



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

Planning Board Report
Nuance Dental at 233 Route One
Concept Plans for Building & Lot Plan & Major Site Plan
Cone Cladicals, LLC, Applicant
Map 31 Lot 25; CD4-C Route One Corridor
Prepared by Erin Zwirko, Director of Planning and Development
Report Date: June 22, 2023; Planning Board Date: June 28, 2023

I. Project Description

Nuance Dental (Cone Cladicals, LLC) proposes to demolish the empty Bistro 233 building and construct a single-story structure for prosthodontics practice at 233 Route One in generally the same location. The 2,079 square foot practice will feature two patient rooms and associated support areas. The large parking lot that supported the shuttered restaurant will be removed and replaced with a small 6 parking space lot. The remaining area will be revegetated.

This development will be reviewed pursuant to the following ordinances:

- CH. 703 Character Based Development Code (CBDC) Building and Lot Plan as a Building and Lot Plan, CD4-C Route One Corridor, and
- CH. 702, Major Site Plan.



Town GIS aerial with Project Site in Red

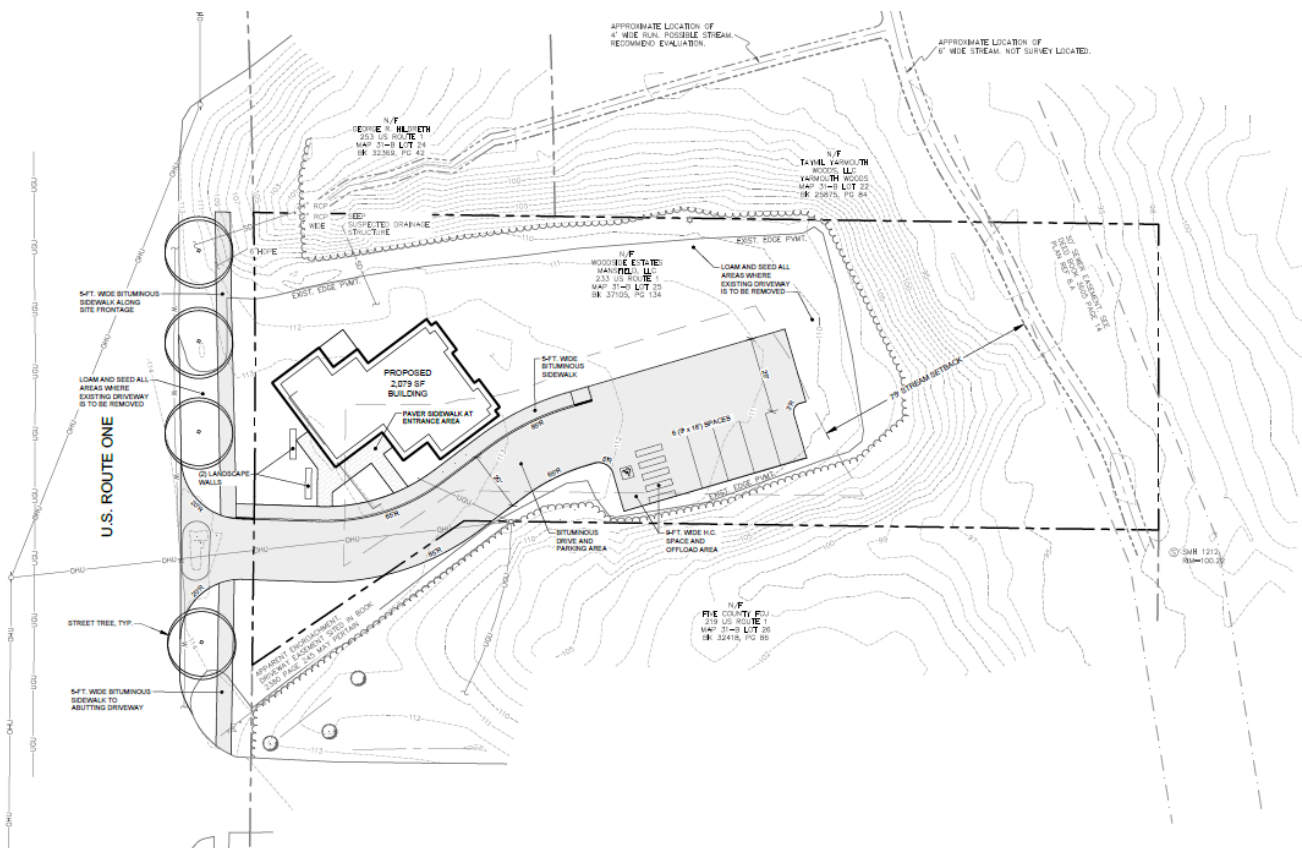
Existing Structure

The proposed practice will be located in generally the same location at the existing structure as a portion of the existing foundation will be used.



Route One Northbound Perspective

As noted earlier, the expansive parking will be significantly reduced, one of the driveway entrances will be closed, and a sidewalk connection and street trees will be added along the frontage. The existing restaurant structure is setback approximately 12 feet at its nearest point. The proposed building will be located in the same general position.



Proposed Nuance Dental Site Plan

The June 28, 2023, review will be a concept review. The applicant has identified a number of waivers from the Character Based Development Code (CBDC) standards, in particular, the shed roof will require a waiver. The concept review is requested in order to provide the applicant and the project team with direction on the architectural goals understanding that it will require waivers for the proposed design. Once the feedback is received, the applicant and project team will prepare a complete application with the supporting documentation.

