuse of the service is acceptable as part of the final submission. Additionally, as the Code Enforcement Officer has determined that a sprinkler system be required throughout the building, the applicant shall confirm with the District that the existing main is adequately sized to serve not only the proposed domestic use, but fire suppression flows, if required.

The existing water infrastructure (and any proposed water infrastructure that may be required by the District) must be shown on the Utility Plan.

6. Fire Safety: The proposed development is located and designed in such a way as to provide adequate access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate fire safety features such as but not limited to fire lanes, smoke and fire alarms and sprinkler systems, as part of the proposed development.

Applicant Response:

The proposed building was designed by the Architect to have adequate fire safety features.

Staff Comments:

Although Fire Chief Robitaille did not provide review comments, the Code Enforcement Officer reviewed the proposal and noted that a sprinkler system must be installed due to the scope of the proposal.

7. **Buffering:** The proposal provides for adequate on-site buffering in the vicinity of property boundaries, when required by this subsection. On-site buffering is required wherever commercial, industrial or mixed use developments are proposed adjacent to or across a street from residential districts or agricultural uses, where multi-family buildings are to be located adjacent to single family uses or districts, and when required by ARTICLE IV.S.3 of the Yarmouth Zoning Ordinance (Mobile Home Park Performance Standards). Buffer areas shall consist of an area ranging from a minimum of five feet to a maximum of twenty-five feet in width, adjacent to the property boundary, in which no paving, parking or structures may be located. The Planning Board may allow a buffer area of less width when site conditions, such as natural features, vegetation, topography, or site improvements, such as additional landscaping, beaming, fencing or low walls, make a lesser area adequate to achieve the purposes of this Section. Landscaping and screening, such as plantings, fences or hedges, are to be located in buffer areas to minimize the adverse impacts on neighboring properties from parking and vehicle circulation areas, outdoor storage areas, exterior lighting and buildings.

This Standard is superseded by the Character Based Development Code as per Article 1.c.3.

Applicant Response:

No buffers will be required on the site, as the amount of impervious area on the parcel will be reduced from the existing impervious area through the addition of new greenspace.

Staff Comments:

The existing buffer along the westerly property line should be protected during construction. The site plans should be updated to indicate how this area will be protected.

8. **Natural Areas:** The proposal does not cause significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife and marine habitats and natural fisheries. The proposal is consistent with the recommendations of the Maine Department of Inland Fisheries and Wildlife as found in the document titled "The Identification and Management of Significant Fish and Wildlife Resources in Southern Coastal Maine," February 1988.

Applicant Response:

There are no natural resources located on the subject parcel. Greenspace will be increased on site.

Staff Comments:

The Hancock Lumber site is a developed property. The Town Staff agree that there will be no significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife or marine habitats and natural fisheries. However, a soils report should be submitted with a future submittal, and a geotechnical report for the building foundation design sealed by a Professional Engineer licensed in Maine will be required as part of a future Building Permit.

9. **Lighting:** The proposal shall provide exterior lighting sufficient for the safety and welfare of the general public while not creating an unsafe situation or nuisance to neighboring properties or motorists traveling nearby roadways.

Applicant Response:

The proposed design includes a lighting plan which will provide sufficient lighting to the target areas on the subject parcel without unnecessary light being shined on neighboring parcels.

Staff Comments:

A photometric plan was not provided. It appears that only building lighting will be provided. The maximum at property lines may not exceed 1.0 foot candles including other interior standards. The applicant will need to demonstrate compliance with the technical standards of Chapter 702, Site Plan, and the lighting requirements of Chapter 703, CBDC. The Planning Board may also waive this requirement.

Although no new exterior lighting is proposed, the applicant must demonstrate that adequate light levels are provided around the building and within the parking lot in compliance with the town's ordinances. This plan should be submitted as part of a future submittal.

- 10. Storm Water Management:** The plan provides for adequate storm water management facilities so that the post development runoff rate will be no greater than the predevelopment rate or that there is no adverse downstream impact. Proposed storm water detention facilities shall provide for the control of two year and twenty-five year storm frequency rates. The design, construction and maintenance of private facilities are maintenance of private storm water management facilities.

Applicant Response:

No additional stormwater treatment practices are necessary for the proposed construction. The work is contained to a relatively small portion of the overall lot, there is no increase to impervious area on the site, and the drainage patterns will remain unchanged from the existing site.

The proposed work for this project results in an overall decrease in impervious area on the site. The majority of the new building footprint will be where the existing Bank of America building is located, with the exception of the proposed expansion to connect the new Hancock Lumber showroom to the existing showroom/office space which is over the existing paved drive-thru lane. The project also proposes the revegetation of areas of existing paved surfaces that were utilized for the Bank of America drive thru, increasing the amount of greenspace on the site.

There will be no change to the drainage patterns to the site. The site currently generally drains to the southeast portion of the site. A catch basin is located in the eastern corner of the parking area off of Main Street. This catch basin is tied into the town drainage network. As the proposed project does not significantly change parking lot grades or the flowpaths across the site and as there is an overall decrease of impervious area on site, there will be minimal change to stormwater leaving the site.

Staff Comments:

A stormwater analysis was not submitted as part of the application. Steve Johnson, the Town Engineer, and Erik Street, DPW Director, which is acceptable as long as low impact development (LID) best management practices (BMPs) are incorporated into the proposal. The proposed project provides an opportunity to decrease the impact of stormwater runoff generated by the addition. Mr. Johnson recommended incorporating drip edge filters to an underdrain system per Maine Department of Environmental Protection (MDEP) requirements. Additionally, the impervious area of the drive through lane that will be converted to grass should be constructed per the *Removal of Impervious Surfaces* protocol as published by the Cumberland County Soil and Water Conservation District.

Further, the applicant currently maintains a Stormwater Management Operations and Maintenance Manual (O&M Manual) for the site. This document must be updated to include the proposed new site conditions and new stormwater BMPs as well as snow storage management.

Both Mr. Johnson and Mr. Street had plan review comments regarding ESC that must be made on the plans prior to a final submittal. At the appropriate time, the update of the O&M Manual and employee training shall be a condition of approval.

- 11. Erosion and Sedimentation Control:** The proposed development includes adequate measures to control erosion and sedimentation and will not contribute to the degradation of nearby streams, watercourses or coastal lowlands by virtue of soil erosion or sedimentation. The erosion control measures are to be in conformance with the most current edition of the "Environmental Quality handbook, Erosion and Sedimentation Control", prepared by the Maine Soil and Water Conservation Commission.

Applicant Response:

An erosion and sedimentation control plan was provided within the application.

Staff Comments:

Steve Johnson, the Town Engineer, and Erik Street, DPW Director, reviewed the erosion and sedimentation control (ESC) Plan and issued review comments on the contents of the plan and on the timing of installation of ESC controls.

Specifically, Mr. Johnson indicates that the site-specific ESC Plan needs to be updated to include sections outlining the management of concrete washout activities and litter control due to the fact that the existing O&M Manual for the site speaks to these two critical activities and the ESC Plan should as well. Additionally, Mr. Johnson requests that the ESC Plan be clearly referenced on the design drawings to ensure that the construction contractor is aware of the requirements.

During construction, the Town expects that the applicant and their construction manager/contractor will perform the required inspections and enforcement of the ESC Plan per MDEP requirements, including weekly inspections and documentation of inspections. The Town also performs site inspections and will review the inspection records per the Town's NPDES MS4 General Permit. No track out from the site will be allowed and must be controlled via onsite BMPs. Any tracking within the site must be cleaned up daily and prevented from reaching Main Street or the catch basin on site. All BMPs must be installed prior to the disturbance of site soils and vegetation.

Both Mr. Johnson and Mr. Street had plan review comments regarding ESC that must be made on the plans prior to a final submittal.

- 12. Buildings: The bulk, location and height of proposed buildings or structures will not cause health or safety problems to existing uses in the neighborhood, including without limitation those resulting from any substantial reduction to light and air or any significant wind impact. To preserve the scale, character, and economy of the Town in accordance with the Comprehensive Plan no Individual Retail use with a Footprint greater than 55,000 square feet shall be permitted. Structures defined as Shopping Centers shall be limited to a Footprint of 75,000 square feet. When necessary to accommodate larger projects, several Individual Retail Structures with Footprints of not more than 55,000 square feet each may be placed on the same lot, provided that all other standards are met. No less than 40 feet shall be allowed as separation distance between buildings. Efforts to save and plant native trees between and among structures shall be encouraged.**

Applicant Response:

The only new building footprint area proposed in this project sources from the addition to connect the existing Hancock Lumber building to the proposed Hancock Lumber Showroom that will be located in the footprint of the existing Bank of America. After construction is complete, the total footprint of the building, with both existing and new buildings, is approximately 8,000 square feet. This is well below the maximum of 55,000 square feet stated in Chapter 702 Site Plan Review Ordinance. The proposed Hancock Lumber building will be the same height as the existing Bank of America building.

