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**TOWN OF YARMOUTH**  
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**PLANNING BOARD REPORT**

Amendments to Chapters 601, 701, 702, and 703 to Implement LD 2003  
Town of Yarmouth, Applicant

Prepared by: Erin Zwirko, Director of Planning & Development

Report Date: May 18, 2023; Meeting Date: May 24, 2023

## Introduction

LD 2003, officially *An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions*, was signed into law last year with an effective date of July 1, 2023, for implementation of the new required zoning provisions. This law is designed to remove unnecessary regulatory barriers to housing production in Maine, while preserving local ability to create land use plans and protect sensitive environmental resources. The legislation creates four new elements:

- Creation of statewide housing production goals and regional housing production goals;
- Provisions for affordable housing density;
- Provisions for dwelling unit allowances; and
- Provisions for accessory dwelling units (ADUs).

Of the four items, the Town will be responsible for implementing all the provisions except for the creation of statewide and regional housing production goals, which will be the responsibility of the state and the regional planning agencies.

On April 19, 2023, the Department of Economic and Community Development (DECD) issued the final rule for the implementation of LD 2003 earlier than anticipated. [While the scope of the rulemaking authority is very limited, the final rule makes some welcome clarifications \(note this link downloads a Word Document\)](#). In addition, the DECD provides a “response to comments” document, outlining the Department’s response to all of the comments received on the draft rule. [In many cases, the responses provide even further clarifications \(note this link also downloads a Word Document\)](#).

[DECD previously released a guidance document that is very helpful in explaining the provisions that need to be locally implemented](#). We understand that this guidance document will be updated to reflect the final rule approved by the state.

A detailed overview of all of the provisions was provided [at the April 12<sup>th</sup> Planning Board meeting](#) and [in the staff report](#) for that meeting. This staff report outlines recommendations for the ADU provisions and the Affordable Housing Development provisions and provides additional information on Dwelling Unit Allowances.

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## Review Schedule

The Department of Planning & Development plans at least four workshops with the Planning Board:

- **Planning Board Meeting 1:** The first workshop with the Planning Board was held on April 12, 2023, where the Department presented an overview of LD 2003 and the ADU provisions. [The staff report and presentation are available on the Planning Board's website for review. The meeting was recorded and is available to watch on demand.](#)
- **Planning Board Meeting 2:** The second workshop with the Planning Board was held on April 26, 2023, where the Department presented the affordable housing density provisions. [The staff report and presentation are available on the Planning Board's website for review. The meeting was recorded and is available to watch on demand.](#)
- **Planning Board Meeting 3:** The third workshop with the Planning Board was held on May 10, 2023, where the Department presented the dwelling unit allowances. The Town's legal counsel was also in attendance to provide support for the Planning Board. [The staff report and presentation are available on the Planning Board's website for review. The meeting was recorded and is available to watch on demand.](#)
- **Planning Board Meeting 4:** May 24, 2023, 7 PM at the Log Cabin, 196 Main Street. The Department staff will provide recommendations for implementation of the ADU provisions and the Affordable Housing Development provisions, as well as present additional information on the Dwelling Unit Allowances. The Planning Board may choose to vote or offer additional revisions. Public comment will be received.
- **Planning Board Meeting 5:** June 14, 2023, 7 PM at the Log Cabin, 196 Main Street. We will continue the conversation on Dwelling Unit Allowances at this meeting, with the goal of making a recommendation on this element of LD 2003. Public comment will be received.

The Department of Planning & Development planned two public engagement opportunities:

- **Informational Session:** The first information session was held on March 29, 2023, and was attended by twelve individuals. [The presentation and discussion were recorded and is available to view.](#) Notes from the information session are attached to this staff report.
- **Listening Session:** A listening session was held on May 15, 2023, and was attended by ten individuals joining in person and online. [The session was recorded and will be available to review in a few days.](#) Notes from the listening session are attached to this staff report and summarized below.

Following completion of this process, the recommendation will be forwarded to the Town Council for action. We recognize that the timeline is tight leading up to July 1, 2023. It appears that there is no penalty in the law or the rule, and by making strides in implementation, the Town may be able to insulate itself from any challenges. It is noted that many cities and towns are in the same position, especially as pending legislation may alter the law.

## Summary of Feedback from May 15<sup>th</sup> Listening Session

There was a good discussion at the recent listening session that covered a lot of topics related to the implementation of LD 2003:

- We need short-term and long-term goals for the Town (and the region), so that the Town can best evaluate its capacity and the feasibility of new housing with a land inventory, especially for Affordable Housing Development potential.
- The ADU requirements won't have a huge impact, but the recommended changes should address Fair Housing Law and could enable diverse housing that is affordable to more people if the bedroom maximums were removed, maximum size was increased, and the owner occupancy requirement removed, either with or without short-term rental regulation.

- The Zoning Ordinance needs some consistency in the treatment of duplexes and attached ADUs. While the differences between a duplex and a single-family with an attached ADU is the size limitation of an ADU and the ownership, attached units should be handled consistently.
- The amendments should adopt multifamily as an allowed use and provide consistency regarding conversions of single-family homes to three units or more (where residential uses are allowed) as they are more energy efficient, could be designed well to preserve local character, and would be regulated through Site Plan Review, Subdivision, and others.
- Implementation of the Dwelling Unit Allowances should not further suburban sprawl by requiring additional land per unit. Instead, the implementation should be contextual within a district and enable new housing production. Since preserving open space and rural character are stated values in the 2010 Comprehensive Plan, and so is creating housing choices that are more affordable, the recommendations should preserve and expand the "village feel" in the Growth Area.

More detailed notes are attached to this staff report.

While the conversation at the recent listening session was informative and helped create a recommendation around the Dwelling Unit Allowances for the Planning Board's consideration, some of the broader topics covered may be best contemplated through the comprehensive planning process. I think the Planning Board has acknowledged issues with our Zoning Ordinance, but as I mentioned at the previous workshop, I'm not sure the LD 2003 implementation is the right avenue for tackling foundational changes to our Zoning Ordinance. There has been a core group of people engaged in the current implementation process, but we are missing a broader reach within the community. I believe that the implementation of LD 2003 can lay the groundwork for assessing future foundational changes to the Zoning Ordinance.

## Proposed ADU Amendments

Yarmouth currently regulates ADUs through an administrative minor site plan review process, as outlined in Chapter 702, that is carried out by the Department of Planning and Development in consultation with other Department Heads, such as the Fire Chief, the DPW Director, and the Town Engineer, among others. The regulations for ADUs were adopted in 2015 and were revised on several occasions since the original adoption. In February 2022, the Yarmouth Town Council adopted an amendment to remove the requirement for public water and public sewer as a minimum requirement for ADUs in Yarmouth.

As identified in the first workshop on this topic, Yarmouth will need to process some amendments to be compliant with the law. These include allowing ADUs in certain zoning districts where single-family dwellings are allowed, as well as eliminating the requirement for additional parking beyond what is required for the single-family home. Further, a reference to the required minimum size (currently 190 square feet) must be added to the ordinance. Rather than adopt the current standard, the proposed amendments reference the statutory citation in case the minimum size changes in the future.

Since the proposed ADU amendments were first presented, the staff has made updates based on the feedback from the Planning Board and the public, and those amendments are attached here. The scope of the revisions include:

- Deleted references to "accessory apartment" and replaced with ADU for consistent terms and language;
- Revised the provisions related to size based on the staff recommendation;
- Eliminated the prohibition on no more than 2 bedrooms;
- Eliminated the duplicative reference to compliance with all state and local requirements for water and sewerage;
- Added a provision prohibiting "double-dipping" with the Dwelling Unit Allowances;
- Added an explicit reference to Shoreland standards; and
- Identified a section in the CBDC relative to size of an ADU that needed to be made consistent.

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As discussed with the DECD staff and legal counsel, the staff feel that the Town can continue to require owner occupancy and not run afoul of LD 2003. The staff appreciate the comments about the disparity between duplexes and single-family homes with an attached ADU but feel that there needs to be more discussion around owner occupancy with the wider community before it is eliminated from the ordinance.

## Consistency with the Comprehensive Plan

Many Maine communities have identified ADUs as a viable housing option that does not dramatically change a community's existing pattern of development and can serve multiple purposes for the owner over time. Having an ADU on a property can assist older homeowners in maintaining their independence by providing additional income to offset property taxes and maintenance and repair costs, or by providing housing for a caregiver. ADUs can also become the resident's home if they wish to downsize, allowing them to rent out the main house or to have family move into it. Likewise, older children who may still be dependent on their parents but want independence could utilize the ADU to be close to their support system. Multigenerational living arrangements can be helpful in so many ways for older adults or young families and individuals.

Yarmouth adopted the ADU ordinance nearly 20 years ago. While ADUs are now being embraced by cities and towns across the country, adopting this ordinance years ago clearly shows that the Planning Board and the Town Council identified this housing option as a desirable and low-impact option for Yarmouth. The 2010 Comprehensive Plan when referring to the *Diversity of the Population* (page 26-27) notes that Yarmouth historically has been "home" to a wide range of people, and that to accommodate this population diversity and economic diversity new housing units should include "accessory dwelling units added to existing homes, small infill buildings in the Village, new affordable housing projects, and other creative approaches." Revising Yarmouth's ordinance to be consistent with LD 2003 builds upon last year's amendments removing the requirement to be on public water and public sewer, by adding some more flexibility for the type of household that would occupy an ADU, by not requiring any additional parking, and by allowing small increases in size.

## Recommendation

The Planning staff recommend that the Planning Board refer the proposed amendments to the Town Council. A motion is included in this staff report.

## Proposed Affordable Housing Development Amendments

The law and the rule create a series of performance standards that must be met to capture the incentives that are outlined in the law (i.e., a density bonus and a parking reduction). To incorporate these standards in a single location, a new section is proposed to be added to Chapter 701, Article II.DD, titled "Affordable Housing Programs."

The standards are organized as Affordability Standards, Location Standards, and Water and Wastewater Standards. The critical piece is that affordable housing developments must be allowed within the designated growth area of Yarmouth or in areas served by a public, special district or other centrally managed water system and a public, special district, or other comparable sewer system. In addition, these only apply where multifamily or multiplex are allowed uses. Only when all the performance standards are met are the incentives available.

Nothing in LD 2003 or in the rule exempts an Affordable Housing Development from complying with the requirements of Chapter 601, Subdivision, Chapter 701, Zoning, including the shoreland overlay district requirements, and Chapter 702, Site Plan Review.

The Planning Board discussed this topic at the second LD 2003 workshop, following a presentation of the likely limited development potential for Affordable Housing Developments, primarily due to the rigidity of the multiplex use and the large amounts of land needed for multiplex developments. The Planning Board discussed how additional flexibility would be beneficial to allow the development of these types of projects (where more than half of the units, existing and proposed, are deed-restricted affordable per the definitions of the law) to proceed in appropriate locations in Yarmouth. The staff has made updates to the amendments based on the feedback from the Planning Board and the public, and the amendments are attached here. The scope of the revisions include:

- Added a provision for expedited permitting; and
- Added a provision where the Planning Board could modify minimum lot size, minimum lot area per unit, and setbacks, and the housing type, to permit innovative approaches to housing and environmental design. This language comes from the Open Space Residential Development section of the Zoning Ordinance and has been used successfully for recent subdivisions, such as McKearney I and II, Village Run, and Boston Post Road (Line Pine) subdivisions.