II. Public Notice and Comment

Notices of this public hearing were sent to 13 property owners in the vicinity (within 500 feet) of the proposed development. As of this writing, we have received no comments from the public.

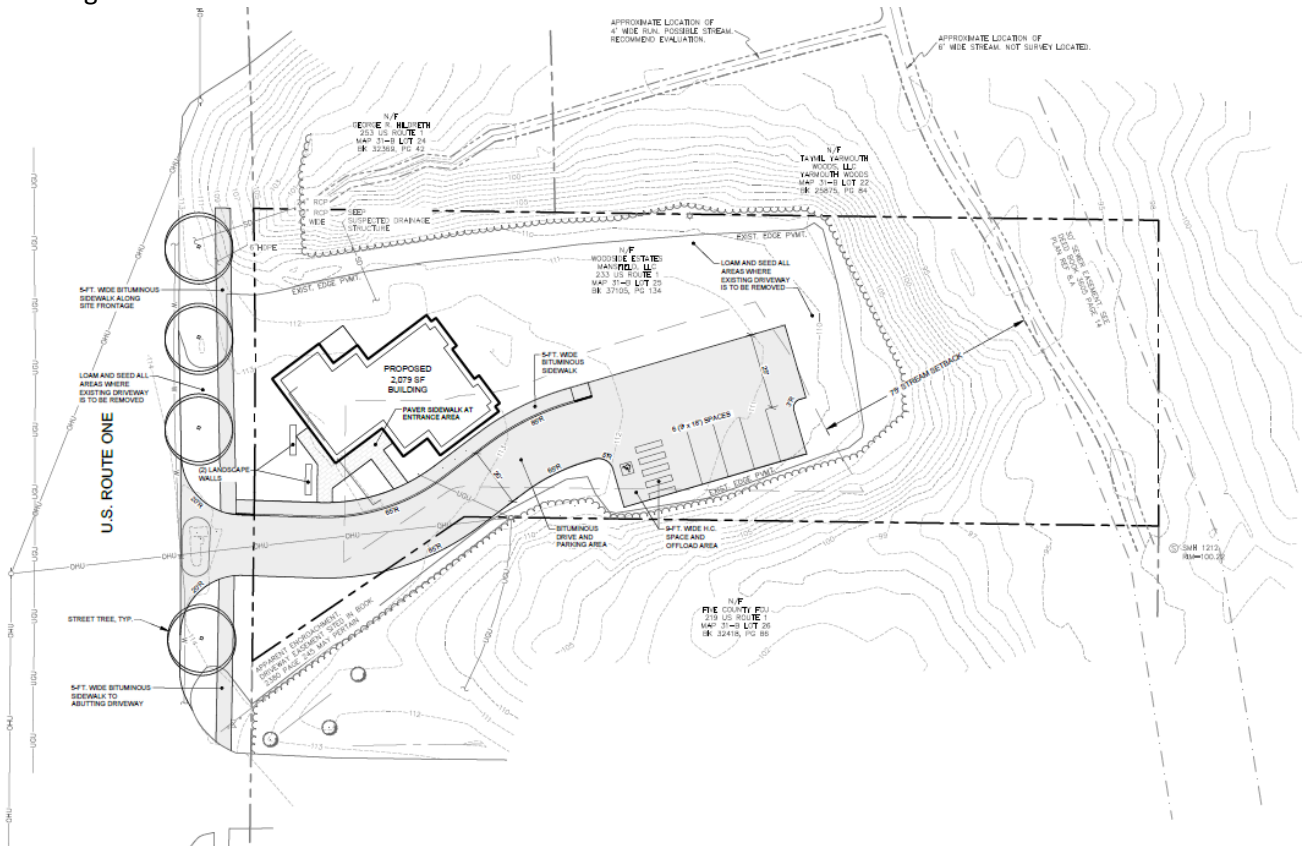
Uses in Vicinity: The surrounding neighborhood consists of:

- Route One North: Yarmouth Green Apartments, Five County Credit Union, Yarmouth Spinal Care, Subway, Sunoco and the multi-tenant commercial building at 305 Route One.
- Route One South: St. Lawrence and Atlantic Railroad right of way and MaineDOT Park and Ride.

III. Character Based Development Code Review

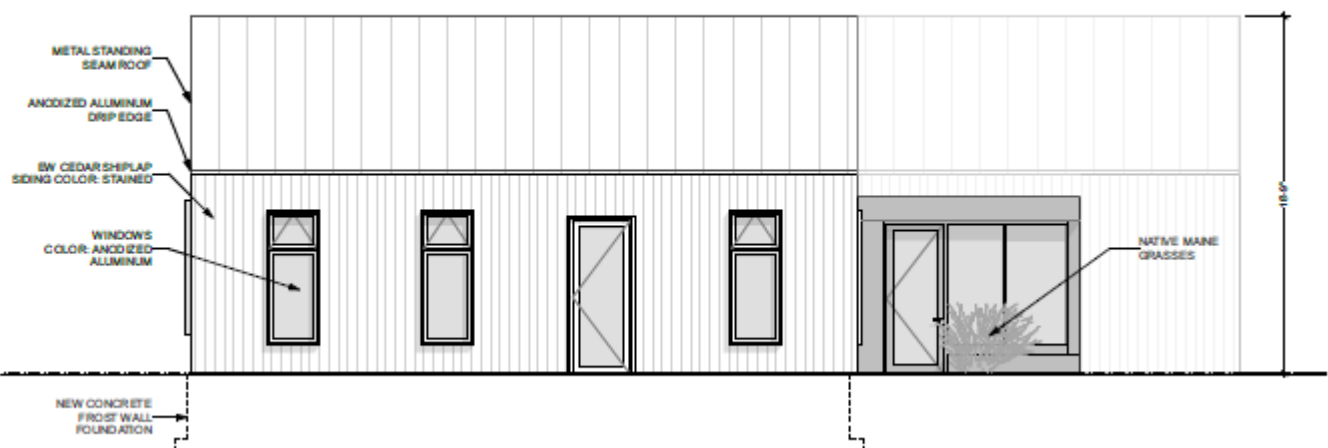
The composition is driven by the desire to reuse a portion of the basement for the new structure. The applicant notes that although the proposed structure is modern in execution, the proportions all utilize classic compositions and golden ratio principles. The application is presented as a concept in order to receive direct feedback about the composition of the proposed building. The applicant has also identified a number of waivers that may be necessary and seeks feedback from the Planning Board on those items as well.