Staff Comments:

The proposed bulk, and height of the building area appropriate for the Route One location and the development of the pad site has been long awaited. The structure will not cause health or safety problems within the existing area. This standard suggests smaller scale buildings within the Town of Yarmouth and the scale of the building is in keeping with that standard.

The existing structure at Hancock Lumber is considered nonconforming relative to the setbacks required by the CD4 District, which requires buildings to be set close to the property line and parking be located behind. This existing building may be extended as shown in the application per Chapter 703, Article I.Q and Chapter 701, Article III.C. The nonconformance requirements of the Zoning Ordinance (Chapter 701) are incorporated into the CBDC (Chapter 703) by reference and allows "...a Building which is nonconforming with respect to yard setback requirements may be expanded if the area of expansion does not reduce the existing yard setbacks of the Building." It would not advance the goals of the CBDC to force a layout of the site in order to meet the setback requirements of the CBDC.

13. Existing Landscape: The site plan minimizes to the extent feasible any disturbance or destruction of significant existing vegetation, including mature trees over four (4) inches in diameter and significant vegetation buffers.

This Standard is superseded by the Character Based Development Code as per Article 1.c.3.

Applicant Response:

The project will decrease the amount of impervious area on the subject parcel by revegetating existing paved areas located on the North-West side of the existing Bank of America building. The project will protect the trees that are feasible to protect, however the two trees located on the South-West side of the existing Bank of America building will have to be removed to allow for the construction of the new buildings.

Staff Comments:

The site plan indicates that a maple tree behind the proposed addition will be protected. There are also other mature trees along the westerly property line and elsewhere on site that should be protected during construction. The site plan should be updated to note those mature trees that will be protected. A tree protection detail should be provided in a future submittal. Additionally, a landscape plan and/or a planting list is necessary to document the revegetation in the area of the bank branch drive through lane.

Further, it should be noted that there are a number of nuisance and invasive plant species along the Main Street frontage would should be removed and replanted with native species in consultation with Town staff.

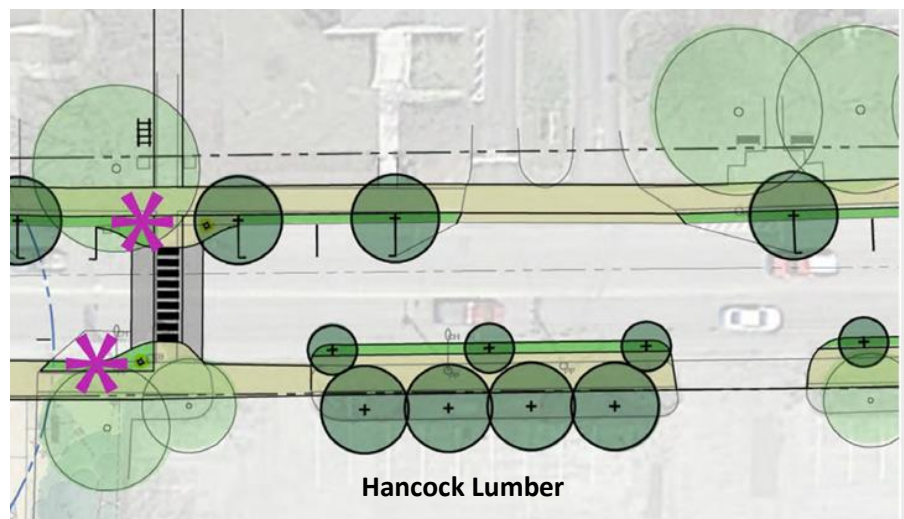
14. Infrastructure: The proposed development is designed so as to be consistent with off premises infrastructure, such as but not limited to sanitary and storm sewers, waste water treatment facilities, roadways, sidewalks, trail systems and street lights, existing or planned by the Town.

Applicant Response:

All proposed infrastructure will be in accordance with surrounding infrastructure. Infrastructure will remain as existing where possible.

Staff Comments:

The applicant has not proposed any off-site improvements. As the Planning Board is likely aware, the Town has developed a vision for the improvement of the Main Street corridor that is reflected in the [Main Street Master Plan](https://yarmouth.me.us/vertical/sites/%7B27541806-6670-456D-9204-5443DC558F94%7D/uploads/Yarmouth%20Streetscape%20Final%20Report%20082420A%20Reduced(1).pdf).¹ As required in the Site Plan ordinance under Section H.14, the applicant should be required to construct the segment of sidewalk and esplanade per the Master Plan along the front of the property as seen in the image capture below:



¹ [https://yarmouth.me.us/vertical/sites/%7B27541806-6670-456D-9204-5443DC558F94%7D/uploads/Yarmouth Streetscape Final Report 082420A Reduced\(1\).pdf](https://yarmouth.me.us/vertical/sites/%7B27541806-6670-456D-9204-5443DC558F94%7D/uploads/Yarmouth Streetscape Final Report 082420A Reduced(1).pdf)

The Town Engineer recommends that the limits be from the westerly property corner to the existing entrance at the limit of the new parking area construction at a minimum. The new sidewalk shall meet all ADA requirements and the cross slope shall not be greater than 2% maximum. Also, the existing granite curb shall not be disturbed unless authorized by Erik Street, Public Works Director. It should be noted that the sidewalk shall meet Town standards including 12" of type A aggregate base and fiber reinforced concrete sidewalk. As noted above, the removal of invasive and nuisance species along the frontage and replacement with native species should be required.

These improvements must be documented on the plan set as part of a future submittal should the applicant be inclined to construct it themselves; otherwise, the applicant may contribute the cost of the improvements as outlined in an Opinion of Probable Cost, which would be developed by the Town Engineer.

15. Advertising Features: The size, location, design, color, texture, material and lighting of all permanent signs and outdoor lighting fixtures are provided with a common design theme and will not detract from the design of proposed buildings or neighboring properties.

This Standard is superseded by the Character Based Development Code as per Article 1.c.3.

Applicant Response:

No changes to signage are proposed.

Staff Comments:

The applicant indicates that no changes to the existing signage is proposed. There may be need for direction signage above the entrances to the retail store and the showroom. Additional information may be necessary.

16. Design Relationship to Site and Surrounding Properties: The proposed development provides a reasonably unified response to the design constraints of the site and is sensitive to nearby developments by virtue of the location, size, design, and landscaping of buildings, driveways, parking areas, storm water management facilities, utilities storage areas and advertising features.

Applicant Response:

The project consists mostly of upgrades to the existing features on the site.

Staff Comments:

The proposed architecture is generally consistent with the village aesthetic identified in Character Code. The proposed addition and the centralized accessible ramp tie the two sides of the building together. Differentiating the activities by using two different colors on the building may not be necessary, although it may serve the purpose to break up the mass of the building. Further, although the property is not located within the Upper Village Historic District and the existing structure is not designated as part of the Historic District, the traditional aesthetic reasonably relates to the surrounding existing structures that are designated as part of the Upper Village Historic District.

17. Scenic Vistas and Areas: The proposed development will not result in the loss of scenic vistas or visual connection to scenic areas as identified in the Town's Comprehensive Plan.

Applicant Response:

No loss of scenic vistas and areas will result from this project. The area of construction is already almost entirely developed.

Staff Comments:

There are no scenic vistas in this area. There are no further comments.

- 18. Utilities:** Utilities such as electric, telephone and cable TV services to proposed buildings are located underground except when extraordinary circumstances warrant overhead service. Propane or natural gas tanks are located in safe and accessible areas, which are properly screened.

Applicant Response:

Existing utilities will be utilized for the new building.

Staff Comments:

All utilities must be shown on the Utility Plan. The applicant shall address the plan review comments from Mr. Johnson and Mr. Street, as well as any requirements from the Yarmouth Water District with a future submittal.

- 19. Technical Standards:** The proposed development meets the requirements of ARTICLE I.J (Technical Standards) of this Ordinance, except as waived by the Planning Board.

Applicant Response:

The proposed project meets the requirements of Article I.J of Chapter 702 Site Plan Review Ordinance.

Staff Comments:

As discussed under Lighting above, the applicant shall resolve compliance with Section 702 and Section 703 prior to another submittal.