I recently received additional information about the parking requirement from DECD staff. The parking requirement is “no more than 2 spaces for every 3 units,” a ratio of 0.67. This does not prevent an Affordable Housing Developer from proposing additional parking if they desire to provide additional parking. In cases where the project may be located within the CBDC character districts, the Planning Board would consider any additional parking through the waiver process outlined in the CDBC.

Further, there have been some comments about who would be responsible for monitoring Affordable Housing Developments and enforcing those restrictions. As discussed at the previous workshop, the DECD staff continues to work with partner agencies to develop best practices and recommendations for cities and towns as they pursue LD 2003 implementation. It may not be necessary for the specific entity to be listed in the proposed amendments, but rather as additional information becomes available, the Department, the Affordable Housing Committee, and the Town Council, as well as potential organizations in Yarmouth, could assess and offer those recommendations through a policy statement.

## Consistency with the Comprehensive Plan

In Yarmouth, the need for affordable housing has been well documented. The 1993 Comprehensive Plan included the lofty goal of creating 70 affordable homes in five years between 1991 and 1996. In describing this goal, the 1993 Comprehensive Plan states “Since affordable housing has not been built in Yarmouth under current zoning, it is necessary that the Town adopt land use policies and planning ordinances that provide developers with incentives to build affordable housing, and that the town provide assistance and support to developers in obtaining state monies and approvals for projects.” There were a series of action items associated with this goal, and ultimately 23 affordable homes were built, but the covenants allowed some flexibility where perhaps there should have been none, and those units have turned over to market rate units. The zoning that facilitated the construction of the few affordable homes sunsetted, and none of the other action items identified in the 1993 plan were acted upon.

The 2010 Comprehensive Plan again identified “diversity of population” as a major theme of the plan and stated this vision:

*Yarmouth will continue to be a community with a diverse population: young families with children, middle-aged couples, elderly residents, younger renters ranging from those with modest incomes to affluent households. To accommodate this population diversity, a wide range of housing choices will continue to be available in our community including housing that is affordable to households with modest income and a variety of rental housing. To help maintain an economically diverse population, at least 20% of newly created housing units will be units that are in housing other than single-family homes or that are affordable to households with modest incomes. (Page 26)*

Actions were included again that focus on addressing zoning and land use policies, but no actions to create deed-restricted affordable housing was advanced since the adoption of the 2010 Comprehensive Plan. The past two Comprehensive Plans have put a strong emphasis on being a community where many types of households can afford to live. However, over time the range of housing options has become more limited, in part because of the Zoning Ordinance, so by implementing the requirements of LD 2003, some steps will be taken consistent with the goals of the 2010 Comprehensive Plan.

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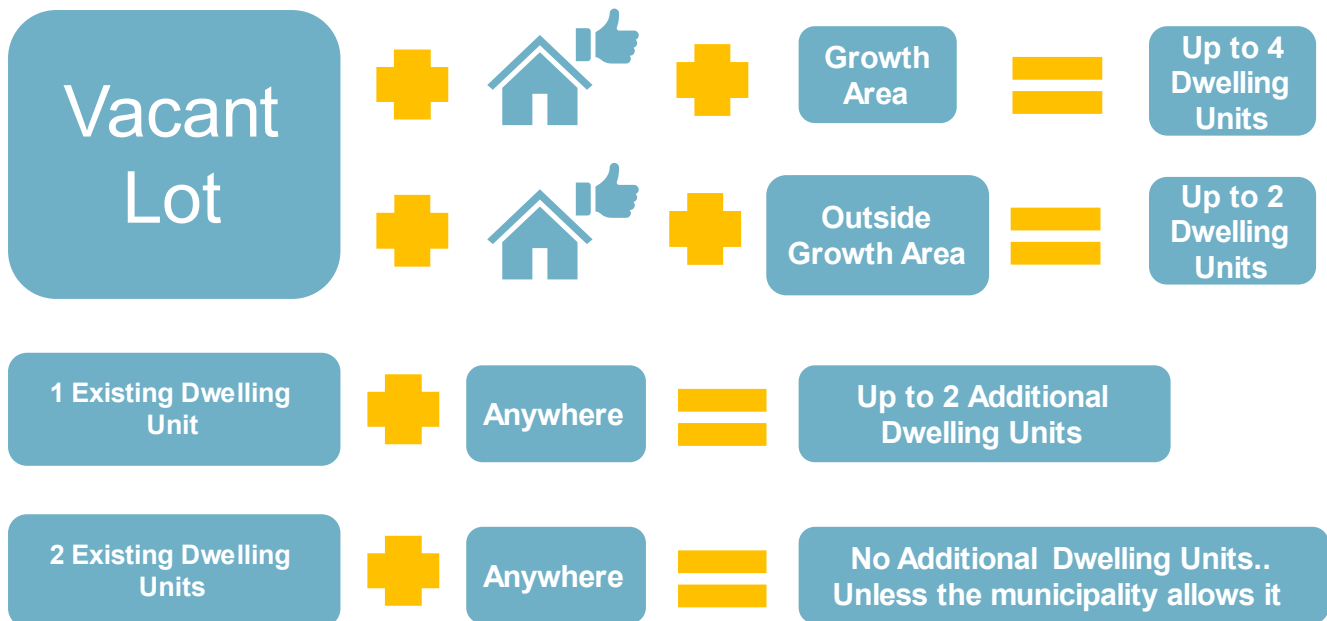
## Recommendation

The Planning staff recommend that the Planning Board refer the proposed amendments to the Town Council. A motion is included in this staff report.

## Proposed Dwelling Unit Allowances Provisions

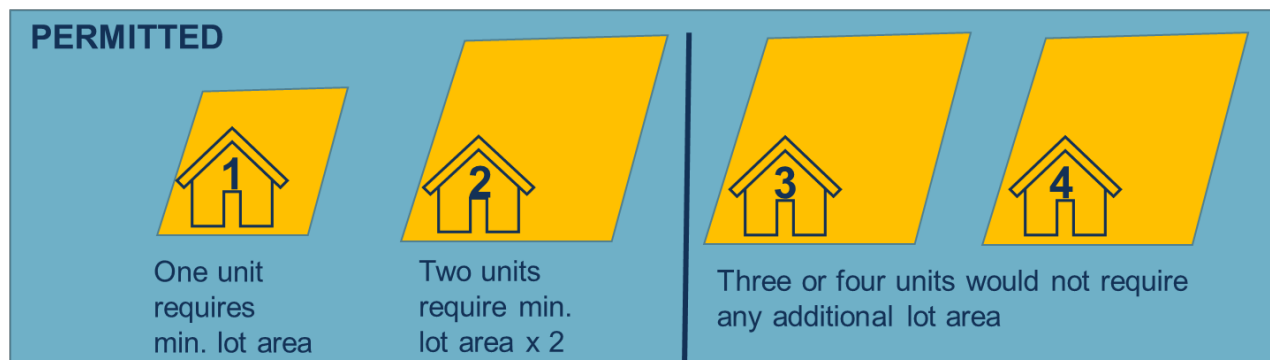
Similar to how the Affordable Housing Development provisions are framed, the law and the rule create a series of performance standards that must be met in order to be eligible for the dwelling unit allowances that are outlined in the law. To capture these standards in a single location, a new section is added to Chapter 701, Article II.EE, titled “Dwelling Unit Allowances”.

This new section outlines the applicability of the Dwelling Unit Allowances. The main information that needs to be conveyed to readers of the Zoning Ordinance is the various mandated allowances depending on the location and how many units exist on the lot already:



In addition, this section covers what is allowed on non-conforming lots and on lots where a dwelling unit is demolished after July 1, 2023. The law and the rule give municipalities discretion to address these conditions.

The key item here is determining what reasonable standard for lot area per unit is allowed, if any, which the municipality has the discretion to set. For each subsequent unit, the lot area required cannot be greater than what is required for the first unit. As discussed at the previous workshop, the proposed amendments require that the first two units allowed meet the minimum lot area per unit required by the underlying zoning district or character district, and the third and fourth allowed unit does not require any additional lot area. The setback requirements of the underlying zoning district also apply per dwelling unit. The following graphic illustrates the proposal in the same fashion as the state’s guidance:





## Further Analysis Since May 10<sup>th</sup> Workshop

As discussed at the previous workshop, it was clear that the Planning Board saw the need for more nuance in how additional lot area is applied, if at all. The discussion focused on the differences between development in the Growth Area and development outside of the Growth Area. As a reminder, the following table (Table 1) provides the listing of zoning and character districts within the Growth Area and outside of the Growth Area:

Table 1. Zoning Districts inside the Growth Area and outside the Growth Area

Growth Area	Outside Growth Area
Medium Density Residential (MDR) Village II and Village III CD4 and CD4-C North Yarmouth Academy's SD1 Commercial, Commercial II, and Commercial III Water Oriented Commercial Portion of General Development (within Village) Industrial	Low Density Residential (LDR) Rural Residential (RR) Water Oriented Commercial II and III Resource Protection Portion of General Development (along Cousins River)

Based on the Planning Board's discussion, there appears to be a preference to allow infill development within the Growth Area, but less so in the areas outside of the Growth Area. Based on this apparent preference and the feedback from the recent listening session, Planning staff recommend a different approach to this aspect of implementation. Rather than focusing on the differences between vacant lots and lots with an existing dwelling unit, the staff shifted the focus to areas within the Growth Area and areas outside of the Growth Area.

Note that some of the data varies from the previous staff report on this topic due to refinements in the analysis.

## Constraints

While we looked at numbers of lots that *may* be developable, it is important to note that there are site-specific constraints that moderate development. The Shoreland standards also prevail, so residential lots within the Shoreland Overlay District and in the Resource Protection District are likely further limited by the Shoreland standards. Many existing subdivisions have Homeowner Association restrictions that limit the number of dwelling units on any given lot. The large recent subdivisions, including McKearney I and II, Village Run, and Boston Post Road (Lone Pine) have this limitation in their associated covenants. Within the Village, the provisions of Chapter 701 Article IX, Historic Building Alterations and Demolitions, and Article X, Historic Preservation Advisory Ordinance, and lot coverage requirements of the CBDC are applicable. Finally, construction is expensive, and for the average property owner, taking advantage of these allowances may not be financially or logistically feasible.

## Outside the Growth Area

The LDR and RR Districts are outside of the Growth Area and housing is allowed, so our analysis shifted to these districts with more potential residential development. We did not analyze WOC II, WOC III, or RP as the Zoning and the Shoreland standards would likely significantly limit new buildings. Being located outside of the Growth Area, up to 2 dwelling units are allowed on vacant lots and up to 2 additional dwelling units are allowed on lots where there is 1 existing dwelling unit.