The 2,079 square foot practice will feature two patient rooms and associated support areas. The large parking lot that supported the shuttered restaurant will be removed and replaced with a small 6 parking space lot. The remaining area will be revegetated.

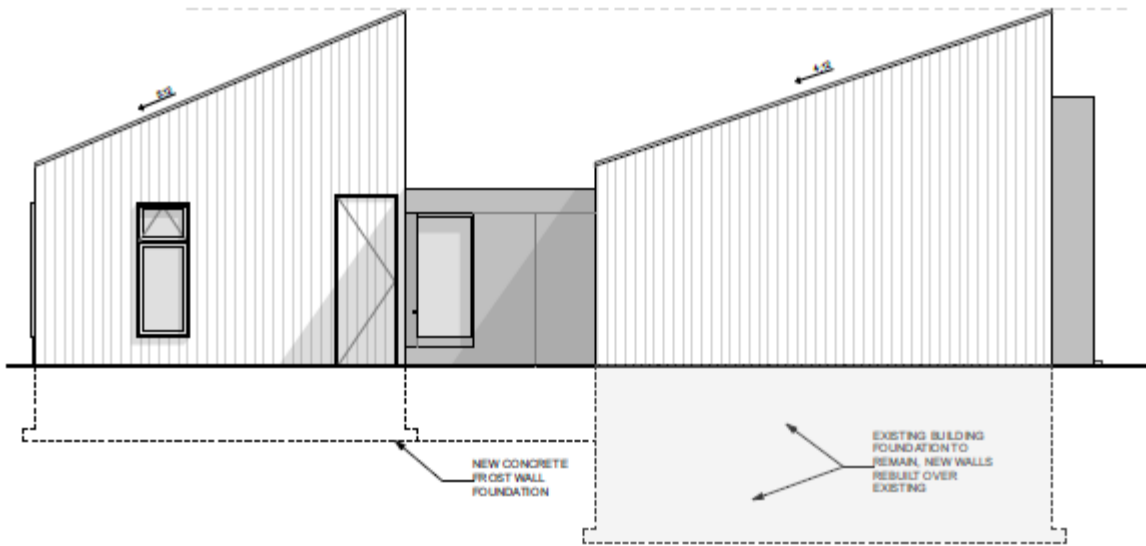


Proposed Nuanca Dental Site Plan

The applicant provided elevations of the proposed building in the application materials:



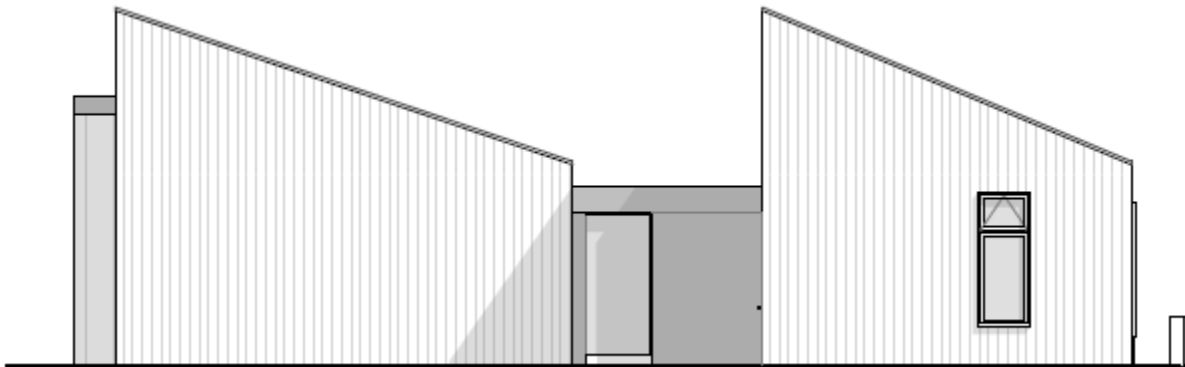
Route One (West) Elevation



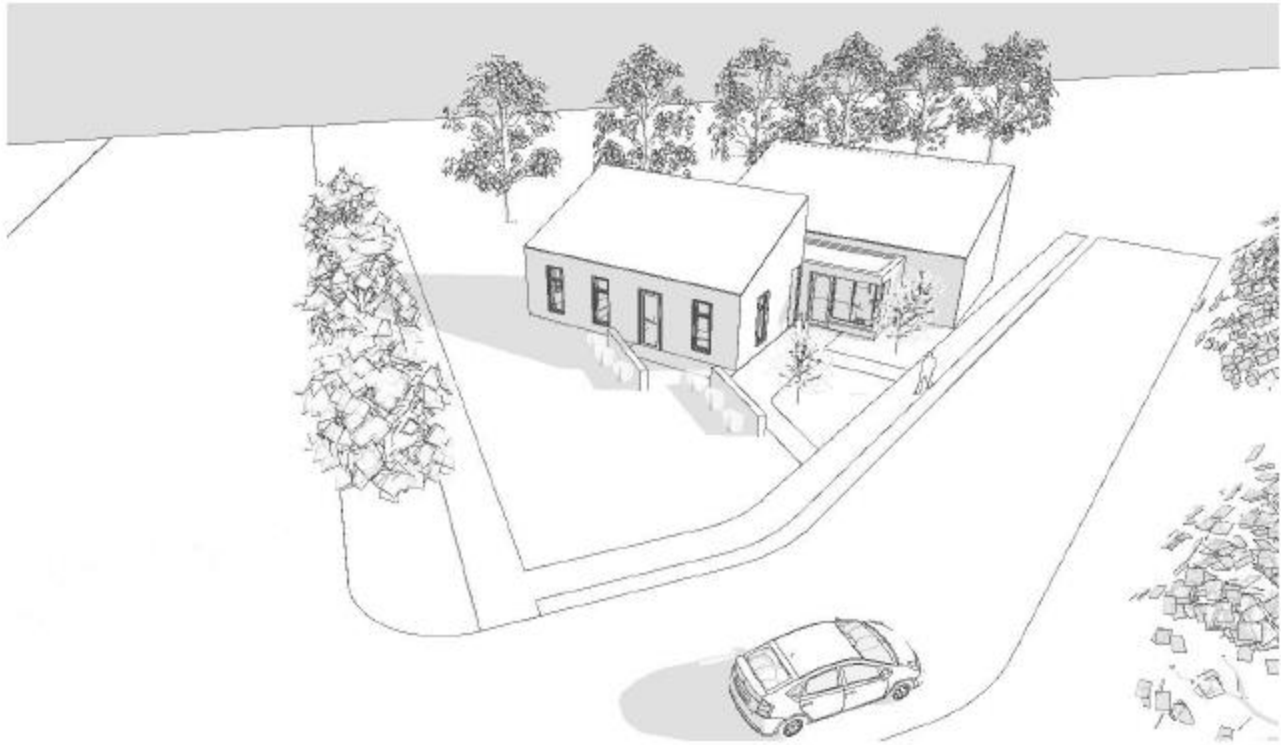
South Elevation



East (Rear) Elevation



North Elevation



Birdseye Perspective

As identified in the following sections, the applicant will need to provide additional information for the staff to fully assess the project per the CBDC standards, including updating the site plans to reflect the standards of the CBDC established on the following pages. It is anticipated that if the Planning Board generally accepts the concept, a complete application with supporting documentation will be prepared for a future filing.

Waiver Requests

Regarding waivers, Chapter 703, Article 1.N.1.b.iii states: *"The applicant shall provide data and documentation of compelling and convincing evidence of substantial need for the Waiver, which shall not be granted merely for the convenience or preference of the applicant."* The limit of a CBDC waiver per CH.703, Art.1.N.1.b, is 35% of any established metric standard. The application materials are conceptual and presented for feedback from the Planning Board, especially on the waiver requests.

Roof Style and Slope

The applicant is proposing a shed roof. The applicant completed the architectural matrix and notes the advantage of the shed roof is that affords greater access to ambient, indirect light to the proposed operatories and the photography studio. The slope of the roof is 5:12 and can be approved with a waiver.

Frontage Buildout

The structure is at an angle to Route 1, so that the primary façade does not run parallel to the primary frontage. The location is driven by a desire to reuse a portion of the existing structure's basement. Although more details may be needed to fully assess this request, the use of hardscape walls elongate the primary façade parallel to the primary frontage for a length of approximately 40 feet. It results in a frontage buildout of 28% and can be approved by waiver.

Façade Glazing

The staff will require additional information to determine whether a waiver is needed for façade glazing.

**Table 5.F.2B Character District Standards
CD4-C Route One Corridor District**

BUILDING PLACEMENT — PRINCIPAL BUILDING

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

YARD TYPES

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

Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted

LOT OCCUPATION

Lot Width	18 ft min, 200 ft max	E
Lot Coverage	85% max	
Frontage Buildout	50% min	

BUILDING FORM — PRINCIPAL BUILDING

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

BUILDING & LOT PRINCIPAL USE

See **Table 5.J.1**

**Table 5.F.2B Character District Standards
CD4-C Route One Corridor District**

Building Placement of the Principal Building	Required	Proposed	Finding
Front Setback Principal Frontage	0' Min - 16' Max	12 Feet	Ok
Front Setback Secondary Frontage	2' Min; 12' Max	n/a	There is no secondary frontage.
Side Setback	0' Min	Approx. 16 Feet (north) Approx. 14 Feet (south)	Ok
Rear Setback	3' Min, or 15' from CL of alley	More than 200 Feet	Ok

Yard Type	Required	Proposed	Finding
Yard Type	Edge, Side or Rear Yard	Edge Yard	Ok

Lot Occupation	Required	Proposed	Finding
Lot width	18' Min; 120' Max	Existing lot width is 144 feet	Ok. This is a condition of the existing lot.
Lot Coverage (Building & Pavement)	85% Max	Unknown	Applicant must provide with updated site plans.
Frontage Buildout	40% Min 100% Max @ Front Setback	Approx. 40 feet	The building is located at an angle to the frontage due to reusing the basement foundation. The applicant has created the illusion of a frontage build out through the use of hardscape walls as a streetscreen of approximately 40 feet. The Planning Board may need to issue a waiver on this item.