- 20. Route One Corridor Design Guidelines:** Notwithstanding the technical standards of this ordinance and the requirements of Article II, General provisions of the Zoning Ordinance, development and redevelopment within the "C", Commercial and "C-III", Commercial II districts shall be consistent with the Route One Corridor Design Guidelines, as approved August 19, 1999.

This Standard is superseded by the Character Based Development Code as per Article 1.c.3.

Applicant Response:

This project proposes no work that will interfere with the Route One Corridor. The entrance to the parking areas from Main Street will remain as existing.

- 21. Right, Title and Interest:** The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.

Applicant Response:

The applicant has sufficient right, title and interest in the site of the proposed use to be able to carry out the proposed development. Refer to Section 4 of the application.

Staff Comments:

The Applicant has submitted adequate evidence of right, title, and interest in the parcel. There are no further comments.

- 22. Technical and Financial Capacity:** The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the Board pursuant to ARTICLE I.I

Applicant Response:

The applicant has the technical and financial ability to meet the standards of this section. Refer to Section 6 & 7 of the application.

Staff Comments:

The Town has no concerns. There are no further comments.

23. Special Exception Standards:

- a. The proposed use will not create unsanitary or unhealthful conditions by reason of emissions to the air, or other aspects of its design or operation.**
- b. The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree of municipal police protection than existing uses in the neighborhood.**
- c. The proposed use will be compatible with existing uses in the neighborhood, with respect to visual impact, intensity of use, proximity to other structures and density of development.**
- d. If located in a Resource Protection District or Shoreland Overlay Zone, the proposed use (1) will conserve visual points or access to water as viewed from public facilities; (2) will conserve natural beauty; and (3) will comply with performance standards of Article II of Chapter 701, Zoning Ordinance.**

This Standard is superseded by the Character Based Development Code as per Article 1.c.3.

Applicant Response:

No special exception standards will be violated by the proposed project.

VI. Motions for the Board to Consider - Building & Lot Plan and Site Plan

Due to the number of items documented in this Planning Board Report and the need to identify waivers, the staff do not recommend providing an approval at this time. The staff recommend that the applicant, at a minimum, address the Town Staff comments, provide a traffic analysis and photometric plan, and clearly identify the needed waivers.

A. BUILDING & LOT PLAN & SITE PLAN

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated XXXX for Building & Lot Plan and Major Site Plan, L&S Limited Liability Company, Applicant; 258 Main Street, Map 37 Lot 19, regarding the compliance with the applicable regulations of the Character Based Development Code Chapter 703 and the applicable regulations and standards of Chapter 702, Site Plan, the Planning Board hereby finds and concludes that the Building and Lot Plan and Major Site Plan **[meets/does not meet]** the required standards and is therefore **[approved/not approved]** subject to the following conditions of approval:

1. Conditions...

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

Attachments:

1. Steve Johnson, Town Engineer – Memo 3/25/2022
2. Erik Street, Public Works Director – Memo 4/1/2022
3. Nicholas Ciarimboli, Code Enforcement Officer – Memo 4/4/2022
4. Mike Tremblay, Bike and Pedestrian Committee – Email 3/24/2022
5. Public Comment – Susan Prescott – Email 4/6/2022
6. Public Comment - Ed Ashley - Email 4/6/2022
7. Comprehensive Plan Excerpt

Memo

To: Erin Zwirko, AICP, Director of Planning and Development
From: Steven Johnson, P.E., Town Engineer
CC: Erik Street, Nick Ciarimboli, Chris Cline, Wendy Simmons, Karen Stover
Date: March 25, 2022
Re: Preliminary Major Site Plan Application: Hancock Lumber, 258 Main Street

Erin:

I have reviewed the subject application from Esther Bizier, P.E., of Main Land Development Consultants, Inc. on behalf of L&S Limited Liability Company (Hancock Lumber) for redevelopment of a portion of 258 Main Street dated March 10, 2022.

I have the following technical comments on the application:

1. General: The applicant is proposing to demolish an existing structure, formerly a Bank of America branch office, and construct a new two (2) story building with commercial and office space. The applicant is proposing approximately 4,100 square feet of retail and office space on two floors. The existing lot is located in the Village Center (CD4) District.
2. Rights, Title: The applicant has submitted adequate right, title, and interest in the property to perform the project.
3. Solid Waste: The applicant has indicated that the site is currently serviced by a contracted waste hauler, and it is anticipated that the existing hauler will service the new building. This is acceptable. The applicant should be aware that collection of dumpster waste should not occur before 5:00 AM or after 10:00 PM, per Chapter 306 Solid Waste Ordinance.
4. Water: The applicant has indicated that the proposed new building will reuse the existing domestic service that served the bank. The applicant must submit evidence of the capacity to serve from the Yarmouth Water District (District) as well as evidence from the District that reuse of the service is acceptable as part of the final submission. Additionally, should a sprinkler system be required for the new building, the applicant shall confirm with the District that the existing main is adequately sized to serve not only the proposed domestic use, but fire suppression flows, if required.
5. Traffic\Parking: As required by Chapter 702, Site Plan Ordinance, Article I, Section H. Review Criteria, the applicant shall submit a traffic analysis report performed by a professional traffic engineer licensed in the State of Maine. The analysis shall review

the existing and proposed conditions based on the latest ITE standards. Additionally, given the volume of existing truck vehicle trips the analysis shall review the parking and site circulation and any potential impacts to Main Street and the adjacent signalized intersections.

The applicant is proposing twenty-five (25) parking spaces in front of the new building and of these three (3) are ADA parking spaces. The applicant shall provide at least one (1) space served by an Electric Vehicle (EV) charging station.

6. Sewers: The applicant has indicated that the new building will use the existing sanitary sewer service. This is acceptable assuming that the existing service is in serviceable condition and is of an appropriate size to convey the projected sewer flow to the main. The existing sewer service, its material and existing size should be shown on the utility plan. As a condition of approval, the applicant shall televise the existing service and forward a copy of the video to the Town Engineer for review and concurrence that the service is adequate for reuse. Additionally, the applicant will provide the projected average daily flow the new use is expected to generate.
 - A. There is likely adequate capacity in the Town sewer system to accept sewage flow from the project, however I will reserve judgment until the projected flow from the building is submitted.
 - B. A sewer connection permit application and fee for the building will be required before the issuance of the building permit.
 - C. It should be noted that during construction of all sewer infrastructure, all work must be inspected by Town staff prior to backfilling and all sewer work shall be constructed per Yarmouth Town Standards. A note to this effect shall be placed on the Utility drawings.
 - D. All sewer infrastructure to be abandoned shall be as directed by the Town Engineer and a note to this effect shall be placed on the Utility Plan
 - E. Additionally, please see my comments regarding the utility plans noted below.
7. Storm Drains: All storm drain infrastructure must conform to Yarmouth Town Standards. Additionally, all connections to Town infrastructure shall be per Town requirements.
8. Drainage, Stormwater Management:
 - A. The applicant has not submitted a formal stormwater analysis for the project, stating that the site is substantially impervious already and the proposed new development will decrease the impervious area, although by how much was not stated. As you know, the Town has a long-standing requirement to encourage development to include Low Impact Development (LID) BMPs in the stormwater management of Yarmouth sites. That said, this project provides an opportunity to decrease the impact of the stormwater runoff generated by the new building at very little cost. I recommend that the design incorporate two LID BMPs to the drainage design. The first is to incorporate drip edge filters to the new building underdrain system per MDEP standards. Additionally, the impervious area of the drive entrance proposed to be converted to grass should be constructed per the *Removal of Impervious Surfaces* protocol as published by the Cumberland County Soil and Water Conservation District. I am happy to provide a copy to

the applicant. I agree that a full stormwater analysis is not warranted for this site if a LID approach is pursued.