The 2010 Comprehensive Plan indicates that *"the goal of the community is to preserve the rural character within this portion of Yarmouth while protecting the property rights and development potential for landowners... From a policy perspective, these are areas in which intensive development is discouraged."* The Comprehensive Plan goes on to say that Open Space Residential Development should be used to encourage the preservation of the character of rural road corridors when development occurs. Open Space Residential Development has been used successfully throughout Yarmouth to protect important natural resources, as well as scenic vistas. It is also noted that although public water and

public sewer extend beyond the Growth Area (see attached graphic) into the LDR and the RR, most of these areas are not served by public infrastructure.

### *Vacant Lots*

We first looked at vacant lots within the RR and LDR and the total number of conforming vacant lots. Within the LDR, there are a significant number of vacant lots that are nonconforming (less than 2 acres), as shown in Table 2 below.

Table 2. Number of Vacant Lots and Number of Conforming Vacant Lots in the RR and LDR

	RR	LDR
Total Number of Vacant Lots	42	118
Total Number of Conforming Vacant Lots	32	41

We then looked at the average and median lot size of all the lots and the conforming lots to see if there was any appreciable difference. As noted above, because there are a significant number of nonconforming vacant lots in the LDR, Table 3 shows that the median lot size is skewed:

Table 3. Lot Size of Vacant Lots and Lot Size of Conforming Vacant Lots in the RR and LDR

	RR	LDR
Required Lot Size Per Zoning Ordinance (acres)	3	2
Lot Size of all Vacant Lots		
Average Size (acres)	9.55	2.66
Median Size (acres)	4.56	0.49
Lot Size of Conforming Vacant Lots		
Average Size (acres)	12.3	6.86
Median Size (acres)	6.28	3.2

Because of the skew in the size of all vacant lots within the LDR, staff recommend focusing on the required lot size rather than the average or the median, which is consistent with the policy direction set by the 2010 Comprehensive Plan. It is noted that the average size of all the vacant lots in the LDR tracks similar to the required lot size in the Zoning Ordinance, although the average size of all of the vacant RR lots is significantly larger. As such, the staff recommend that nonconforming lots outside of the Growth Area are not given any dwelling unit allowances.

Therefore, we turned to the number of vacant lots that have at least the minimum lot size for one dwelling unit in the RR and LDR, and those that have twice the minimum lot size for two dwelling units (Table 4). LD 2003 allows up to 2 dwelling units where housing is allowed outside of the Growth Area.

Table 4. Analysis of Lot Size of Vacant Lots in the RR and LDR

	RR	LDR
Required Lot Size Per Zoning Ordinance (acres)	3	2
Total Number of Vacant Lots with at least the Minimum Lot Size Required	32	41
Average Size (acres)	12.3	6.86
Median Size (acres)	6.28	3.2
Total Number of Vacant Lots with at least Twice Minimum Lot Size Required	17	17
Average Size (acres)	19.65	12.94
Median Size (acres)	14.8	7.43



Most of the lots in the RR have at least the minimum lot size required, but only a third of the lots in the LDR have at least the minimum lot size required. On vacant lots outside of the Growth Area, LD 2003 allows up to 2 units. The number of lots with at least twice the minimum lot area in the RR is 17 and in the LDR is 17. **Again, considering the policy direction identified in the Comprehensive Plan, staff recommend that each dwelling unit allowed by LD 2003 (up to 2) have the minimum lot area consistent with the existing conditions.** It is acknowledged that the Open Space Residential Development provisions may in fact yield more dwelling units through density bonuses for open space protection, public access, among other public benefits, depending on the size of the lot.

#### *Lots with 1 Existing Dwelling Unit*

We first looked at the total number of improved lots within the RR and LDR and the total number of conforming improved lots. Table 5 below shows that half of the improved RR lots are conforming, while about a third of the lots in the LDR are conforming.

Table 5. Number of Lots with 1 Dwelling Unit and Number of Conforming Lots with 1 Dwelling Unit in the RR and LDR

	RR	LDR
Total Number of Lots with 1 Dwelling Unit	293	833
Total Number of Conforming Lots with 1 Dwelling Unit	160	293

We then looked at the average and median lot size of all the lots and the conforming lots to see if there is any appreciable difference. As shown in Table 6 below, the median sizes of conforming lots trend larger than the minimum required size for 1 dwelling unit in both the RR and the LDR, whereas the median lot size of all lots with 1 dwelling unit is closer to the requirement.

Table 6. Lot Size of Lots with 1 Dwelling Unit and Lot Size of Conforming Lots with 1 Dwelling Unit in the RR and LDR

	RR	LDR
Required Lot Size Per Zoning Ordinance (acres)	3	2
Lot Size of all Lots with 1 Dwelling Unit		
Average Size (acres)	5.29	1.87
Median Size (acres)	3	1.2
Lot Size of Conforming Lots with 1 Dwelling Unit		
Average Size (acres)	7.37	3.88
Median Size (acres)	4.2	2.69

**Due to the data presented in Table 7 below, the staff again recommend focusing on the required lot size, consistent with the policy direction set by the 2010 Comprehensive Plan.** LD 2003 allows up to 2 additional units on a lot with 1 existing dwelling unit.

Table 7. Analysis of Lot Size of Lots with 1 Dwelling Unit in the RR and LDR

	RR	LDR
Required Lot Size Per Zoning Ordinance (acres)	3	2
Total Number of Lots with 1 Dwelling Unit	160	233
Average Size (acres)	7.37	3.88
Median Size (acres)	4.2	2.69
Total Number of Lots with 1 Dwelling Unit and at least Twice Minimum Lot Size Required for 2 Total Dwelling Units	60	88
Average Size (acres)	16.67	7.1
Median Size (acres)	8.99	5.5
Total Number of Lots with 1 Dwelling Unit and at least 3x Minimum Lot Size Required for 3 Total Dwelling Units	30	41
Average Size (acres)	26.44	9.86
Median Size (acres)	17.57	8.15

**As opposed to the recommendation for vacant lots outside of the Growth Area, the staff recommend that no additional lot size is needed outside of the Growth Area for the Residential Dwelling Allowance, primarily because the average and median lot sizes are aligned with the minimum lot size requirement of the RR and LDR.** Nonconforming lots outside of the Growth Area with 1 dwelling unit would not be granted any additional dwelling unit allowances. This recommendation would allow the additional units to infill on these large lots while preserving the rural context that is the goal of the 2010 Comprehensive Plan. As a reminder, these additional dwelling units can be attached to or created within the existing dwelling unit, or detached from the existing dwelling unit, or one of each.

A recent example of this scenario came before the Planning Board in March 2023 for 636 North Road, although the details are slightly different. This large property has a large single-family house on it; consider if the oversized ADU was newly constructed through LD 2003, rather than existing, and another unit was carved into the large single-family. The screenshot from Google Streetview shows how the dwelling units are clustered together while keeping the rural/pastoral context of North Road intact:



Google Streetview of 636 North Road

## Inside the Growth Area

The Growth Area is made up of the MDR, the Village districts, the Commercial districts, the Industrial districts, WOC I, a portion of the General Development District, and the CBDC's character districts. Being located within the Growth Area, up to 4 dwelling units are allowed on vacant lots and up to 2 additional dwelling units are allowed on lots where there is 1 existing dwelling unit.

For vacant lots, housing must also be a "permitted use" in the district, so this eliminates Industrial, Commercial II, and Commercial III districts. Further, note that DECD has provided guidance that a commercially-zoned property (where housing is also allowed) without a dwelling unit on the property would be considered a vacant lot for these purposes and that is reflected in the table below. In the Commercial District, that means that the units must be part of a mixed-use building.

The 2010 Comprehensive Plan indicates that the Growth Area includes *"those areas that are or can be conveniently served by public facilities and services, are physically suited for development, and promote a compact rather than sprawling pattern of development. From a policy standpoint, these are the areas in which much of the anticipated nonresidential and residential growth will be accommodated."* Further, three of the core concepts of the Future Land Use Plan include:

- *Yarmouth has a well-defined, historic pattern of development with a compact, walkable village center surrounded by relatively dense older residential neighborhoods and a rural/coastal hinterland. While development on the fringe of the Village over the past thirty years has somewhat compromised this historic development pattern, future development must be guided and encouraged to emulate the historic pattern.*
- *Yarmouth has traditionally offered a diversity of housing opportunities that resulted in a somewhat diverse population in terms of age and income. That diversity has been threatened by escalating real estate values and the recent pattern of residential development. Creating the opportunity for the development of a wide range of housing types and sizes is essential if Yarmouth is going to remain a community with a somewhat diverse population.*
- *Returning to the historic pattern of development and providing a diversity of housing opportunities will require that the Town allow higher density/intensity of use in some areas especially within the Village area and area currently zoned MDR...*

The staff's recommendations for the lot size requirements in areas within the Growth Area are grounded in these core land use concepts, which are similar to the original intent of LD 2003, and the main points of the Planning Board's recent discussion on the Residential Dwelling Allowance provisions.

### Vacant Lots

We first looked at the total number of vacant lots within the Growth Area and the total number of conforming vacant lots (Table 8). Note that the character districts do not have a minimum lot size, and for simplicity we did not include them in this staff report.

Table 8. Number of Vacant Lots and Number of Conforming Vacant Lots in the Growth Area

	MDR	Commercial	Village II	Village III	WOC I	General Development
Number of Vacant Lots	15	11	1	1	1	2
Number of Vacant Conforming Lots	9	11	0	1	0	2

We then looked at the average and median lot size of all the lots and the conforming lots to see if there was any appreciable difference (Table 9).

Table 9. Lot Size of Vacant Lots and Lot Size of Conforming Vacant Lots in the Growth Area

	MDR	Commercial	Village II	Village III	WOC I	General Development
Number of Vacant Lots	15	11	1	1	1	2
Average Size (acres)	1.73	4.13	0.52	0.48	0.42	1.62
Median Size (acres)	1.16	3.43	0.52	0.48	0.42	1.62
Number of Vacant Conforming Lots	9	11	0	1	0	2
Average Size (acres)	2.54	4.13	-	0.48	-	1.62
Median Size (acres)	2.2	3.43	-	0.48	-	1.62

Focusing on the MDR, which comprises the bulk of the land area in the Growth Area, the median sizes of all vacant lots trend closer to the minimum lot size for 1 dwelling unit in the district, versus those lots that are already conforming (i.e., have at least 1 acre), as shown in Table 10. Vacant lots in the MDR range from 0.17 acres to 5.1 acres in size. If the Planning Board were to require that that 1 acre be required for each dwelling unit allowed, only 2 lots could be built upon, both being approximately 5.1 acres. This does not help to further the goals of LD2003 or the 2010 Comprehensive Plan.