Building Form	Required	Proposed	Finding
Building Height	35' and 3 Stories Max	1 story	Ok
First Story Height	10' Min, 25' Max	18 feet 9 inches	Ok
Upper Story Height	10' Min, 15' Max	n/a	n/a
Façade Glazing	Shopfront: 70% Min Non Shopfront: 20% Min, 70% Max	unknown	Applicant must provide with updated site plans
Roof Type	Flat, Hip, Gambrel, Gable or Mansard	Flat, Shed	The applicant is proposing a shed roof. The applicant completed the architectural matrix and notes the advantage of the shed roof is that affords greater access to ambient, indirect light to the proposed operatories and the photography studio. The Planning Board should provide feedback on the design as a waiver will be requested.
Roof Slope	8:12 – 14:12 (.67 – 1.16)	5:12	A 5:12 roof pitch is proposed. The Planning Board should provide feedback on the design as a waiver will be requested.

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

Parking	Required	Proposed	Finding
Third Lot Layer (5.F.1)	Principal Bldg + 20'	Approx. 120 feet	Ok

Parking (5.K.1)	2,079 sf office: min 4 spaces, max 8 spaces	6 parking spaces	Ok
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Encroachments of Building Elements	Required	Proposed	Finding
Front Setback, Principal Frontage	8' Max	0	Ok
Front Setback, Secondary Frontage	8' Max	n/a	There is no secondary frontage.
Rear Setback	5' Max	0	Ok

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

Chapter 5.L.2 states that *Drive-throughs, Parking Areas and Parking Lots shall be screened from the Frontage by a Building or Streetscreen*. The proposed project will reduce the amount of impervious surfaces on the site by significantly reducing the parking lot to 6 parking spaces. The parking spaces are located approximately 120 feet from the property line and will be obscured by the proposed structure and landscaping. It appears that the proposed project will be in compliance with this standard but will be fully reviewed with a full application package.

Architectural Standards (Article 5.M)

Composition	The composition is driven by the desire to reuse a portion of the basement for the new structure. The applicant notes that although the proposed structure is modern in execution, the proportions all utilize classic compositions and golden ratio principles. The applicant is presented as a concept in order to receive direct feedback about the composition of the proposed building.
Walls	The applicant notes that the structure will receive contemporary treatments of authentic, durable materials that exist elsewhere in the Yarmouth Village. The primary exterior materials are natural wood, likely a cedar shiplap, and a metal roof.
Attachments & Elements	Modern bay windows are proposed for the rear of the property. The applicant indicated that a waiver may be necessary in the architectural matrix, but based on the staff review it is unlikely as the proposal is less than the maximum.
Roofs	The applicant notes that the advantage of the shed roof is that affords greater access to ambient, indirect light to the proposed operatories and the photography studio. The Planning Board should provide feedback on the design as a waiver will be requested.
Openings Windows, & Doors	It appears that the proposal is generally in compliance with this architectural group.
Shopfront	It appears that the proposal is generally in compliance with this architectural group, although the applicant should provide additional information on the façade glazing of the building.
Miscellaneous	It appears that the proposal is generally in compliance with this architectural standard group.

Private Lot Landscape (Article 5.N)

Landscape	Required	Proposed	Finding
5.N.s Trees Required	1 tree per 30' frontage	4 trees exist along the frontage	Ok. The applicant can review the Tree Advisory Committee's recommended trees in order to select an appropriate species of street tree.
5.N.u Minimum Landscape	30% landscape in 1 st Lot Layer; 20% landscape overall	Unknown	It appears that the proposed project will meet these requirements, although the applicant should provide greater details with future application filings.
5.N.ee.i Parking Lots	1 island per 20 spaces	n/a	n/a
5.N.ee.ii Parking Lots	1 tree per 2,000 s.f.	n/a	n/a
5.N.ii	Pedestrian walkway of at least 5 feet through parking lot	A sidewalk is proposed from the parking area to the main entry to the practice.	Ok. The applicant should confirm that this is the accessible route.

Signage Standards (Article 5.O)

It is likely that the new prosthodontics practice will require signage. A sign plan should be submitted with future application filings.

Lighting Standards (Article 5.P)

A photometric plan for any proposed lighting must be submitted with future application filings that documents compliance with Chapter 702 and Chapter 703 standards.

IV. SITE PLAN STANDARDS REVIEW (CHAPTER 702)

Chapter 703 Article 1 Section C.3:

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

The application is presented for a concept review and does not have much of the supporting documentation needed for a complete Site Plan Review Application. Where the staff has provided feedback or comments on the site plan review criteria, it is provided. In future filings, the applicant should provide a response to each of the site plan review criteria.

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

Staff Comments:

The Comprehensive Plan considered Route One in 2010 noted that there was a lack of common vision for how the Town wants the corridor to change and develop, and ultimately, the adoption of the CBDC for Route One was a direct result of the lack of a coordinated vision. The Inner Southern Gateway was described as “[accommodating] a wide range of nonresidential uses in an attractive environment. Buildings will be professionally designed and meet design standards. Auto-oriented uses will be accommodated as long as they can be done in a way that maintains this area as an attractive “gateway” to Yarmouth including the retention of a landscaped, treed appearance along the street. Facilities for pedestrians and bicycles will be provided.”