- B. The applicant currently maintains a Stormwater Management Operations and Maintenance Manual (O&M Manual) for the site. The existing manual shall be updated to include the proposed new site conditions and new stormwater BMP's. Update of the O&M Manual and employee training on the new manual shall be a condition of approval.
9. Erosion and Sediment Control: The applicant has submitted a site-specific Erosion and Sedimentation Control (ESC) Plan which is very much appreciated. However, the ESC plan shall be updated to include sections outlining the management of concrete washout activities and litter control. The existing O&M manual speaks to these two critical activities and the ESC Plan should also. Additionally, the ESC Plan shall be clearly referenced on the design drawings to ensure the construction contractor is aware of the requirements. The Town expects that during construction the applicant and their construction manager/contractor perform the required inspections and enforcement of the ESC plan per MDEP requirements, including weekly inspections and documentation of all inspection work. In addition, the Town will be performing site inspections and will be reviewing the inspection records per the Town's NPDES MS4 General Permit. It is also very important that the BMP's be installed prior to the disturbance of site soils and vegetation.
 10. Soils: The applicant shall submit a soils report as part of future submissions. Additionally, prior to the issuance of a building permit the applicant shall provide a Geotechnical report for the building foundation design sealed by a Professional Engineer licensed in the State of Maine.
 11. Site Plan/Ordinance Requirements:
 - A. The applicant shall provide at least one (1) bike rack on the Main Street side of the building for public use. This shall be a condition of approval.
 - B. Buffering: The applicant shall protect the existing landscape buffering on the adjacent Town Park parcel during the construction activities. Additionally, the applicant shall protect existing mature trees as much as possible during the construction.
 12. Lighting: A photometric plan for any proposed lighting shall be provided which should include light levels at the property line, per the ordinance.
 13. Waivers: The applicant has not requested any waivers although several would be in order if required items are not submitted, such as a traffic analysis, stormwater analysis, soils report, photometric plan etc. I assume that the applicant will provide the require information as noted above or request the appropriate waiver.
 14. Off-site Improvements: The applicant has not proposed any off-site improvements. As you know, the Town has developed a vision for the improvement of the Main Street corridor that is reflected in the Main Street Master Plan. As required in the Site Plan ordinance under section H.14 the applicant should be required to construct the segment

of sidewalk and esplanade per the Master Plan along the front of the property. I would recommend that the limits be from the westerly property corner to the existing entrance at the limit of the new parking area construction at a minimum. Obviously, the new sidewalk shall meet all ADA requirements and the cross slope shall not be greater than 2% maximum. Also, the existing granite curb shall not be disturbed unless authorized by Erik Street, Public Works Director. It should be noted that the sidewalk shall meet Town standards including 12" of type A aggregate base and fiber reinforced concrete sidewalk.

15. Plan Review Comments:

A. Existing Conditions and Demo Plan Sheet C1.1

1. The existing mature trees on the northwesterly property line should be protected and a note to that effect should be placed on the drawing
2. A note shall be added to the drawings to require that all erosion and sedimentation control BMPs shall be installed prior to the commencement of disturbance or construction activities.

B. Site Layout and Utilities Plan Sheet C2.1

1. All sidewalk cross slopes should be labeled as 2% Maximum since there is no upper tolerance over the 2% by ADA standards.
2. The applicant should provide LID BMPs on the westerly side of the site. I would suggest that the area where pavement is removed is restored to a PERVIOUS condition per the CCSWCD Standards and should be noted on the plans. Additionally, the southerly and northwest end of the new building eaves area should incorporate drip edge filters.
3. The westerly parking spaces should include augmented landscape buffering;
4. The existing sewer service location, size and pipe material shall be located on the plan;
5. A note shall be added that the sewer service shall be televised, and its condition approved by the Town Engineer prior to reuse.
6. The existing catch basin located on the northeasterly corner of the parking lot near the easterly entrance shall be shown along with the catch basin lead.
7. The sidewalk and esplanade improvements with the appropriate landscaping shall be shown on the drawings.
8. All other existing utilities, including water, natural gas, electric and communication infrastructure shall be shown on the utility plan.

C. Grading and Erosion Control Plan Sheet C3.1

1. A note shall be added to the plan referencing the Erosion and Sedimentation Control Plan or as an alternative, the plan text shall be included in the drawings.
2. A stone construction entrance should be shown to prevent track out.
3. A designated area and BMP details for concrete washout shall be shown on the drawing and in the details.
4. The missing catch basin noted above should be shown and the parking lot graded to the structure as appropriate.
5. The sidewalk improvements shall be shown along with the appropriate grading. Cross slope shall not exceed 2% maximum including an accessible route across the driveway aprons.
6. Winter snow storage areas shall be located on the plan and shall not be on stormwater BMP's.

D. Site Details Sheet C9.1

1. An appropriate drip edge filter detail shall be added.
2. An appropriate pervious area restoration detail shall be added.
3. The appropriate Town details for the public improvements shall be added including, but not limited to:
 - a. Sidewalk detail;
 - b. Esplanade detail;
 - c. Tree planter detail.
 - d. Tree planting detail.
 - e. Apron detail.

- f. Public area pavement restoration detail.
- 4. A stone entrance detail.
- 5. A sewer service pipe connection detail.
- 6. Concrete washout BMP detail and instructions.

I am happy to provide Town details to the applicant at their request. As always, I reserve the right to make additional comments on future plan submissions. Also, I would be pleased to review any other aspect of the application that you or the Planning Board may decide.

Town of Yarmouth ME

Director of Public Works

MEMORANDUM

To: Erin Zwirko -AICP, LEED AP - Director of Planning & Development

From: Erik S. Street, Director of Public Works



CC: Steve Johnson, PE, Town Engineer, Wendy Simmons, Karen Stover

Date: 4/1/22

Re: 258 Main Street – Hancock Lumber – Major Site Plan Review 4-1-22

-
1. **General:** Applicant is proposing to demo the existing building that used to serve as a bank and build a new structure connected to the existing Hancock Lumber Store. The new structure will be two stories, 4100 SF divided between retail and office.
 2. **Rights, Title:** No concerns.
 3. **Easements:** No concerns.
 4. **Homeowner Associations / Road Maintenance Agreements:** Hancock Lumber has an O&M manual for the site – New structures, facilities, improvements, and maintenance practices need to be incorporated into that plan.
 5. **Financial Capacity:** No concerns.
 6. **Technical Ability:** No concerns.
 7. **Solid Waste:** Applicant states the existing waste management plan for Hancock will serve the new complex as well. The Yarmouth Recycling Committee and I strongly encourage Hancock Lumber to support the waste hierarchy by supporting and strengthening recycling practices. Reminder that all waste / recycling practices are governed by Chapter 306, the Town's Solid Waste Ordinance.
 8. **Water:** Applicant states that the new structure will be serviced by the existing service. Supporting documentation from the Yarmouth Water District needs to be provided confirming the line is acceptable in both its size and condition.
 9. **Building Demo:** Applicant states they will be demolishing the existing building. Applicant should provide information on how the on-site vehicle and pedestrian traffic will be handled during this process. Applicant should also delineate a work area on the plan and explain how the area will be protected from the public while the work is being done.

Air blown dust, paper, insulation, and other debris is a concern during the demolition work. Care should be taken to ensure the contractor is responsible for containment and clean-up of any debris on the site or that finds its way onto adjacent or abutting properties.

10. **Traffic / Parking:** I support the Engineer's comments that the applicant shall submit a traffic analysis for the site that includes potential impacts to Main Street. Applicant should also review sight views as they pertain to vehicle traffic exiting the site and pedestrian traffic on the Main Street sidewalk.
11. **Storm Drains:** All drainage infrastructure must conform to Town of Yarmouth standards. The existing catch basin on site needs to be depicted on the plan, inspected, and confirmed that its condition is acceptable.
12. **Drainage, Stormwater / Snow Management:** While I believe a stormwater analysis is not necessary for this project, I do support the Town Engineer's comments of incorporating LID BMPs into the project.

The applicant needs to show snow storage locations within the project area, as well as the rest of the site. The O&M should capture those locations and any changes resulting from the new project area. It should also address how the parking spaces will be maintained during the winter or if snow storage will impact them.

13. **Sewers:** I support the Town Engineer's comments.
14. **Erosion and Sediment Control:** All erosion & sediment controls need to be installed before any site work begins and be consistent with the plan. Management / inspection practices of the ESC must be performed as required by MEDEP. No track-out from the site will be allowed and must be controlled through on-site BMP's. Any tracking within the yard must be cleaned up daily and kept from reaching Main Street or the catch basin on site.
15. **Soils:** No concerns.
16. **Site Plan / Ordinance Requirements:** I support the Town Engineer's comments regarding the bike rack and buffering (A&B).
17. **Lighting:** If lighting is proposed, a photometric plan shall be provided by the applicant.
18. **Waivers:** No waivers have been requested at this time.
19. **Off-Site Improvements:** No off-site improvements have been proposed. However, the applicant should be required to improve their sidewalk frontage and esplanade area to conform with the new Main Street Master Plan. This should be done by requiring the actual construction to take place with this project or by capturing adequate funding to be used for this frontage at a later date. If construction of the sidewalk is not selected, the applicant should be required to pave the other lot entrance apron, as it is starting to deteriorate and is a potential safety issue for pedestrians crossing it.

20. Plan Review Comments:

Sheet C1-1

Applicant should show work area and address how vehicles and pedestrians will be protected from construction activity and traffic.