Table 10. Analysis of Lot Size of Vacant Lots in the Growth Area

	MDR	Commercial	Village II	Village III	WOC I	General Development
Required Lot Size Per Zoning Ordinance (acres)	1	0.34	1	0.48	2	0.23
Total Number of Vacant Lots with at least the Minimum Lot Size Required	9	11	0	1	0	2
Average Size (acres)	2.54	4.13	-	0.48	-	1.62
Median Size (acres)	2.2	3.43	-	0.48	-	1.62
Total Number of Vacant Lots with at least Twice the Minimum Lot Size Required	5	11	0	1	0	2
Average Size (acres)	3.58	4.13	-	0.48	-	1.62
Median Size (acres)	3.3	3.43	-	0.48	-	1.62
Total Number of Vacant Lots with at least 3x the Minimum Lot Size Required	3	11	0	0	0	2
Average Size (acres)	4.5	4.13	-	-	-	1.62
Median Size (acres)	5.08	3.43	-	-	-	1.62
Total Number of Vacant Lots with at least 4x the Minimum Lot Size Required	2	8	0	0	0	2
Average Size (acres)	5.09	5.2	-	-	-	1.62
Median Size (acres)	5.09	3.5	-	-	-	1.62

For the 6 vacant lots that are nonconforming, any development on that lot would have to comply with Chapter 701, Article III.B.1, which lays out the rules for building on nonconforming lots. Assuming all these lots are legal lots of record and are not owned in common ownership with a contiguous parcel, a structure may be built so long as it meets all of the standards of the district, except for Lot Area, Lot Width, and Road and Shore Frontage (the last two specifically for lots within the Shoreland District). It is very likely that these nonconforming vacant lots are owned in common ownership, based on an assessment of those property records.

**Considering the small number of nonconforming lots, the staff recommend that within the Growth Area, all vacant lots be able to utilize the dwelling unit allowances for up to 4 dwelling units without requiring any additional land area.** Alternatively, only allowing those lots that are conforming to take advantage of the dwelling unit allowances for up to 4 dwelling units without requiring any additional land area would likely result in a similar intensity due to the nonconforming provisions that would be in effect, other controlling regulations, and the fact that the larger vacant lots in the MDR may yield more dwelling units than LD 2003's minimum requirements.

This is consistent with the policy direction outlined in the Comprehensive Plan, which prioritizes infill development to create compact and walkable neighborhoods that offer a diversity of housing choices within the Growth Area, rather than sprawling development.

### *Lots with 1 Existing Dwelling Unit*

We first looked at improved lots within the Growth Area for the total number and the total number of conforming lots (Table 11). As the Planning Board has discussed in detail in the past, the majority of the lots within the MDR are nonconforming. I noted in the previous staff report that we did not consider the age of the structure on the lot; newly built homes in subdivisions which were developed through Open Space Residential Development have resulted in lots that are less than 1 acre. These subdivisions also have covenants that prevent the development of additional dwellings on any lot.

Table 11. Number of Lots with 1 Dwelling Unit and Number of Conforming Lots with 1 Dwelling Unit in Growth Area

	MDR	Commercial	Village II	Village III	WOC I	General Development
Total Number of Lots with 1 Dwelling Unit	1384	0	14	9	5	1
Total Number of Conforming Lots with 1 Dwelling Unit	251	0	2	7	3	1

We then looked at the average and median lot size of the total lots and the conforming lots to see if there was any appreciable difference (Table 12).

Table 12. Lot Size of Lots with 1 Dwelling Unit and Lot Size of Conforming Lots with 1 Dwelling Unit in the Growth Area

	MDR	Commercial	Village II	Village III	WOC I	General Development
Number of Lots with 1 Dwelling Unit	1384	0	14	9	5	1
Average Size (acres)	0.67	-	0.49	0.37	2.6	0.36
Median Size (acres)	0.51	-	0.25	0.34	2	0.36
Number of Conforming Lots with 1 Dwelling Unit	251	0	2	7	3	1
Average Size (acres)	1.66	-	1.9	0.43	3.48	0.36
Median Size (acres)	1.25	-	1.9	0.36	2.3	0.36

Again, focusing on the MDR, which comprises the bulk of the land area in the Growth Area, we already knew that the lot size of the majority of lots in the MDR are nonconforming (in fact, only 18% of the lots are conforming). We analyzed lots based on the required lot size in the districts and the median lot size in the districts to understand the scale of possibilities (Table 13).

Table 13. Potential of Applicable Lots Using the Minimum Lot Size Requirement

	MDR	Commercial	Village II	Village III	WOC I	General Development
Required Lot Size Per Zoning Ordinance (acres)	1	0.34	1	0.48	2	0.23
Total Number of Lots with 1 Dwelling Unit and at least the <b>Minimum</b> Lot Size Required	251	0	2	7	3	1
Average Size (acres)	1.66	-	1.9	0.43	3.48	0.36
Median Size (acres)	1.25	-	1.9	0.36	2.3	0.36
Total Number of Lots with 1 Dwelling Unit and at least Twice the <b>Minimum</b> Lot Size Required	43	0	0	1	1	0
Average Size (acres)	3.72	-	-	0.97	6.1	-
Median Size (acres)	2.57	-	-	0.97	6.1	-
Total Number of Lots with 1 Dwelling Unit and at least 3x the <b>Minimum</b> Lot Size Required	18	0	0	1	1	0
Average Size (acres)	5.75	-	-	0.97	6.1	-
Median Size (acres)	4.22	-	-	0.97	6.1	-

As discussed by the Planning Board at the last workshop, it does appear to further the goals of the 2010 Comprehensive Plan if the additional dwelling units allowed take up additional land. However, the Board has acknowledged that 1 acre is a significant amount of land, let alone 3 acres if existing lot with 1 dwelling unit adds the two allowed units. So, we looked at the median lot size in the Growth Area and analyzed the possibilities (Table 14).

Table 14. Potential of Applicable Lots Using the Median Lot Size Requirement

	MDR	Commercial	Village II	Village III	WOC I	General Development
Median Lot Size for All Lots with 1 Dwelling Unit (acres)	0.51	-	0.25	0.34	2	0.36
Total Number of Lots with 1 Dwelling Unit and at least the <b>Median</b> Lot Size	696	0	7	5	3	1
Average Size (acres)	1.02	-	0.84	0.5	3.48	0.36
Median Size (acres)	0.66	-	0.52	0.38	2.3	0.36
Total Number of Lots with 1 Dwelling Unit and at least Twice the <b>Median</b> Lot Size	194	0	4	1	1	0
Average Size (acres)	1.86	-	1.23	0.97	6.1	-
Median Size (acres)	1.4	-	1.1	0.97	6.1	-
Total Number of Lots with 1 Dwelling Unit and at least 3x the <b>Median</b> Lot Size	75	0	2	0	1	0
Average Size (acres)	2.87	-	1.9	-	6.1	-
Median Size (acres)	2.03	-	1.9	-	6.1	-



The staff recommend that the Planning Board first determine whether they would like to start with lots that are conforming (only in regard to lot size) or if they would like to start with lots that are around the median acreage. The conversation has been focused on the MDR in this case due to the total number of lots with 1 existing dwelling unit. The staff recommend that the Planning Board focus on the MDR, Village II, and Village III, setting aside WOC I and General Development due to the Shoreland standards.

The Planning Board may suggest that the right approach would be to start with a conforming lot and each additional allowed unit would require the median lot size. We would recommend rounding the median to whole numbers to make it simpler:

Table 15. Comparison of Minimum Lot Size and Median Lot Size in the Growth Area

Zoning District	Minimum Required Lot Size	Rounded Median Lot Size
MDR	1	0.5
Commercial	0.34	-
Village II	1	0.25
Village III	0.48	0.3
WOC I	2	2
General Development	0.23	0.3

That would result in the following:

Table 16. Potential of Applicable Lots Using the Minimum Lot Size Requirement and Median Lot Size

	MDR	Village II	Village III
Required Lot Size Per Zoning Ordinance (acres)	1	1	0.48
Median Lot Size	0.5	0.25	0.3
Number of Conforming Lots with 1 Dwelling Unit	251	2	7
Average Size (acres)	1.66	1.9	0.43
Median Size (acres)	1.25	1.9	0.36
Total Number of Lots with Minimum Lot Size Plus at least the Median Lot Size	75	2	1
Average Size (acres)	2.87	1.9	0.97
Median Size (acres)	2.03	1.9	0.97
Total Number of Lots with Minimum Lot Size Plus at least Twice the Median Lot Size	43	2	0
Average Size (acres)	3.72	1.9	-
Median Size (acres)	2.57	1.9	-

As can be seen in Table 16, even at this threshold, the amount of land is similar to what would be required for development today under Yarmouth's Zoning Ordinance. The Planning Board may want to consider if there is any value in requiring any additional land for the additional allowed dwelling units considering the layers of regulation that already exist. **As such, we recommend that the Planning Board should simply make a decision between whether lots with at least the minimum lot size for the zoning district can take advantage of the additional dwelling unit allowances or whether lots that are at least the median size in the zoning district can take advantage of the dwelling unit allowances.** (As noted above, nonconforming lots must be in compliance with the nonconforming standards of Chapter 701, Article III.B.1.) In either case, the Comprehensive Plan policy direction supports this scale of infill development.

To help the Planning Board visualize what it might look like, the staff prepared a presentation of existing housing typologies in Yarmouth. As a reminder, these additional dwelling units can be attached to or created within the

existing dwelling unit, or detached from the existing dwelling unit, or one of each. Some additional examples include the lot at 73 West Elm Street. It is shy of an acre (0.8 acres) and is a corner lot along West Elm, Cumberland, and Baker Streets. The existing single-family home is quite large (5 bedrooms) and has an attached barn. A detached ADU was built on the property. This can be a good example of what LD 2003 would allow; a second unit could be created within the attached barn, and the third unit is the detached structure.



Single-family and barn at 73 West Elm Street



ADU on Baker Street; Single-family can just be seen in the distance

This example certainly fits in the Village, and being shy of an acre, the Planning Board can see how the additional land would be even more generous.

Another example is 52 West Elm Street at 0.42 acres or 65 West Elm Street at 0.43 acres. Both lots (as seen on the aerial photo below) could support a detached structure without interrupting the compact Village context. Both of these lots are in the Upper Village Historic District and any new construction would also require Historic Preservation Committee review.





Both Lots highlighted in Red; Blue Stars where detached structures could be located

With that in mind, **the staff recommend that the Planning Board discuss whether lots with at least the minimum lot size for the zoning district can take advantage of the additional dwelling unit allowances or whether lots that are at least the median size in the zoning district can take advantage of the dwelling unit allowances.** There are good examples and reasonable arguments for both cases. **Further, the Planning Board should discuss whether the additional lots require additional lot size understanding the policy direction of the 2010 Comprehensive Plan.** As a reminder, the proposed amendments suggest that any additional dwelling units would need to be reviewed through Minor Site Plan.

### Nonconforming Lots

With the recommended change of approach, the staff do not recommend considering nonconforming lots as a separate group, rather, they should be considered as part of the whole equation. As noted elsewhere in this staff report, nonconforming lots will be treated as currently required by the Zoning Ordinance.

**The recommendation is that nonconforming lots outside of the Growth Area are not permitted any dwelling unit allowances. Within the Growth Area, it depends on whether the Planning Board wants to consider dwelling unit allowances on lots that meet the median lot size or meet the minimum requirement for the zoning district.**

## Tear Downs after July 1, 2023

Based on the Planning Board's discussion at the last workshop, it appeared that there was consensus that tear downs that occur after July 1, 2023, would be considered a vacant lot for purposes of the dwelling unit allowances. With the additional information presented, the Planning Board may want to reconsider the position.

## Summary and Motions

The Residential Dwelling Allowances are clearly the most complicated piece of LD 2003, and it is important that the Planning Board consider the additional information presented along with the policy direction outlined in the 2010 Comprehensive Plan. We have all acknowledged that a new comprehensive planning process is underway, but staff believe that it is important to consider that concentrating development through infill (with the proper review process) is more beneficial for the community than requiring consumption of large amounts of land for new residential development.