The CBDC suggests that development and redevelopment should be compact, pedestrian-oriented and Mixed Use in appropriate areas and that larger development include a mix of residential and commercial uses. The Route One Corridor is described as “[consisting] of a medium- to-high density development with a mix of Building Types and Commercial, Retail and residential uses; it accommodates pedestrian, bicycle, and vehicular activity; there are shallow or no front Setbacks and shallow or no side Setbacks; it has variable private landscaping; and it has Streets with Curbs, Bikeways, Sidewalks and street trees that define medium to large Blocks.”

The proposed project is consistent with these goals.

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

Staff Comments:

The applicant will be required to submit a traffic analysis for the proposed project, and it will be reviewed by the Town’s traffic peer reviewer. The applicant acknowledges that future filings will include information on traffic generation. It should also be noted that the practice is not a general dental practice; it is a specialized practice, which would likely generate less traffic than a general practice.

Of note is that the applicant proposes to close one of the curb cuts, leaving one curb cut from Route One. This is supported by the Planning staff and the Bike and Pedestrian Committee.

3. Parking and Vehicle Circulation: The proposed plan provides for adequate parking and vehicle circulation. The amount of dedicated parking provided on-site or within a reasonable walking distance from the site meets the requirements of ARTICLE II.H of the Zoning Ordinance (Off Street Parking and Loading), the size of the parking

spaces, vehicle aisle dimensions and access points are in conformance with the Technical Standards of Section J of this document.

Staff Comments:

The large parking lot that supported the shuttered restaurant will be eliminated and replaced with a small 6 parking space lot. The proposed number of parking spaces is within the range of parking spaces allowed for the office use. In future filings, the applicant should identify where a bicycle rack is located, although the CBDC does not require it due to the size of the parking lot and identify the accessible route through the small parking lot to the sidewalk adjacent to the building.

A request was made for a parking plan for the anticipated development uses. It is unlikely that this is necessary as the proposed structure will only be occupied by the prosthodontics practice.

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

Staff Comments:

The Town Engineer notes that there is likely adequate capacity in the Town sewer system for the proposed project but will be confirmed once the anticipated sewerage flow is provided. The Town Engineer also requests that the applicant televise the existing sewer connection and provide the video in order to make a determination on the acceptability of the service for reuse.

Finally, the Town Engineer notes:

- A sewer connection permit application and fee for the building will be required before the issuance of the building permit.
- It should be noted that during construction of all sewer infrastructure, all work must be inspected by Town staff prior to backfilling and all sewer work shall be constructed per Yarmouth Town Standards. A note to this effect shall be placed on the Utility drawings.

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

Staff Comments:

The applicant must submit evidence of the capacity to serve the project from the Yarmouth Water District as part of future submissions. Additionally, the new structure will require fire suppression sprinklers per Town ordinance and may require a separate sprinkler service. The design of the separate sprinkler service must be coordinated with the Water District.

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

Staff Comments:

A sprinkler system must be installed due to the scope of the proposal, and the sprinkler system design must be reviewed with the Yarmouth Water District to determine whether a separate fire sprinkler service is needed. The Fire Chief provided additional comments on the concept plan, including the requirement for a 20-foot access road. The proposed driveway is 20 feet wide.

- 7. Buffering: The proposal provides for adequate on-site buffering in the vicinity of property boundaries, when required by this subsection. On-site buffering is required wherever commercial, industrial or mixed use**

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

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

Staff Comments:

With the removal of a significant amount of impervious surfaces, the buffers on the proposed project exceed the requirements of this standard.

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

Staff Comments:

The Town Staff believe that there will be no significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife or marine habitats and natural fisheries and a soils report is unnecessary.

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

Staff Comments:

The applicant must submit a photometric plan that meets the requirements of Chapter 702 and Chapter 703 with a future submission.

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

Staff Comments:

The applicant will be required to submit a stormwater analysis and Operations and Maintenance Manual for the proposed project, and it will be reviewed by the Town Engineer. The applicant acknowledges that future filings will include information on stormwater.

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

Staff Comments:

The applicant will be required to submit an Erosion and Sedimentation Control (ESC) Plan that meets the Maine department of Environmental Protection (MDEP) standards. The Town expects that during construction the applicant and their construction manager/contractor perform the required inspections and enforcement of the ESC plan per MDEP requirements, including weekly inspections and documentation of all inspection work. In addition, the Town will be performing site inspections and will be reviewing the inspection records per the Town's NPDES MS4 General Permit. It is also very important that the BMPs be installed prior to the disturbance of site soils and vegetation. Although unlikely for this project, it should be noted that if disturbance exceeds one (1) acre then the project will require coverage under the Maine Construction General Permit.

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

Staff Comments:

The structure will not cause health or safety problems within the existing area. This standard suggests smaller scale buildings within the Town of Yarmouth and the scale of the building is in keeping with that standard.

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

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

Staff Comments:

The applicant will be required to submit a landscape plan that meets the requirements of the CBDC. The applicant acknowledges that future filings will include a landscape plan. The applicant can review the Tree Advisory Committee's recommended trees in order to select an appropriate species of street tree.

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

Staff Comments:

The applicant will need to provide additional information about the water service, sewer service, and stormwater system in future filings as requested by Town staff.

The applicant is proposing to construct a sidewalk in the Route One Right of Way along the parcel frontage to connect to the existing sidewalk to the south. Additionally, the applicant will connect a walkway from the public sidewalk to the building entrance and parking area. This work includes street trees. These improvements are supported by the Town Staff and the Bike and Pedestrian Committee.