Applicant should provide a note regarding the management of demo debris – maintenance and clean-up of the site and neighboring properties.

Sheet C2-1

Applicant should show location of the existing sewer and water service on the plan.

Applicant shows underdrain in detail C1. What will this connect to and where does it ultimately drain to? Does it daylight or tie into some other on-site drainage system?

Snow Storage areas for the new project area and the entire site should be shown.

Existing catch basin needs to be shown on the plan

If you have any questions, please let me know. I reserve the right for further comment as information is added or changed.

Thank you.

Nicholas Ciarimboli, LEED AP, Code Enforcement Officer
E-Mail: nciarimboli@yarmouth.me.us

Tel: 207-846-2401
Fax: 207-846-2438



TOWN OF YARMOUTH
INTERNAL MEMORANDUM

TO: Erin Zwirko, AICP, Director of Planning
FROM: Nicholas Ciarimboli, Code Enforcement Officer
DATE: April 4, 2022
RE: Major Site Plan – Hancock Lumber Showroom/ Office Space Expansion

Ms. Zwirko:

I have reviewed the subject application from Main-Land Development Consultants, Inc c/o Esther Bizier on behalf of L&S Limited Liability Company for 258 Main St. Map 37, Lot 19 (Hancock Lumber) dated March 14, 2022.

The property is located within the Character Based Development Code (CBDC) CD4 Village Center and requires review under CH. 702 Site Plan as well as CH. 703 CBDC - Building and Lot Plan. In this respect, I offer the following comments:

CBDC Building Form standards may require waivers for; Upper Story Height – Second story appears to measure at 8'-0" minimum required 10'-0", Façade Glazing – No calculations provided, as shopfront minimum 70% glazing required, and Roof Pitch – an 12:12 artificial roofline/overhang has been applied along a portion of the front and side elevations with the actual roof pitch at 6:12, an 8:12-14:12 is required.

Additionally, a preliminary building code analysis noted the potential need to provide an accessible route to the upper level as a scoping requirement. This is based on the 2015 International Existing Building Code (IEBC) Section 1105.

1105.1 Minimum requirements.

Accessibility provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, primary function shall comply with the requirements of [Sections 705](#), [806](#) and [906](#), as applicable.

806.2 Stairways and escalators in existing buildings.

In alterations where an escalator or stairway is added where none existed previously, an accessible route shall be provided in accordance with [Sections 1104.4](#) and [1104.5](#) of the International Building Code.

As the second level is not exempt from the accessibility requirements of 2015 International Building Code (IBC) Chapter 11 Section 1104.4 Multistory buildings and facilities, all new work on the level shall be accessible. Also, in accordance with 2015 IEBC Section 705.2 an accessible route shall be provided from site arrival to the affected primary function areas including toilet rooms and drinking fountains serving those spaces.

705.2 Alterations affecting an area containing a primary function.

Where an alteration affects the accessibility to a, or contains an area of, primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities and drinking fountains serving the area of primary function.

Exceptions:

- 1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.*

An NFPA13 sprinkler system shall also be provided throughout the facility due to the height and area requirements of 2015 IBC Chapter 5 and Town of Yarmouth Fire Sprinkler Ordinance, CH. 317.

While a complete code review will be performed in conjunction with the Building Permit application, these items may affect the overall design approach and may be pertinent at this phase of the project. If you have any questions, please let me know. Thank you for your time.

Very Respectfully,

Nicholas J. Ciarimboli

From: [Mike Tremblay](#)
To: [Wendy Simmons](#)
Cc: [Colin Durrant](#); dostrye@gmail.com; matherben@yahoo.com; [Erin Zwirko](#); [Dan Gallant](#); [Erik Street](#); [Eric Gagnon](#); [Karyn MacNeill](#); [Mike Robitaille](#); [Nat Tupper](#); [Scott LaFlamme](#); nancykleahy@gmail.com; [Todd Patstone](#); [Tina West](#)
Subject: Re: Request for Comment - 258 Main St. & Sandpiper Cove
Date: Thursday, March 24, 2022 6:53:37 PM

Wendy,

The Bike and Ped Committee have the following comments on the 258 Main Street (Hancock Lumber) project:

- The Committee is interested in knowing the projected change in traffic this change will cause, both in terms of overall number of vehicles (per peak hour) and type of vehicle (passenger vehicle vs. trucks). The Hancock Lumber facility is geared toward contractors, who are more likely to have larger vehicles, which are a known danger to vulnerable road users compared to passenger vehicles, who would be the primary users of a bank use. The magnitude of traffic change will inform the degree to which some of our suggestions (below) would be justified. While no major construction is being proposed here, a significant increase in overall traffic or heavy vehicle traffic should compel the Applicant to make appropriate safety and accessibility improvements within the site and in the ROW.

- Motorist sight lines within the site should be analyzed for viewing angles of the sidewalk, not just the roadway. Low shrubs in the planter area at this location can block the view of pedestrians and bicyclists in the sidewalk, and motorists often stop partially or completely in the sidewalk in order to turn back onto Main Street without first yielding to sidewalk users.

- Given that the site is being consolidated to a single use, the need for two separate driveways onto Main Street should be evaluated. Best practices in access management suggest that more driveways reduce safety of road users on the adjacent street, as driveways add conflict points and, if too closely spaced, confusion. Driveways often cause sidewalk users accessibility challenges, and 258 Main Street is no different -- the pedestrian path through both driveways are likely not acceptable cross-slopes, and prioritize vehicle movements over pedestrians. A well-designed site, particularly one of this size, should be designed to allow for any design vehicle to enter and exit the site, facing forward, at one driveway.

- The number of parking spaces onsite should also be evaluated, and if in excess of Town zoning requirements, some spaces should be eliminated in favor of landscaping, stormwater BMP's, or other improvements.

- Given the abundance of on-site parking, removal of the bank use, and the likely desire for most business customers to load as close to the building as possible, the need for on-street parking along the frontage of the site, between the two driveways, should be evaluated. Currently, the sidewalk in this location is adjacent to the curb, and if this on-street parking is seldom used, the large cross-section of roadway will encourage speeding and reduce the safety and comfort of sidewalk users. If this street parking is unneeded for loading, it is recommended that a curb extension be constructed along some or all of the frontage, with street trees, bicycle parking, landscaping, and/or other public amenities that will improve the streetscape at this location.

- The curb use on the easterly edge of the site (between the easterly side driveway and the end of the frontage, bordering the China Taste site, is defined as No Parking. This is likely wise due to sight line needs for motorists exiting the China Taste driveway. A curb extension with some of the amenities listed above would auto-enforce the no-parking regulation, and help define the beginning of the two-lane approach to Cleeves Street.

- The Applicant should be strongly encouraged to allow public parking within the site during evenings and weekends, when the business onsite is closed. The adjacent take-out and restaurant uses at Brickyard Hollow and China Taste often have parking challenges during these times.

Thank you,
Mike

-

On Wed, Mar 16, 2022 at 3:20 PM Wendy Simmons <WSimmons@yarmouth.me.us> wrote:

For your review:

https://yarmouth.me.us/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=0F807F91-74B8-4D0A-A106-B448094E53AC&Type=B_BASIC

Thanks. Wendy

Wendy L. Simmons, SHRM-CP (she, her, hers)

Administrative Assistant

Planning, Code Enforcement and Economic Development

Town of Yarmouth

200 Main St.

Yarmouth, ME 04096

Phone: 207.846.2401

Fax: 207.846.2438

www.yarmouth.me.us

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Mike Tremblay

Hancock Lumber

Susan Prescott <tspresco@gmail.com>

Wed 4/6/2022 9:44 AM

To: Erin Zwirko <EZwirko@yarmouth.me.us>

Dear Madam Chair and Members of the Planning Board,

I am writing today to offer comment on the site plan application before you for the Hancock Lumber Expansion. I've read through the application and have reviewed the drawings and would like to limit my comments to the parking and landscaping, focusing particularly on the Main Street area.

Hancock Lumber occupies a very significant presence on our Main Street in Yarmouth, by my rough calculation, approximately 350+ feet of street frontage and a large footprint in the center of town. There is no doubt that Hancock Lumber is an integral and valuable part of the downtown business community. The nature of this business also brings with it multiple daily deliveries by large tractor trailer trucks to our Main Street.