The Planning staff recommend that the Planning Board consider motions on the ADU provisions and the Affordable Housing Development provisions as follows:

On the basis of the application, plans, reports and other information submitted, and the findings and recommendations contained in Planning Board Report dated May 18, 2023, for various amendments to implement the Accessory Dwelling Unit provisions of LD 2003 applicable to Chapter 601, Subdivision, Chapter 701, Zoning, Chapter 702, Site Plan Review, and Chapter 703, Character Based Development Code, Town of Yarmouth, Applicant, the Planning Board finds that the amendment **[is/is not]** in conformance with the Yarmouth Comprehensive Plan, and therefore **[recommends/does not recommend]** that the Town Council adopt the proposed zoning text amendment.

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

On the basis of the application, plans, reports and other information submitted, and the findings and recommendations contained in Planning Board Report dated May 18, 2023, for various amendments to implement the Affordable Housing Development provisions of LD 2003 applicable to Chapter 701, Zoning, Chapter 702, Site Plan Review, and Chapter 703, Character Based Development Code, Town of Yarmouth, Applicant, the Planning Board finds that the amendment **[is/is not]** in conformance with the Yarmouth Comprehensive Plan, and therefore **[recommends/does not recommend]** that the Town Council adopt the proposed zoning text amendment.

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

### Attachments:

1. Amendments to Chapters 701, 702, and 703 to Implement the Residential Dwelling Allowances, Revised May 18, 2023
2. Amendments to Chapters 601, 701, 702, and 703 to Implement ADU Provisions, Revised May 18, 2023
3. Amendments to Chapters 701, 702, and 703 to Implement the Affordable Housing Development Provisions, Revised May 18, 2023
4. Notes from March 29<sup>th</sup> Listening Session
5. Notes from May 15<sup>th</sup> Listening Session
6. 2010 Comprehensive Plan Growth Area
7. Comparison of Growth Area to Public Water and Sewer
8. Summary of Infrastructure Capacity relative to LD 2003
9. Housing Typologies in Yarmouth

## LD 2003 – Amendments to Chapter 701, 702, and 703 to Implement Dwelling Unit Allowances

## Chapter 701, Zoning

Amend Article II by adding the following section:

## EE. DWELLING UNIT ALLOWANCES

1. Purpose: Additional dwelling units may be allowed on lots where housing is allowed beginning on July 1, 2023, subject to the following standards.
2. Applicability
  - a. If a lot does not contain an existing dwelling unit, up to four dwelling units per lot are allowed if the lot is located in an area in which housing is permitted and is located in the designated growth area of the most recently adopted Town of Yarmouth Comprehensive Plan.
  - b. If a lot does not contain an existing dwelling unit, up to two dwelling units per lot are allowed if the lot is located in an area in which housing is permitted and is located outside the designated growth area of the most recently adopted Town of Yarmouth Comprehensive Plan. The two dwelling units may be in one structure or two separate structures.
  - c. If a lot contains one existing dwelling unit, up to two additional dwelling units per lot are allowed, subject to the following:
    - i. One within the existing structure or attached to the existing structure;
    - ii. One detached from the existing structure; or
    - iii. One of each.
  - d. If a lot contains two existing dwelling units, no further allowances are granted. This includes any lot where an accessory dwelling unit exists on the lot as of or is added after July 1, 2023.
  - e. If a dwelling unit in existence after July 1, 2023, is demolished resulting in a lot without a dwelling unit, the allowances of this section applicable to vacant lots apply.
  - f. The provisions of ARTICLE III of this Ordinance apply in cases where a lot that is nonconforming to lot area or lot area per unit are permitted any dwelling unit allowances.
3. Density and Dimensional Standards
  - a. The following density standards apply for lots located outside the Growth Area:
    - i. For a lot that does not contain a dwelling unit, the lot must have at least the minimum lot size for a single family home for the zoning district in which the lot is located. No additional lot area per unit is required.
    - ii. For a lot that contains one dwelling unit, so long as the lot has at least the minimum lot size for a single family home in the zoning district in which the lot is located, the additional dwelling units are allowed without any additional lot area per unit.
  - b. The following density standards apply for lots located within the Growth Area:
    - i. For a lot that does not contain a dwelling unit, there is no minimum lot size. No additional lot area per unit is required.
    - ii. For a lot that contains one dwelling unit, so long as the lot has at least the minimum lot size for a single family home in the zoning district in which the lot

**Deleted:** vacant lot

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**Deleted:** If a lot is nonconforming as to lot area or lot area per unit for the number of dwelling units on the lot after July 1, 2023, the allowances of this section are not applicable

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**Deleted:** For the first two dwelling units allowed, the minimum lot area and minimum lot area per unit, if applicable, of the zoning district in which the lot is located apply per unit. For the third and fourth dwelling unit allowed, no further lot area or minimum lot area per unit is required.

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## LD 2003 – Amendments to Chapter 701, 702, and 703 to Implement Dwelling Unit Allowances

- is located, the additional dwelling units are allowed without any additional lot area per unit.
- c. For each dwelling unit allowed by this section, the setback requirements of the zoning district in which the lot is located apply.
- d. If applicable, the lot must comply with the minimum lot size requirements in accordance with Title 12, Chapter 423 A.
4. Water and Wastewater Standards
- a. Prior to the issuance of a Certificate of Occupancy, written verification that each unit of the affordable housing development is connected to adequate water and wastewater services shall include the following:
- i. If a unit is connected to a public, special district, or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system.
- ii. If a unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30 A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10 144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
- iii. If a unit is connected to a public, special district, or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit.
- iv. If a unit is connected to a well, proof of access to potable water, including the standards outlined in 01 672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
5. Nothing in this section exempts compliance with the requirements of Chapter 601, Subdivision, the applicable provisions of this ordinance, including Chapter 701, Article IV.V, and Chapter 702, Site Plan Review.

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## Chapter 702, Site Plan Review

### Amend Article I.B.1.a, Major Development

1. Major Development:
- a. The construction of any new structure(s) except as provided in Section 1.B.1.a and Section I.C;

### Amend Article I.B.1.b, Minor Development

o. Any development utilizing the Dwelling Unit Allowances of Chapter 701, Article II.EE.

## Chapter 703, Character Based Development Code

### Amend Article 1.C.3.d to add:

xv. Chapter 701, Article II.EE. Dwelling Unit Allowances

May 4, 2023, revised May 18, 2023

Additions shown in underline format. Deletions shown in ~~strikeout format~~.



**LD 2003 – Amendments to Chapter 701, 702, and 703 to Implement Dwelling Unit Allowances**

**Amend Article 5.6 to add:**

7. If the dwelling unit allowances of **Chapter 701, Article II.EE** are applied, any allowed dwelling unit that is in an additional Principal Building shall be placed on its own lot conforming to Article 5.F and the other standards of this chapter. This does not apply to allowed dwelling units created within or attached to the Principal Building such as in an attached Backbuilding and Outbuilding as illustrated generally in **Illustration 5.G.2 (Principal Building/Backbuilding/Outbuilding)**. Allowed detached dwelling units must be in an **Outbuilding or a** Principal Building.

## LD 2003 – Amendments to Chapter 601, 701, 702, and 703 to Implement ADU Provisions

### Chapter 601, Subdivision

#### Amend Article I.C, Definitions:

**Accessory Dwelling Unit (ADU):** ~~A secondary dwelling unit that has been added onto, or created within a single family home or an associated Accessory Structure. One ADU is permitted per lot. A self contained dwelling unit within or attached to a single family dwelling or detached from the single family dwelling located on the same parcel of land.~~ An ADU approved under the Site Plan Review Ordinance shall not be considered a separate unit for the purposes of applying the area and density requirements of this Ordinance. An ADU approved under the Site Plan Review Ordinance does not require review under this Ordinance or under 30 A M.R.S.A., Chapter 187, subchapter 4, the municipal reviewing authority having determined that review under the Site Plan Review Ordinance is at least as stringent as that required under subchapter 4.

### Chapter 701, Zoning

#### Amend Article I.D, Definitions:

**Accessory Dwelling Unit (ADU):** ~~A secondary dwelling unit that has been added onto, or created within a single family home or an associated Accessory Structure. One ADU is permitted per lot. A self contained dwelling unit within or attached to a single family dwelling or detached from the single family dwelling located on the same parcel of land.~~ An ADU approved under the Site Plan Review Ordinance shall not be considered a separate unit for the purposes of applying the area and density requirements of this Ordinance. An ADU approved under the Site Plan Review Ordinance does not require review under this Ordinance or under 30 A M.R.S.A., Chapter 187, subchapter 4, the municipal reviewing authority having determined that review under the Site Plan Review Ordinance is at least as stringent as that required under subchapter 4.

#### Amend Article IV.F, “RR” – Rural Residential, List of Permitted Uses

ADU-Accessory Dwelling Units ~~(pursuant to Ch. 702)~~

#### Amend Article IV.I, “RPD” – Resource Protection District, Paragraph 3 Special Exceptions

Essential Services and Single Family residential Structures, ~~and detached Accessory Dwelling Units,~~ are allowed by special exception approval and shall conform to the special performance standards listed below:

#### Amend Article IV.I, “RPD” – Resource Protection District, Paragraph 4.e Special Performance Standards

e. Single Family Home. In addition to the criteria specified in IV.R.12 excepting Structure setback requirements, the Planning Board may approve a permit for a single family residential Structure or a detached Accessory Dwelling Unit in a RPD provided that the applicant demonstrates that all of the following conditions are met:

April 6, 2023, revised May 4, 2023 and May 18, 2023

Additions shown in underline format. Deletions shown in ~~strikeout format~~.

**LD 2003 – Amendments to Chapter 601, 701, 702, and 703 to Implement ADU Provisions**

**Amend Article IV.P, “WOC I” – Water Oriented Commercial, List of Permitted Uses**

o. Accessory Dwelling Units

**Amend Article IV.T, “GD” – General Development District, List of Permitted Uses**

ff. Accessory Dwelling Units

**Amend Article IV.X, Village III District, Paragraph 1 Permitted Uses**

o. Accessory Dwelling Units

**Chapter 702, Site Plan Review**

**Amend Article I.J.13, Accessory Dwelling Unit**

13. Accessory Dwelling Unit: any request shall include a plot/site plan showing the following:

- a. Lot boundaries and dimensions at scale.
- b. Zoning district.
- c. Date of plan.
- d. Property owner with deed reference.
- e. Lot area.
- f. Location and setback of all buildings.
- g. Date of construction of single family dwelling.
- h. Separate floor layout of all finished levels.
- i. All plumbing facilities, kind and location.
- j. Use of all rooms.
- k. All entrances/exits.
- l. All partitions, temporary or permanent.
- m. Location and type of all appliances.
- n. Rights of way, public and private
- o. All easements
- p. Street names
- q. Sewerage facilities
- r. Off street parking spaces

**Purpose:**

The purpose of this section is to promote the public health, safety and general welfare of the community by providing diverse housing choices and to help increase the supply of housing without new land acquisition costs.