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

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

Staff Comments:

The applicant may be required to submit a signage plan that meets the requirements of the CBDC with a future submission.

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

Staff Comments:

The composition is driven by the desire to reuse a portion of the basement for the new structure. The applicant notes that although the proposed structure is modern in execution, the proportions all utilize classic compositions and golden ratio principles. The application is presented as a concept in order to receive direct feedback about the composition of the proposed building.

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

Staff Comments:

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

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

Staff Comments:

The existing electric service will be used.

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

Staff Comments:

As the application is conceptual, additional information will need to be provided to ensure that the technical standards are met.

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

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

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

Staff Comments:

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

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

Staff Comments:

The Town Staff has no concerns with the project team.

23. Special Exception Standards:

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

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

VI. Motions – Waivers, Building & Lot Plan, and Site Plan

The application presented is a concept application intended for general feedback from the Planning Board. The applicant has requested a number of waivers in order to facilitate the architectural concept presented. The Planning Board should provide guidance to the applicant on whether the Board is amenable to those identified waivers, or if a different architectural direction is needed.

Motions to approve any waivers, the Building & Lot Plan, or the Site Plan are not ripe, and are not presented in draft format.

Attachments:

1. Steve Johnson, Town Engineer – Memo 6/13/2023
2. Mike Robitaille, Fire Chief – Memo 6/14/2023
3. Mike Tremblay, Bike and Pedestrian Committee – Email 6/5/2023
4. Tree Advisory Committee – Memo 6/16/2023

Memo

To: Erin Zwirko, AICP, Director of Planning and Development
From: Steven Johnson, P.E., Town Engineer
CC: Erik Street, Nick Ciarimboli, Chris Cline, Wendy Simmons, Karen Stover
Date: June 13, 2023
Re: Conceptual Major Site Plan Application: 233 US Route 1

Erin:

I have reviewed the subject application from Patrick Booth of Woodhull on behalf of Cone Cladicals, LLC for re-development of 233 US Route 1 dated May 31, 2023.

I have the following technical comments on the application:

1. General: The applicant is proposing to demolish an existing 2,357 square foot (SF) wood framed building and construct a new 2,079 SF commercial building for medical use (prosthodontics). The existing lot, Map 31, Lot 25, is located in the CD4-C District and is not located in a flood zone.
2. Rights, Title: The applicant has submitted adequate right, title, and interest in the property to perform the project.
3. Solid Waste: The Applicant should provide information regarding how solid waste and recycling will be managed in future submissions. Additionally, it should be noted that collection of dumpster waste should not occur before 5:00 AM or after 10:00 PM, per Chapter 306 Solid Waste Ordinance.
4. Water: The applicant must submit evidence of the capacity to serve the project from the Yarmouth Water District (District) as part of future submissions. Additionally, the new structure will require fire suppression sprinklers per Town ordinance and may require a separate sprinkler service.
5. Traffic\Parking: The applicant will be required to submit a full traffic analysis for the project as part of a future submission. I will reserve comment until review of the anticipated report.

The applicant is proposing six (6) on-site parking spaces and of these, one (1) is ADA compliant. As part of the traffic submission, the applicant shall submit a detailed parking plan to serve the anticipated development uses.

6. Sewers: The applicant shall provide the projected sewage flow anticipated from the new building use as part of future submissions.
 - A. There is likely adequate capacity in the Town sewer system to accept sewage flow from the project, however this will be confirmed once the anticipated sewage flow is provided.
 - B. A sewer connection permit application and fee for the building will be required before the issuance of the building permit.
 - C. It should be noted that during construction of all sewer infrastructure, all work must be inspected by Town staff prior to backfilling and all sewer work shall be constructed per Yarmouth Town Standards. A note to this effect shall be placed on the utility drawings.
 - D. The existing building is currently served by public sewer. Should the applicant wish to use the existing sewer service then the pipe should be televised, and the video file forwarded to me for review to determine acceptability of the service for reuse.
7. Storm Drains: All storm drain infrastructure must conform to Yarmouth Town Standards. Additionally, all connections to Town infrastructure shall be per Town requirements.
8. Drainage, Stormwater Management:
 - A. The applicant will be required to submit a full stormwater analysis report for the project. Additionally, the applicant should consider the implementation of Low Impact Development (LID) stormwater BMPs as part of this project if possible.
 - B. The applicant will be required to submit an acceptable site-specific Operations and Maintenance Manual (O&M Manual) for the stormwater BMPs used on this project. The applicant should also outline snow plowing and sand & salt practices as well as snow storage areas. Snow storage areas should be marked on the plan.
9. Erosion and Sediment Control: The required ESC Best Management Practices for the project should be noted on the site plan and meet MDEP standards. The Town expects that during construction the applicant and their construction manager/contractor perform the required inspections and enforcement of the ESC plan per MDEP requirements, including weekly inspections and documentation of all inspection work. In addition, the Town will be performing site inspections and will be reviewing the inspection records per the Town's NPDES MS4 General Permit. It is also very important that the BMP's be installed prior to the disturbance of site soils and vegetation. Although unlikely for this project, it should be noted that if disturbance exceeds one (1) acre then the project will require coverage under the Maine Construction General Permit.
10. Soils: The applicant shall provide a high intensity soils report for the project.
11. Site Plan/Ordinance Requirements: As part of future submissions the applicant shall provide information addressing the Review Criteria of Chapter 702 Site Plan Review Ordinance Section H. Review Criteria.