Regarding the site plan, the application says that "most parking will remain as existing" with I believe, additional spaces on the side. It goes on to say, the " project will decrease the amount of impervious areas located on the North-West side of the existing Bank of America building. The project will protect trees that are feasible to protect"

The North-West side of the existing building is very close to the property line, so there's very little space on that side in which to decrease impervious surface. What percentage of the overall property footprint will represent a decrease of impervious surface? This project still leaves a very large, impervious parking lot fronting on Main Street. Perhaps this could be replaced with a pervious pavement surface. Secondly, to say that trees will be protected that are "feasible to protect" is not good enough, more specific regard should be given to protecting existing trees.

Hancock Lumber is corporate citizen of our Yarmouth Main Street. I strongly believe that businesses have a responsibility to participate in the care of their " front yard" , their frontage on Main Street. I was unable to find any reference to this being presented within the site plan application. The current frontage on Main Street includes unhealthy trees and shrubs and mulch that regularly spills onto the pedestrian sidewalk.

Surely, Hancock Lumber is aware of the recent Main Street Streetscape work that has been taking place. Just as other developers have done, I think they have a responsibility to participate in these improvements to our Main Street. I hope that as a condition of approval the Planning Board would require Hancock Lumber to make the improvements contained in the town Streetscape plan to their 350+ ft of frontage.

Thank you for your time and attention.

Best,
Susan Prescott

Attachment 6

Hancock Lumber application

Edward Ashley <eashley@maine.rr.com>

Wed 4/6/2022 3:33 PM

To: Erin Zwirko <EZwirko@yarmouth.me.us>

Dear Madam Chair and Planning Board Members;

I am writing with a few comments on the proposed replacement of the former drive-thru branch Bank structure by additional showroom space for Hancock lumber. I first note that although the application speaks in terms of replacing the existing structure utilizing the same footprint, that is not a wholly accurate characterization. The new structure has more square footage, and part of the old was really not a structure but a covered drive-thru servicing the drive =thru teller window of the bank. However, this does not mean that I am urging you to require full compliance with the requirements of the CD4 Character District, e.g., moving the new structure up much closer to Main Street with parking behind. I think there is room for some waivers and negotiated elements to compensate for lack of full compliance.

On parking, I have to believe from observation over the years that the bulk of the parking fronting Main Street is for employees. The whole parking arrangement is at odds with the requirements of the Code, since virtually the entire frontage of the applicant's parcel, other than the access/egress drive portion, is devoted to parking. This is exactly the result not favored by the Code. Applicant's parcel includes an unused triangular extension to the rear of the property, partially abutting Cleaves Street. The GIS maps appear to indicate favorable height and drainage for this parcel to permit use of it in major part for parking, which could be designated employee parking.

This would remove a great deal of the current parking usage of the Main Street frontage, enabling a more creative and more extensive landscaping effort on the part of the applicant. This end of the property adjoins Village Green Park, and the old Grand Trunk RR Depot, with potential views on to the Bickford Pavilion and the new structure at 298 Main. By adding to and creating new viewsapes, this could be a dramatic complement to the Main Street landscaping plan, enhancing the adjoining properties, adding to the Main Street plan and the attractiveness of Main Street along applicant's frontage, and not least of all, adding to the attractiveness and welcoming nature of applicant's own premises, including the newly constructed addition. It could greatly improve Applicant's curb appeal without interfering with its operations or adding to any of the existing constraints on operations, by simply utilizing a currently unused portion of the property for uses encouraged by the Code to be set back and concealed from the streetscape.

This would further reduce the amount of impervious surface and runoff from the property, which has to be considerable, and the relocated employee parking could be either gravel or pervious pavers.

The addition of more shade and street trees would add environmental and aesthetic benefit to the Village, with a green planted buffer between the Main Street sidewalk and the existing and new showroom, taking advantage of the space created by reducing and relocating paved parking.

This is a great opportunity for a dramatic improvement to the entire frontage of Applicant, which could really use a boost. And all of this in the very heart of the village, a tremendous opportunity for good corporate citizenship and a solid sense of participation with and belonging in the community. I could really get behind and support such a re-visioning of the Hancock frontage on Main Street. It could even go so far as to get another piece of our utility infrastructure underground, as was done when the Route one bridge over Main Street was constructed. There is so much opportunity here.

Thank you for your thoughtful consideration.

Edward Ashley

20 Spartina Point

remain in place during this period and that major policy changes be undertaken as part of the transition. This may result in some inconsistencies between the Town's policies and land use regulations during that period. A fundamental strategy for implementing this Plan is to fund and undertake the background work needed to adopt Form-Based Codes.

C. THE VILLAGE

1. BACKGROUND

The "Village" – ask any two residents what Yarmouth Village is and you are likely to get two different responses. For some people, the Village is Main Street and the historic homes adjacent to it. For others, the Village is the older built-up area of the Town that includes Main Street and the residential



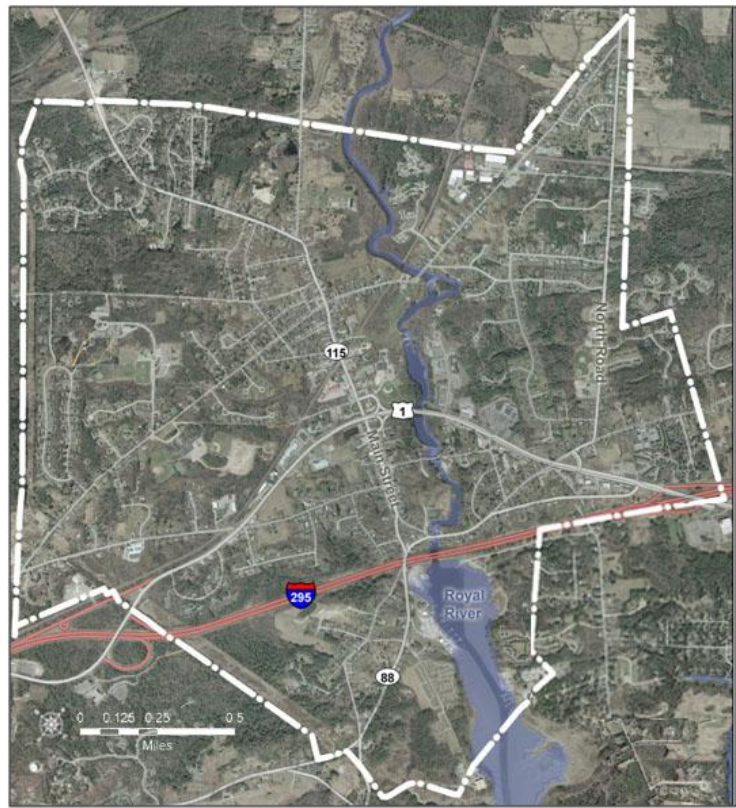
areas developed before 1970 where the lots are small and people can easily walk around. And for some people, the Village includes most of the town except for the coast and the islands.

For the purpose of this plan, the "Village," in conceptual terms, is considered to include the following:

- Main Street
- the historic residential neighborhoods adjacent to Main Street
- the older residential neighborhoods developed through the 1960s
- the newer, more suburban residential areas developed since the 1970s on the fringe of the older portion of the Village.

This “Village” area encompasses the area that potentially is an integrated walkable community. This concept of the “Village” is larger than what some people currently consider the village to be. It includes the area that is currently zoned Village I & II along Main Street, the entire Medium Density Residential Zone, and the commercial areas along Route One. This “Village” extends, generally, from the town line with Cumberland on the south to North Road/East Main Street on the north, and from the railroad line on the west to I-295 on the east including the Pleasant Street neighborhood east of I-295 (see Figure 1-3). When this plan talks about the “Village,” it refers to this area.

FIGURE 1-3: THE “VILLAGE”



Historically the Village offered residents a full lifestyle. You could live in the Village, send your children to school in the Village, do much of your shopping on Main Street, work in the Village or nearby coastal areas, go to church in the Village, and do most of what you needed to do in the Village. In the 1970s, Yarmouth began to change and the Village changed with it. That pattern of change continued and even accelerated in the 1980s. The construction of I-295 fueled the transformation of Yarmouth into a bedroom community. The grocery store on Main Street was replaced by a supermarket on Route One. Vacant land on the fringe of the older village was transformed into housing developments, single-family subdivisions and apartments at first, and later condominium developments. Yarmouth became an “upper class suburb.” Older homes along Main Street were converted into offices and other non-residential uses. Fewer people lived in the center of the Village.

The Town responded to these changes and tried to manage or limit the change. The required lot size for housing in the village area and fringes was gradually increased to the one acre per unit that is the current requirement to try to control new residential development. The zoning for Main Street, the Village-I Zone, limited the conversion of homes to non-residential uses and prohibited new infill commercial buildings as a way of “protecting” the older homes and trying to maintain a residential base in the center of the Village. In the process of trying to manage the change in the community, many older homes were made non-conforming and the ability of property owners to use their homes “creatively” was limited. Investment in non-residential property along Main Street was limited.