In permitting an ADU, the Planning Director and/or CEO shall find that:

April 6, 2023, revised May 4, 2023 and May 18, 2023

Additions shown in underline format. Deletions shown in ~~strikeout format~~.

LD 2003 – Amendments to Chapter 601, 701, 702, and 703 to Implement ADU Provisions

- a. Exterior design of the ADU is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
- b. The exterior design is in harmony with, and maintains the scale of the neighborhood.
- c. The accessory unit does not result in excessive noise, traffic or parking congestion.
- d. The primary residence and the ADU shall connect to public water and public sewer in compliance with all applicable Town of Yarmouth and Yarmouth Water District requirements and ordinances as well as the Maine Subsurface Wastewater Disposal rules. If the primary residence and the ADU cannot connect to public water and public sewer, the applicant shall demonstrate by competent third party evidence that the supply of potable water and/or septic capacity is sufficient for the primary residence and ADU. Approval of an ADU shall be conditional on any required improvements.
- e. Major access stairs, deck entry doors, and major windows will generally be limited to the walls facing the primary residence. Windows that impact the privacy of the neighboring side or rear yard shall be minimized. The design of the accessory unit shall relate to the design of the primary residence and shall not visually dominate it or the surrounding properties.
- f. The orientation and location of the buildings, structures, open spaces and other features of the site plan are such that they maintain natural resources including heritage or significant trees and shrubs to the extent feasible and minimize alteration of natural land forms.
- g. Building profiles, location and orientation relate to natural land forms.
- h. A single family dwelling exists on the lot or will be constructed in conjunction with the accessory unit. Only one ADU is permitted per lot.
- i. ADUs are not eligible for variances to setbacks.
- j. Before obtaining a building permit for an ADU the property owner shall file with the registry of deeds a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
  - a. The accessory unit shall not be sold separately.
  - b. The unit is restricted to the approved size.
  - c. The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence.
  - d. The above declarations are binding upon any successor in ownership of the property;
  - e. The deed restrictions shall lapse upon removal of the accessory unit.
- k. Units within an Accessory Structure shall not exceed 900 square feet. ADUs shall be at least the minimum size adopted by the Technical Building Code and Standards Board pursuant to 10 M.R.S. §9722 and shall not exceed 900 square feet. If an ADU occupies a portion of an existing Structure either on a single floor or on multiple floors, or an existing detached Structure will be converted to an ADU, the Planning Department may allow for an increase in the allowed size of the ADU up to 1,215 square feet in order to efficiently use all of the floor area, so long as all other standards of this section are met.
- l. Approval of an ADU shall be conditional on obtaining applicable building, plumbing, electrical and any other necessary municipal permits.
- m. The Fire Chief must review and sign off on the application.
- n. Unless part of the design of an existing single family dwelling the dwelling(s) shall have only one (1) front entrance and all other entrances shall be on the side or in the rear of the dwelling. A front entrance leading to a foyer with entrances leading from the foyer to the two (2) dwelling units is permitted. Outside stairways (either open or enclosed), that service an ADU on upper stories are not permitted.

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The water and sewage facilities shall meet all existing laws and codes.¶

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## LD 2003 – Amendments to Chapter 601, 701, 702, and 703 to Implement ADU Provisions

- o. For an ADU located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single family dwelling, but any exterior modifications should be consistent with the architectural style of that structure unless the building is upgraded per the requirement of new structures or unless the new structure is designed in a traditional New England form such as a barn.
- p. An existing single family dwelling that is nonconforming solely due to lot size, lot width, lot frontage, lot coverage, height or setback requirements may be expanded to incorporate an ADU subject to the requirements of Chapter 701 of the Yarmouth Code Article III for the expansion of other non conforming single family dwellings.
- q. ADU's may be permitted on back lots.
- r. ADU's are not permitted on a lot with a non conforming use, unless that non conforming use is a single family dwelling, in which case the ADU shall be allowed.
- s. ADU's are not permitted on a lot with mixed uses.
- t. When an owner wishes to eliminate the ADU proof of the removal of the second kitchen and the restoration of the apartment to its status before the conversion shall be submitted to the satisfaction of the Planning Department. The owner shall record a Release of the Declaration of Restrictions on the Land after inspection and confirmation by the Code Enforcement Officer.
- u. ADUs are not permitted on lots where the number of dwelling units allowed on a lot has been increased under Chapter 701, Article II.EE, after July 1, 2023.
- v. ADUs must comply with all of the standards of Chapter 701, Article IV.R.

Deleted: Accessory Apartment

Deleted: and

Deleted: accessory apartment

## Chapter 703, Character Based Development Code

### Amend Article 5.H.6, Habitable Area of Accessory Dwelling Unit

The habitable area of an Accessory Dwelling Unit within a Principal Building, Backbuilding or Outbuilding shall be at least the minimum size adopted by the Technical Building Code and Standards Board pursuant to 10 M.R.S. §9722 and shall not exceed 900 square feet.

### Amend Table 5.J.1, Building & Lot Principal Use

Permitted Districts	CD4	CD4 C	SD1
RESIDENTIAL			
Single Detached Dwelling	Y	Y	Y
Accessory Dwelling Unit	Y	Y	<u>Y</u>
Attached Dwelling – Duplex	Y	Y	Y
Attached Dwelling – Multiplex (3-8)	Y	Y	
Attached Dwelling – Multifamily (>8)	Y	Y	
Attached Dwelling – Mixed Use	Y	Y	
Artist Live/Work Space	Y	Y	

**LD 2003 – Amendments to Chapter 601, 701, 702, and 703 to Implement ADU Provisions**

**Amend Table 5.K.1, Parking Requirements**

PRINCIPAL USE	Parking maximum and minimum range:
Residential	1 per dwelling unit Min; 2 Max. <sup>1</sup>
Lodging	1 per 2 bedrooms Min; 1 per bedroom Max
Office	2 per 1,000 sf Min; 4 per 1,000 sf Max
Retail	2 per 1,000 sf Min; 4 per 1,000 sf Max
Restaurants	1 per 4 seats Min; 1 per 2.5 seats Max
Other	3 per 1,000 sf or as per use Parking Analysis

1. An Accessory Dwelling Unit does not require any additional parking beyond what is required for the single family dwelling.

**Amend Article 7, Definitions**

**Accessory Dwelling Unit (ADU):** ~~an Accessory Dwelling Unit approved under the Site Plan Review Ordinance shall not be considered a secondary dwelling unit that has been added onto, or created within a single family home or an associated Accessory Structure. One ADU is permitted per lot, a self~~ contained dwelling unit within or attached to a single family dwelling or detached from the single family dwelling located on the same parcel of land. An ADU approved under the Site Plan Review Ordinance does not require review under this Ordinance or under 30 A M.R.S.A., Chapter 187, subchapter 4, the municipal reviewing authority having determined that review under the Site Plan Review Ordinance is at least as stringent as that required under subchapter 4.



## LD 2003 – Amendments to Chapter 701, 702, and 703 to Implement Affordable Housing Provisions

### Chapter 701, Zoning

#### Amend Article I.D, Definitions by adding the following definitions:

**Affordable:** The percentage of income a household is charged in rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from rent or the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees does not exceed 30% of a household's gross monthly income. This is not an exhaustive list of housing costs.

**Affordable Homeownership Unit:** A homeownership unit for which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75 412, 50 Stat. 888, Section 8, as amended, can afford without spending more than 30% of the household's monthly income on housing costs.

**Affordable Housing Development:** A development where more than half of the total proposed and existing dwelling units on the same lot or within a common scheme of development are designated affordable to a household whose income does not exceed certain thresholds based on the tenure of the household.

**Affordable Rental Unit:** A rental unit for which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75 412, 50 Stat. 888, Section 8, as amended, can afford without spending more than 30% of the household's monthly income on housing costs.

#### Amend Article II by adding the following section:

##### DD. AFFORDABLE HOUSING PROGRAMS

It is within the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. This section outlines the Town of Yarmouth affordable housing programs.

1. Reserved.
2. Affordable Housing Developments Density Bonus
  - a. Purpose: The purpose of this section is to define the performance standards with which affordable housing developments must comply in order to be eligible for the incentives outlined in P.L. 2021, Chapter 672 and its implementing rules.
  - b. Affordability Standards:
    - i. More than half of the total proposed and existing dwelling units on the same lot or within a common scheme of development are designated as affordable rental units or affordable homeownership units.
    - ii. Prior to issuing a Certificate of Occupancy for an affordable housing development, the owner of the affordable housing development must execute a restrictive

**LD 2003 – Amendments to Chapter 701, 702, and 703 to Implement Affordable Housing Provisions**

- covenant that is enforceable by a party acceptable to the Town and record the restrictive covenant in the Cumberland County Registry of Deeds to ensure affordability for at least 30 years after completion of construction.
- iii. The restrictive covenant shall require that occupancy of all of the affordable rental units in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy through the term of the restrictive covenant.
  - iv. The restrictive covenant shall require that occupancy of all of the affordable homeownership units in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy through the term of the restrictive covenant.
  - v. The restrictive covenant shall outline sales prices, resale prices, initial rents and rent increases, and income verification processes, for affordable units to ensure affordability for the entire affordability term to the extent legally possible. The deed restriction shall also outline marketing and tenant selection for the affordable units consistent with state and federal fair housing laws. The deed restriction shall also identify a monitoring agent for the affordable units.
  - vi. Affordable homeownership units, if converted to affordable rental units, or vice versa, shall become subject to the income limits and other requirements of such units.
- c. Location Standards
- i. The affordable housing development is located in a designated growth area of the Town of Yarmouth Comprehensive Plan or served by a public, special district or other centrally managed water system and a public, special district, or other comparable sewer system.
  - ii. The affordable housing development is located in an area in which multifamily or multiplex dwellings are allowed by this ordinance or Chapter 703, Character Based Development Code.
  - iii. If applicable, complies with the minimum lot size requirements in accordance with Title 12, Chapter 423 A.
- d. Water and Wastewater Standards. Prior to the issuance of a Certificate of Occupancy, written verification that each unit of the affordable housing development is connected to adequate water and wastewater services shall include the following:
- i. If a unit is connected to a public, special district, or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system.
  - ii. If a unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30 A.M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10 144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
  - iii. If a unit is connected to a public, special district, or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit.
  - iv. If a unit is connected to a well, proof of access to potable water, including the standards outlined in 01 672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and*

**LD 2003 – Amendments to Chapter 701, 702, and 703 to Implement Affordable Housing Provisions**

Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

e. Incentives. If the requirements of this section are met, the following incentives are allowed for the affordable housing development:

i. A dwelling unit density bonus of 2.5 times the base density that is otherwise allowed in that location. Where the density bonus results in a fraction, the number of units is rounded up to the nearest whole number. In areas where there are no base density requirements, there is no density bonus.

ii. No more than two off street parking spaces are required for every three dwelling units in the affordable housing development. Where the maximum off street parking spaces results in a fraction, the total number of parking spaces may be rounded up or down to the nearest whole number.

iii. The Planning Board, in reviewing proposed Affordable Housing Developments, may modify said provisions related to minimum lot size, minimum lot area per unit, and setback size, as well as to allow stacked units, to permit innovative approaches to housing and environmental design.

iv. The Town shall perform its review of Affordable Housing Developments in as expedited a manner as is practical, without impairing the scope of thoroughness of its review. The expedited review shall consist of a pre application meeting with Town of Yarmouth staff and Yarmouth Water District staff, and two Planning Board public hearings consisting of a preliminary review and a final review. Additional meetings with the Planning Board may only be scheduled upon mutual agreement by the Planning Board and the applicant.

f. Nothing in this section exempts an affordable housing development to comply with the requirements of Chapter 601, Subdivision, the applicable provisions of this ordinance, including Chapter 701, Article IV.V, and Chapter 702, Site Plan Review.