12. Lighting: The applicant shall submit an acceptable photometric plan per Town standards.
13. Waivers: The applicant has indicated that several waivers will be requested for the architectural standards, which I will leave to your professional judgement. Currently the applicant has not requested waivers to other items at this time.
14. Off-site Improvements: The applicant is proposing to construct a sidewalk in the Route 1 Right of Way (ROW) along the parcel frontage to connect to the existing sidewalk to the south. Additionally, the applicant will connect a walkway from the public sidewalk to the building entrance and parking area. This work includes street trees.

As always, I reserve the right to make additional comments on future plan submissions. Also, I would be pleased to review any other aspect of the application that you or the Planning Board may decide.



***Town of Yarmouth,
Maine***
Incorporated 1849
YARMOUTH FIRE RESCUE
178 NORTH ROAD (PO BOX 964)
YARMOUTH, MAINE 04096



MICHAEL ROBITAILLE, CHIEF OF DEPARTMENT

BILL GODDARD, DEPUTY CHIEF

To: Erin Zwirko, Town Planner
From: Michael Robitaille, Fire Rescue Chief
Date: June 14, 2023
RE: Nuance Dental

I have reviewed the plans submitted for Nuance Dental, 233 US Route 1, Yarmouth and make the following recommendations:

1. The town of Yarmouth will require a fire alarm system for the building as required by Yarmouth Town Ordinance, Chapter 403, Alarm Systems.
2. The building will be required to have a fire department KNOX box. This can be purchased online at www.knoxbox.com
3. Gas alarms will be required, per state law, for any building that has propane or natural gas utilities. Detectors must be located in each room where an appliance exists.
4. Access Road will be required to be of at least twenty (20) feet wide and clear of all obstructions. The obstructions include cars that are parking in approved spaces.
5. Identification of the buildings shall be easily viewed from the driveway area.
6. In accordance with NFPA 1 the angle of approach and departure of Access Roads shall not exceed 1 foot drop in 20 feet or the design limitations of the fire apparatus
7. A Fire Alarm permit must be obtained from the Town of Yarmouth and the State of Maine as required.

Erin Zwirko

From: Mike Tremblay
Sent: Monday, June 5, 2023 9:24 AM
To: Wendy Simmons
Cc: Colin Durrant; Erin Zwirko
Subject: Re: Request for Comment - 233 US Route 1 and 111 Madeleine Point Rd. - DUE 6/16

Good morning Wendy,

The Bike-Ped Committee (YBPC) has the following comments on 233 Route 1 (No comments on Madeline Point):

- YBPC applauds this application's numerous improvements to the existing site; namely, the addition of a sidewalk, the closure of a driveway, the right-sizing of parking and reduction of impervious area, addition of street trees and esplanade, and the street-facing nature of the proposed site.

- The proposed site includes a driveway that crosses the proposed sidewalk, adjacent to a large esplanade area. This driveway should ramp up to sidewalk level, using the esplanade area (which appears to be 12-15 feet wide) to ramp up to sidewalk level. This will prioritize pedestrian traffic crossing the driveway and slow cars as they enter. The long nature of the driveway means that it should be able to slope back down to meet the proposed grades near the parking lot area, if needed.

- Bicycle parking for at least two bicycles (one U-rack or similar) should be provided, ideally close to the building entrance.

- The crosswalk/buffer area markings that are shown next to the accessible parking space should be extended to the sidewalk ramp that connects to the entrance of the building.

Overall, we are pleased with this proposal and applaud the Applicant for this design, building toward a more walk-bike-friendly Route 1 south of Portland Street.

-Mike Tremblay, on behalf of YBPC

On Thu, Jun 1, 2023 at 11:03 AM Wendy Simmons <WSimmons@yarmouth.me.us> wrote:

For your review:

https://yarmouth.me.us/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=4E906CDE-F17F-4599-B6B3-47D894A2A4DC&Type=B_BASIC

Have a great weekend. Wendy

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

3.1

Administrative Assistant

Planning, Code Enforcement and Economic Development

Town of Yarmouth

200 Main St.

Yarmouth, ME 04096

Phone: 207.846.2401

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www.yarmouth.me.us

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Mike Tremblay

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Mike Tremblay

Yarmouth Tree Advisory Committee

TO: Planning Board Members
Erin Zwirko, Planning Director

COPY: Karyn MacNeill, Scott Couture, David Craig

DATE: June 16, 2023

FROM: Rebecca Rundquist, Chair
Michael Brandimarte, Aaron Kaufman, Susan Prescott, Stephen Ryan, Lisa Small,
Lisa Wilson

RE: Application for review: 233 US Route One and 111 Madeleine Point

The Yarmouth Tree Advisory Committee has reviewed the application for your meeting on 6/28/23 and has the following comments.

Regarding [233 US Route 1](#), this seems to be a significant improvement over the current conditions. We fully support the reduction in impervious surface, the addition of sidewalks and, most important, the street trees. The applicant referenced the credit union nearby as an example. We would suggest to the Landscape Architect that the street trees selected be native species from the preferred tree list that have a more full canopy, as opposed to the columnar form of those at the credit union.

As for the Madeleine Point application, the tree removal information is written in such a way that it's hard to know how many trees the applicant proposes to remove. We would request a complete tree inventory of the site and a clear statement identifying which trees must be taken down to accommodate the construction. In addition, a detailed plan to protect the trees that will remain on the site should be required.