Recently, the Town has been working to address some of these concerns. Adjustments have been made in some of the zoning requirements to reduce the number of properties that are nonconforming. The provisions for home occupations and accessory dwelling units have been liberalized. The Town has used contract zoning to accommodate desirable development and expansion of nonresidential uses along Main Street.

During the preparation of this revision of the Town’s Comprehensive Plan, a number of key issues emerged with respect to the Village including:

- Maintaining Main Street as a truly mixed-use area with viable businesses and services, community and educational facilities, and people who live there.
- Ensuring that the historic homes along Main Street are not demolished or inappropriately modified to allow commercial development.
- Ensuring that new construction or the modification of buildings along Main Street is done in a way that is compatible with the visual character and development pattern of the Village.

Contract or Conditional Zoning

Contract or conditional zoning is an approach to zoning that allows the Town to create special zoning requirements that apply to a particular property. It is a technique to allow a use or development that might not otherwise be allowed by imposing additional requirements on it to make it acceptable. In many cases, the provisions of the contract or conditional zone establish additional requirements on the use and development of the property beyond what are typically addressed in traditional zoning standards such as design requirements or limits on the types of occupants of the building. A contract or conditional zone must be consistent with the Town’s adopted Comprehensive Plan. Once a contract or conditional zone is established, the development and future use of the property must follow the detailed requirements of the “contract” or “conditional” zone.

- Reducing the amount of non-conforming situations resulting from the Town's zoning provisions.
- Allowing the owners of older homes some flexibility in the use of their property to allow them to continue to maintain them.
- Accommodating additional residential uses within the Village in ways that reinforce the concept of a walkable village and expand the diversity of housing available.
- Increasing the diversity of the housing available in Yarmouth and, therefore, increasing the diversity of the Town's population.

2. *VISION*

Yarmouth Village will continue to be a highly desirable, walkable New England Village with a vibrant, mixed-use center along Main Street. The Village will continue to offer a wide variety of housing from large, historically significant single-family homes, to smaller, more modest homes for both older residents and young families, to apartments and condominiums, to small flats in mixed-use buildings or older homes.

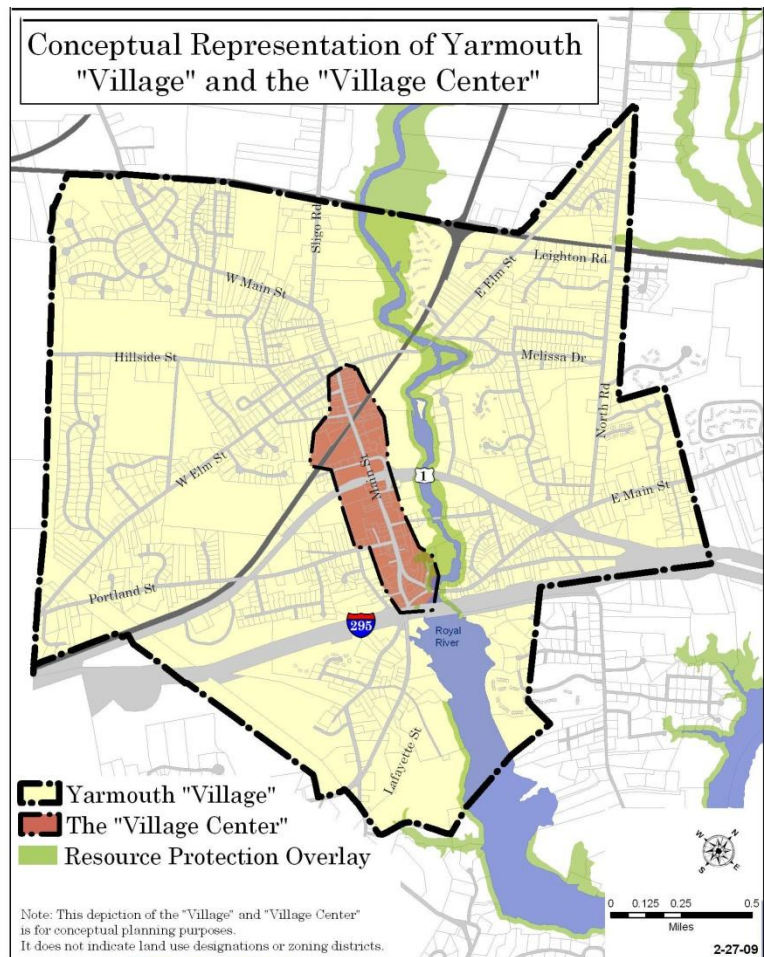
Main Street or the Village Center will be a vibrant, pedestrian friendly, mixed-use street where people can live, work, shop, and take care of their other daily needs. A balance between residential and nonresidential activities in the Village Center will be maintained. Historic properties will be well maintained and their historic character preserved while allowing for the creative use of these properties. New buildings or modifications of existing buildings shall be of similar scale, form, and disposition to the Village's historic buildings and development pattern, thereby maintaining the visual integrity, livability and walkability of Main Street. Parking will be improved to support a financially viable core of businesses and services but without detracting from the residential livability of the Village Center or adjacent residential neighborhoods and parks. Key municipal, community, and educational facilities will continue to be located in the Village Center. Pedestrians and bicyclists can move easily and safely throughout the Village Center and to and from the Village residential neighborhoods.

The older Village Residential neighborhoods will continue to be desirable, walkable areas. Historic residential properties will be well maintained and their



historic character preserved. Sidewalks, pedestrian paths, and bicycle facilities will be improved to provide universal accessibility and allow safe movement within the neighborhood as well as movement to and from the Village Center and community facilities such as the schools and recreation areas. Well-designed infill development will occur at density, scale, form and disposition that is compatible with the historic pattern of development. The types of housing and the availability of affordable housing may be expanded through creative use of existing buildings. Property owners in these neighborhoods will have flexibility to use their properties creatively as long as the use is compatible with the neighborhood and new development standards are satisfied.

FIGURE 1-4 CONCEPTUAL REPRESENTATION OF YARMOUTH "VILLAGE"



The Village Fringe areas that experienced lower-density suburban style development will become more integrated into the Village. Sidewalks, pedestrian paths, and bicycle facilities will be improved to allow universal accessibility and safe movement from these areas to the Village Center and community facilities such as the schools and recreation areas. Infill development will occur at higher densities than 1 unit per acre and property owners outside of the larger subdivisions will have flexibility to use their property creatively.

3. POLICIES AND STRATEGIES

For the Town to achieve this vision, we must establish clear policy directions that will guide both the Town's land use regulations and its day-to-day decisions about operations and expenditures and identify the actions that the Town will need to take to implement those policies.

Policy C.1. Ensure that the immediate Main Street area that is the Village Center continues to be a vibrant mixed-use area with residential uses, businesses, services, and municipal and community facilities.

Strategy C.1.1 – Adopt a formal policy that key municipal uses that are used by the public continue to be located in the Village unless no viable option exists.

Strategy C.1.2 – Revise the current zoning requirements for the Village I and II Districts (and consider renaming them Village Center I and II) to allow existing buildings to be converted to nonresidential use or modified or expanded to create additional nonresidential space, and new buildings to be constructed that include nonresidential space provided that there are provisions for residential occupancy within the building.

Strategy C.1.3 – Revise the current zoning requirements for the Village I District and the nonconforming use provisions to allow existing nonresidential uses that might not otherwise be allowed in the Village Center to modernize and expand as long as they become more conforming with the village character as defined by the study proposed in Strategy C.2.2.

Strategy C.1.4 – Develop a strategy for marketing and promoting the Village Center as a desirable business location for offices, service businesses, and small-scale, low-intensity retail uses.

Strategy C.1.5 – Adopt a “renovation code” for older properties to allow modifications that are consistent with the age of the property while ensuring basic standards of safety and accessibility.

Strategy C.1.6 – Consider revising current zoning requirements of Village I and II District to allow for construction of new infill commercial structures.

Form-Based Codes

Form-Based Codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. These codes are adopted into city or county law as regulations, not mere guidelines. Form-Based Codes are an alternative to conventional zoning. Form-Based Codes typically address both site design and building design considerations to establish a relatively consistent development pattern. Further explanation of Form Based Code can be found beginning on page 76.

Policy C.2. Maintain the architectural and visual character of the Village Center as a New England village and ensure that renovations/expansions of existing buildings as well as

new buildings reflect this character both in the design of the building as well as the location of the building, parking, and other improvements on the lot.