**Amend Article IV.F, “RR” – Rural Residential, List of Permitted Uses**

Affordable Housing Development

**Amend Article IV.G, “LDR” – Low Density Residential, List of Permitted Uses**

Affordable Housing Development

**Amend Article IV.H, “MDR” – Medium Density Residential, List of Permitted Uses**

Affordable Housing Development

**Amend Article IV.K, “C” – Commercial, List of Permitted Uses**

hh. Affordable Housing Development

**Amend Article IV.O – Village - II District, Paragraph 1 Permitted Uses**

e. Conversion of a structure in existence prior to February 12, 1981, to a maximum of three (3) dwelling units. No conversion shall result in a total of more than three (3) dwelling units per lot. Density requirements do not apply. Where three dwelling units result from a conversion, the provisions for

April 20, 2023, revised May 4, 2023 and May 18, 2023

Additions shown in underline format. Deletions shown in ~~strikeout format~~.

## LD 2003 – Amendments to Chapter 701, 702, and 703 to Implement Affordable Housing Provisions

Affordable Housing Development may apply. Where a portion of the structure is in office use only, two (2) dwellings are permitted.

### Amend Article IV.T, “GD” – General Development District, List of Permitted Uses

gg. Affordable Housing Development

### Amend Article IV.X, Village III District, Paragraph 1 Permitted Uses

p. Affordable Housing Development

## Chapter 702, Site Plan Review

### Amend Article I.B.1, Major Development

g. Affordable Housing Development.

## Chapter 703, Character Based Development Code

### Amend Article 1.C.3.d to add:

xiv. Chapter 701, Article II.DD, Affordable Housing Programs

### Amend Table 5.J.1, Building & Lot Principal Use

Permitted Districts	CD4	CD4 C	SD1
RESIDENTIAL			
Single Detached Dwelling	Y	Y	Y
Accessory Dwelling Unit	Y	Y	<u>Y</u>
Attached Dwelling – Duplex	Y	Y	Y
Attached Dwelling – Multiplex (3-8)	Y	Y	
Attached Dwelling – Multifamily (>8)	Y	Y	
Attached Dwelling – Mixed Use	Y	Y	
Artist Live/Work Space	Y	Y	
<u>Affordable Housing Development</u>	<u>Y</u>	<u>Y</u>	

### Amend Table 5.K.1, Parking Requirements

PRINCIPAL USE	Parking maximum and minimum range:
Residential	1 per dwelling unit Min; 2 Max. <sup>1</sup>
<u>Affordable Housing Development</u>	<u>2 per 3 dwelling units Max.</u>
Lodging	1 per 2 bedrooms Min; 1 per bedroom Max
Office	2 per 1,000 sf Min; 4 per 1,000 sf Max
Retail	2 per 1,000 sf Min; 4 per 1,000 sf Max
Restaurants	1 per 4 seats Min; 1 per 2.5 seats Max
Other	3 per 1,000 sf or as per use Parking Analysis

Deleted: No Min;

April 20, 2023, revised May 4, 2023 and May 18, 2023

Additions shown in underline format. Deletions shown in ~~strikeout format~~.

**LD 2003 – Amendments to Chapter 701, 702, and 703 to Implement Affordable Housing Provisions**

1. An Accessory Dwelling Unit does not require any additional parking beyond what is required for the single family dwelling.

**Amend Article 7, Definitions**

**Affordable Housing Development:** A development where more than half of the total proposed and existing dwelling units on the same lot or within a common scheme of development are designated affordable to a household whose income does not exceed certain thresholds based on the tenure of the household. See Chapter 701, Article I.D (Definitions) and Article II.DD (Affordable Housing Programs).

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When the recording is processed, it will be available:

[https://www.townofyarmouth.ca/ld2003/](#)

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**LD 2003 Implementation**  
**5/15/2023 Listening Session 2**  
**Yarmouth Town Hall, 7 PM**

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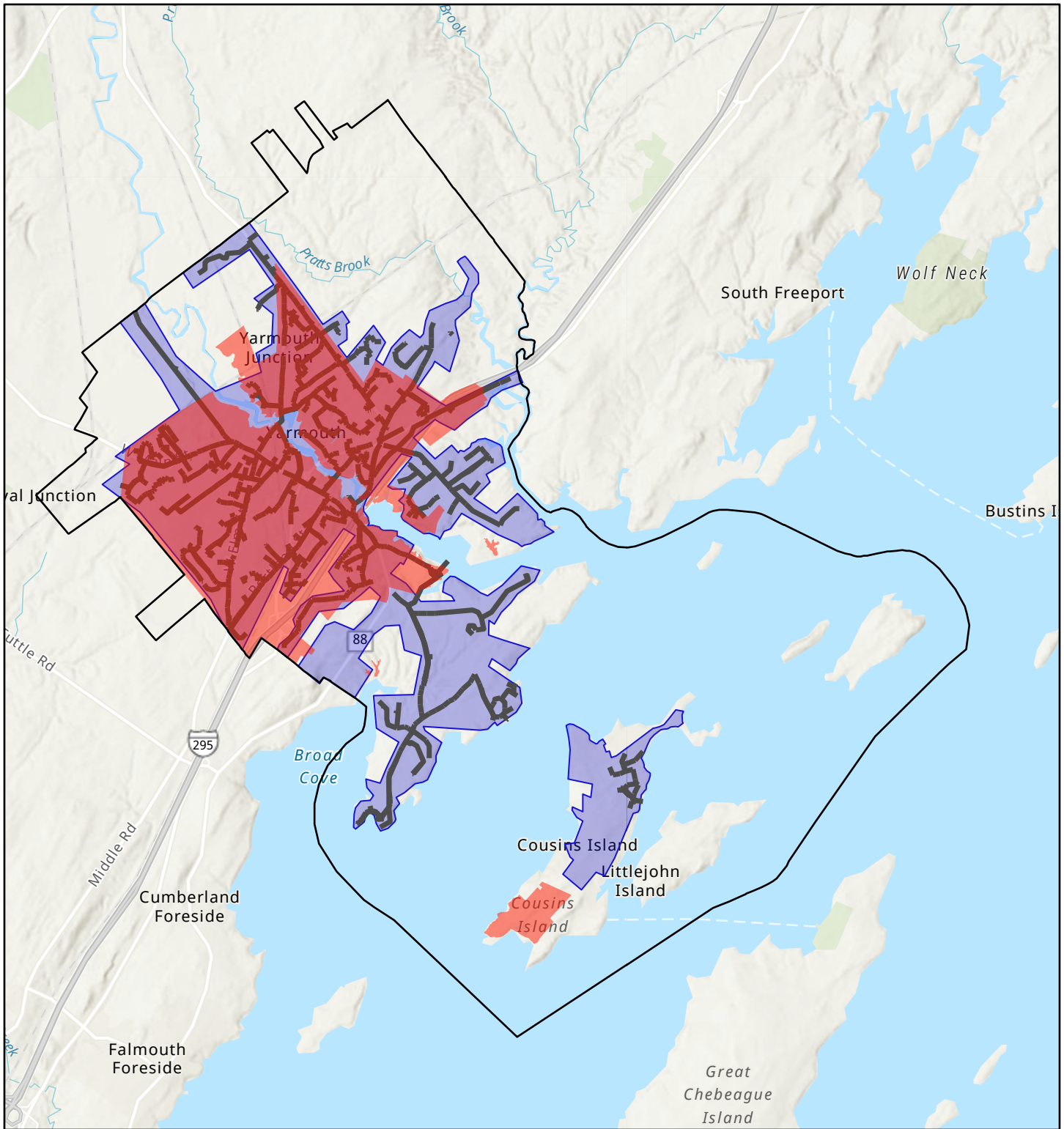
### Growth Areas Identified in the 2010 Comprehensive Plan:

Note that the zoning districts corresponding with the growth area have changed with the adoption of the Character Based Districts, and the growth area could change with the next update to the Comprehensive Plan.



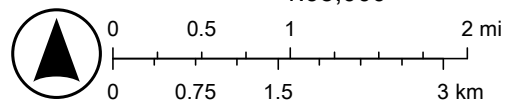
*"Our Latchstring Always Out"*

# Comparison of Growth Area to Public Sewer and Water



4/20/2023

- Town Boundary
- YWD Service Area
- Growth Area
- World Hillshade
- Sewer Availability



Esri, NASA, NGA, USGS, FEMA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

Main Takeaway: Overall, the department is struggling with the maintenance capacity and the need to protect the community, then a lot of the infrastructure can be met. Even in public infrastructure, such as sewer and roads, need central funding to meet the needs of the community. The department is struggling to attract and retain new people to replace the existing municipal workforce and meet the needs and expectations of the community.

#### Fire Rescue (interview)

- The department is seeing increasing calls from the community and a need to maintain a high level of service.
- The department is transitioning from volunteer to career employment. Recruitment is a challenge, but the department is competing with the private sector for people that have higher salaries.

#### Police Department (interview)

- The department is struggling with the maintenance of the fleet (e.g., vehicle crashes, monitoring, etc.). Recruitment and other towns are doing this.

#### Library (interview)

- There are many demands for the library to act as a community center. More space is needed to provide shared educational and gathering spaces in the community, as well as access to modern technology.

#### YCS/Parks Department (interview)

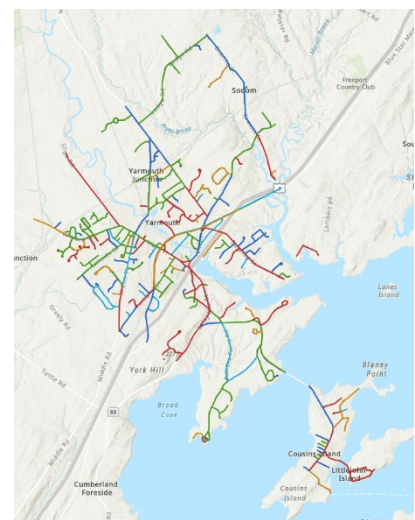
- Recruitment of new staff is a priority to support the extensive (and growing) system of parks, natural lands, and recreational areas. The department is facing increasing maintenance demands due to climate change.

#### School District (interview, FY 204 Proposed Budget Narrative, 2017 Enrollment Projections)

- The school district is planning for the 10 years following the school enrollment and the impact of the 1% enrollment reduction.

#### DPW (interview and presentation)

- Currently have 53.2 miles of local roads and 14.4 miles of state aid roads. The department is struggling to maintain the roads.
- The map shows the roads in the Pavement Condition Index (PCI) repair range from 0-80, the worst (red) needing the most expensive rebuilding to the best (blue) needing an overlay repair.