The goal of this policy is to ensure that the scale, massing, and treatment of the building and the location of the building with respect to the street are consistent with the village character as defined by the study proposed in Strategy C.2.2. It is not the goal to require that new buildings or changes to existing buildings that are not of historic significance be designed to look like “old New England buildings.”

Strategy C.2.1 – Establish “Form-Based” development standards for the Village I and II Districts that focus on the design and placement of the building on the site with less emphasis on the specific use of the property to ensure that the modification/expansion of existing buildings and the construction of new buildings including the replacement of existing buildings conform to the visual character and traditional development pattern of Main Street.

Strategy C.2.2 – Adopt design standards for the Village I and II Districts. These standards should address site design, building configuration and disposition, landscaping, pedestrian movement and bicycle facilities, signage, low-impact lighting and similar elements of the built-environment. The proposed standards should be based on a study/analysis of the visual characteristics of the Village center to identify the features and patterns that should be incorporated into the proposed standards. The proposed standards should be consistent with the proposed revisions to the zoning requirements (see Strategy C.2.1.).

Policy C.3. Work with property owners to maintain the exterior appearance of historically significant properties while allowing these owners the opportunity to improve and update the buildings in ways that respect their historical importance (see historic character section for additional details and strategies).

This character includes both the exterior of the building and the public frontage (portion of the lot between the building and public street(s)). The following strategy is also included in Section E that addresses historical character.

Strategy C.3.1 – See Strategy E.2.2.

Policy C.4. Allow residential use of property within the Village in ways that are more similar to the historic pattern of development and intensity of use than is allowed by the current zoning requirements.

This policy supports increasing the allowed density of residential use within the Village but with two important limitations:

- 1) New residential units within the Village (in either new buildings or modifications of existing buildings) be designed and built to be compatible with the character of the village (density, scale, form, and disposition) and minimize impacts on adjacent properties.
- 2) Property owners who take advantage of the opportunity for higher density pay an offset fee to be used by the Town to protect open space, make infrastructure improvements, enhance the village character such as with streetscape improvements, the upgrading of pedestrian and bicycle facilities, or adding pocket parks, or provide for affordable housing by either setting aside units as “affordable housing” or paying an affordable housing offset fee to the Town to be used for maintaining or creating affordable housing (see housing diversity section for additional details).

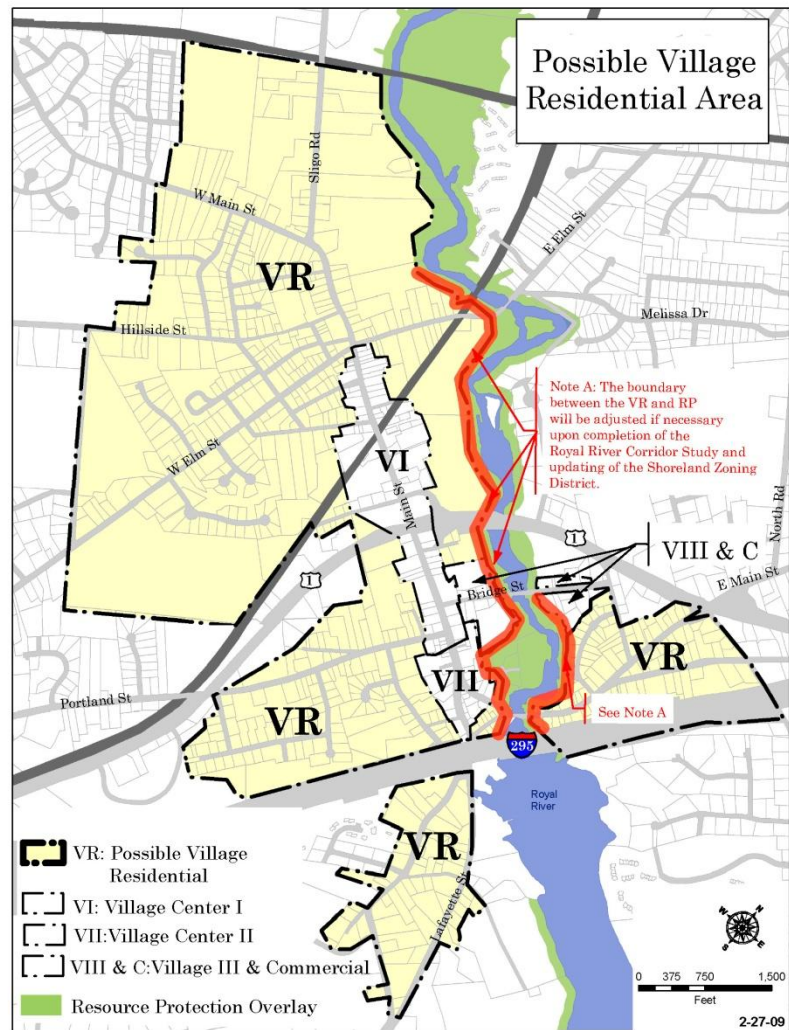
Strategy C.4.1– Create a new Village Residential (VR) zone out of part of the current Medium Density Residential District. The new VR District should include the older built-up areas of the Village. Figure 1-5 on the following page shows the possible boundaries of the proposed VR area. The final location of the boundaries will need to be determined when this proposal is implemented and will need to 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. The major objectives in creating this new zone are to reduce the number of existing lots/buildings that are nonconforming in terms of the Town’s zoning requirements and to allow residential uses (including infill development and more flexible use of existing properties) at higher densities than the current one acre per unit requirement of the MDR District. In return for allowing increased density in this area of the Village, the new VR District should include expanded development standards (excluding architectural design standards) to ensure that new buildings or modifications to existing buildings occur in a manner that is compatible with the village character and minimizes impacts on adjacent properties.

Strategy C.4.2 –Revise the development standards for the MDR District. Consider incorporating the MDR into the new “Village Residential” district. The major objectives in revising these requirements are to reduce the number of existing lots/buildings that are nonconforming in terms of the Town’s zoning requirements and to allow residential uses (including infill development and more flexible use of existing properties) at higher densities than the current 1 acre per unit requirement of the MDR District. The revised MDR District should include expanded development standards to ensure that new buildings or modifications to existing buildings occur in a manner that is compatible with the village character and minimizes impacts on adjacent properties. To accomplish this strategy, the Town shall:

- Analyze existing land use development patterns to determine appropriate adjustments in development standards, including but not limited to block size, street assemblies, density, building configuration and disposition, setbacks, lot occupation, and standards for conversion of single-family homes.

Policy C.5. Ensure that the Village is “walkable” and “ADA compliant” so that all people can easily and safely travel within their neighborhood as well as being able to walk or bike to the Village Center and other key centers of activity such as the schools and recreation areas.

FIGURE 1-5 POSSIBLE VILLAGE RESIDENTIAL AREA



Strategy C.5.1 – Develop and implement a plan to provide appropriate pedestrian and bicycle facilities and link the various parts of the Village including the established residential areas in the existing MDR zone.

Strategy C.5.2 – Revise the Town’s development standards to require that new development in the Village be “pedestrian and bicycle friendly” in terms of site layout, pedestrian and bicycle facilities and circulation to/from/within the site.

Policy C.6. Improve the availability and management of parking in the Village Center in a manner that does not detract from the essential character of the surroundings to maintain an attractive, diverse, and vibrant mixed-use area.

Strategy C.6.1 – Conduct a parking study in the Village Center to determine the actual use of existing public and customer parking, identify deficiencies in the supply or management of parking, identify opportunities to encourage alternative transportation and explore ways to improve parking in the Village Center in a way that is compatible with the character of the area.

Strategy C.6.2 – Explore possible approaches for funding parking improvements in the Village Center including the creation of a parking district, the use of impact fees, and similar techniques.

Strategy C.6.3 – Establish reduced parking standards for development or redevelopment in the Village Center if the parking study determines that the actual demand for parking is less than that required by the current parking standards.

D. DIVERSITY OF THE POPULATION

1. BACKGROUND

Historically, Yarmouth was “home” to a wide range of people – young families and elderly residents; people who worked in the community and people who commuted elsewhere; people of relatively modest means and those who were more affluent. The population of Yarmouth is getting older. The number of residents over 45 years of age is projected to increase significantly while those under 45 are projected to decrease. The number of younger households has been decreasing and is projected to continue to decrease. The number of Yarmouth residents between 30 and 44 years old dropped by almost 15% during the 1990s and is projected to drop another 20% by 2015. Similarly, the number of school aged children is projected to drop over 5% between 2000 and 2015.