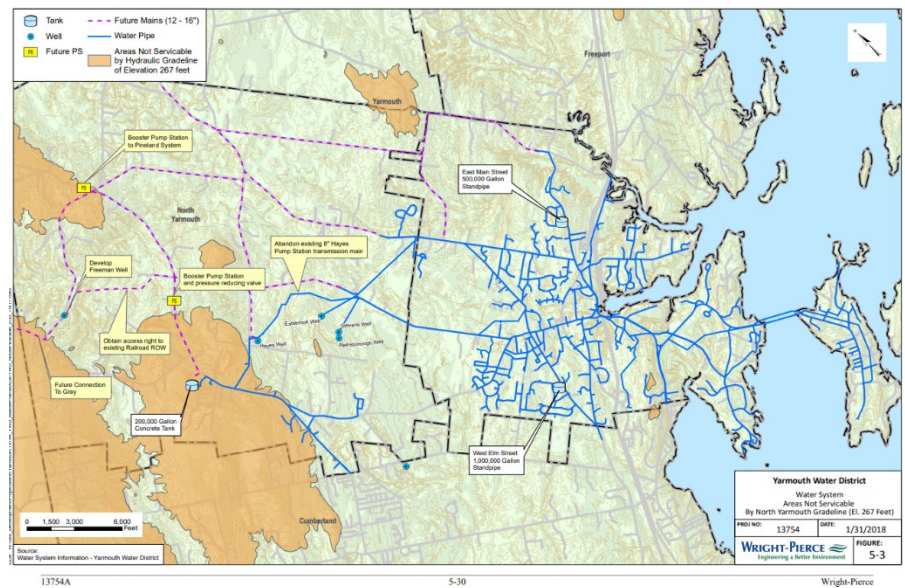


Wastewater Department (interview, memo)

- The last major upgrades to the wastewater plant and the two a e t m t a n e e c m e t e n 1 with few n c a n t upgrades since. Given the age of infrastructure and normal wear and tear, large-scale improvements are expected.
- There are approx. 2,337 accounts served by public sewer.
- The separate storm sewer system is adequately maintained. The department a n c a t e s minimal future impact due to federal and state stormwater management requirements a n a m t h n e n a n c e n c a n g Low Impact Development (LID) e t a c c e for stormwater treatment and volume control.
- h e e a t m e n t a c a n 100% of sewer fees to go to plant improvements. Increased growth may n c e a e e e c n n e c n e e a n h e t e e n a wastewater plant upgrades.

Water District (interview, Water System Master Plan, 2020 Update)

- h e h a m e t n a t c t e t n c e a e h a c e c e n c a n t e m e a t t h n t h e c e n t water system.
- Future growth is expected to be m a e e n a a n h t commercial growth. Any main extensions would need to be funded by a development proponent.
- Although the total number of e e c c n n e c n h a n c e a e over the past 10 years, the average water- e e e e n a e e c e c n n e c n e t h e a t e a h a e c e a e e e e c n n e c a n n a t e r c n e a n t e n t a a n a n e n e a t h e housing stock in the service area.
- h e e e c t t h a t t c a n m e e t c e n t a n t h e c n t h e n e t 1 -year period.



EXISTING HOUSING TYPOLOGIES

# & LD 2003

A photographic review of existing housing typologies  
in Yarmouth and consideration of contextual  
architecture for new buildings and infill.



PHOTO: MOLLY HALEY





# WHAT HAVE WE HEARD

People want to preserve the historic character of the town, especially the “village feel” and historic districts. There is also a recognition that suburban sprawl is a detriment to the environment and the “character” of Yarmouth, and that the town’s historic land use pattern is a model for walkability, diverse housing choices and a counter to “anyplace, anywhere suburbia.”

# THE SPECTRUM



“THE TOWN OF YARMOUTH, MAINE IS A WONDERFUL COASTAL COMMUNITY, RICH WITH HISTORICAL ARCHITECTURE, WALKABLE NEIGHBORHOODS, A SCENIC COASTLINE AND RIVER, AND HIGH QUALITY MUNICIPAL AND EDUCATIONAL SERVICES.”

QUOTE FROM THE 2010 COMPREHENSIVE PLAN





MOBILE HOME



MODERN TWO UNIT (1944)

## CLEAVES STREET

One street alone has three different housing types, commercial and municipal uses.

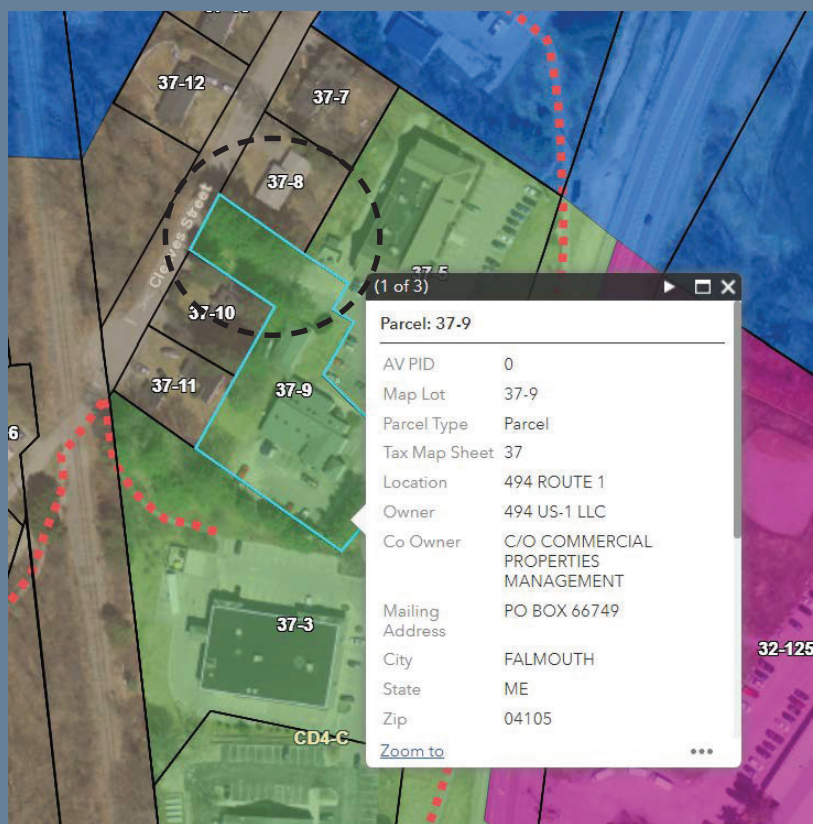
SINGLE FAMILY



HISTORIC HOUSES (circa 1875 and 1890) with 2 - 3 Units

TOWN HALL





# SO WHAT COULD WORK HERE?

Cleaves St is contextual with MDR, CD4 and CD4-C

Only one lot (at the end of the street) is +1 acre



# HOMES WITH 8+ DWELLING UNITS (10)

*Pre-existing homes that became apartments over time, duplexes and stacked multi-family*

ROUTE ONE                      WEST ELM ST  
PORTLAND ST                VESPA LANE  
YARMOUTH WOODS  
BAYVIEW ST  
BAYWOOD LANE  
BARTLETT CIRCLE  
EAST MAIN



# HOMES WITH 4-7 DWELLING UNITS (13)

*Homes in the historic districts, Character District and the Medium Density Residential*

MAIN ST                      HIGH ST  
EAST MAIN ST              BRIDGE ST  
SPRING ST  
EAST ELM ST  
CHURCH ST  
WEST MAIN ST  
WEST ELM ST





# SUBSIDIZED HOUSING DEVELOPMENTS (2)

*Stacked multi-family and single-story duplexes, senior housing*

BARTLETT CIRCLE

BARTLETT WOODS





# HOMES WITH THREE UNITS (17)

*Historic homes in the historic districts, Character Districts, and the  
Medium Density Residential*

LAFAYETTE ST	BAYVIEW ST
MAIN ST	CENTER ST
SOUTH ST	SLIGO RD
BAKER ST	BRIDGE ST
WEST ELM ST	
EAST ELM ST	
WEST MAIN ST	



# HOMES WITH TWO UNITS (100)

*Homes in the Resource Protection, Rural Residential, Low Density Residential, Medium Density Residential, Character Districts, and historic districts.*

SOUTH ST	HILLSIDE ST	WOODS CIRCLE RD	MARINA RD
AUTUMN LN	BAYVIEW ST	COLLINS RD	SUMMER ST
BOWDOIN	WEST ELM ST	MILL ST	LEIGHTON RD
BURNELL DR	WEST MAIN ST	EAST MAIN ST	WHARF RD
BRIDGE ST	INDIAN RIDGE RD	EAST ELM ST	
BATES ST	LAFAYETTE ST	CLEAVES ST	
PORTLAND ST	ROCKY HILL RD	WILLOW ST	
NORTH RD	MAIN ST	WESLEYS WAY	
NEWELL RD	TENNEY ST	GRANITE ST	





# HOMES WITH ADUS (51)

*"Known" ADUs in the Medium Density Residential, Low Density Residential, Rural  
REsidential, Water Oriented Commercial, and Character Districts*

STONY BROOK LANE

BRIDGE ST

PORTLAND ST

FLINT LANE

SNOWDRIFT LAN

DRINKWATER POINT RD

CENTER ST

WEST MAIN ST

WEST ELM ST

FREE RANGE LN

GROVES RD

NORTH RD

RYDER RD

OAKWOOD DR

RAINBOW FARM RD

EAST ELM ST

EAST MAIN ST

BURNELL DR

MELISSA DR

PRINCES POINT RD



LADY SLIPPER LN

GLOWOOD FARM RD

BAYVIEW ST

WAHARF RD

ABBY LN

OLD FARM LN

WESTCUSTOGO POINT RD





# CAN YOU TELL?

Guess  
how many units  
are in each of these homes...





**1** **3 DUs**  
30 East Elm



**2** **4-7 DUs**  
94 Spring St



**3** **2 DUs**  
8 Farmstead Ln



**4** **2 DUs**  
309 Main St



**5** **1 SF + ADU**  
11 Stonybrook Ln



**6** **1 DU**  
201 Hillside St

# CAN YOU TELL?

Guess  
how many units  
are in each of these homes...

“...THESE POLICIES ARE IN PURSUIT OF A CHARACTER THAT EXPEMPLIFIES THE **HISTORIC QUALITIES OF YARMOUTH**, AND VALUES THE HEALTHY BALANCE OF USES THAT COMPRISE THE VILLAGE CENTER. THIS IS A CHANGING DYNAMIC CONDITION, AND WHILE THERE IS NO PRESCRIBED PROPORTION OR MIX OF USES, THIS CODE **ENABLES THE VILLAGE TO GROW AND CHANGE** WITH TIME AND TRENDS. THROUGH MONITORING AND AWARENESS OF **INCREMENTAL** CHANGES AS THEY OCCUR, THE TOWN CAN PROMOTE A CONTINUED WELL BALANCED PRESENCE OF HOUSING AND COMMERCIAL USES THAT **SERVE ALL CONSTITUENTS** OF YARMOUTH AND **SUSTAIN A VITAL AND VIBRANT** COMMUNITY. ”

- THE CHARACTER BASED DEVELOPMENT CODE, 2018