



Date: March 7, 2024
To: Chair Holden and Members of the Yarmouth Planning Board
From: Erin Zwirko, Director of Planning and Development
Subject: Building of Value Determination and if a Building of Value, Substantial Modification Review, Upper Village Historic District, 91 South Street Map 41 Lot 82-00A

I. Project Description

Brad Moll, owner of the property at 91 South St, has submitted plans to demolish and rebuild the existing residential building of 75 years or older, that is within the Upper Village Historic District and the Demolition Overlay Zoning. The project includes the following scope:

- The existing cottage will be demolished. The existing garage will remain.
- A new 2,300 square foot home will be constructed in generally the same location as the existing cottage.
- The driveway will remain in the same location.

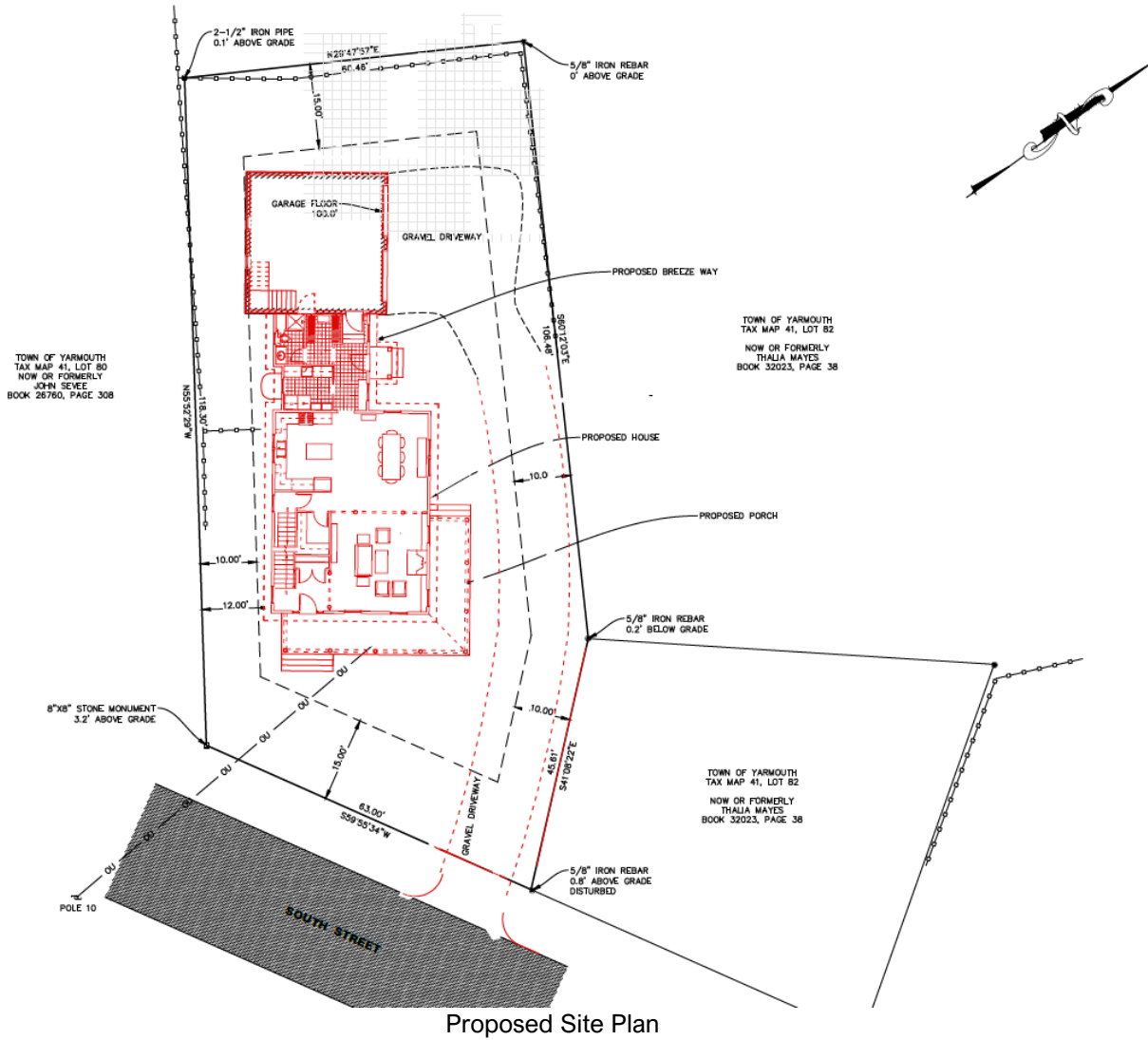
The Assessor's records suggest that the cottage was built in the 1930s, whereas the garage is a newer structure having been built by the property's previous owner in 2012. The property is located in the Upper Village Historic District and the Demolition Delay Overlay Zone (DDOZ), so the proposed work is subject to Chapter 701, Article IX and Article X. As the garage will remain, it is not the subject of this staff report.

The cottage is designated as a Non-Contributing Structure in the Upper Village Historic District, so there is no presumption that the structure is a Building of Value, under Chapter 701, Article IX, defined as a building that has architectural, cultural, historical, or archaeological significance, contribution to an overall setting or streetscape, or otherwise of a character defining a particular area, neighborhood or streetscape.

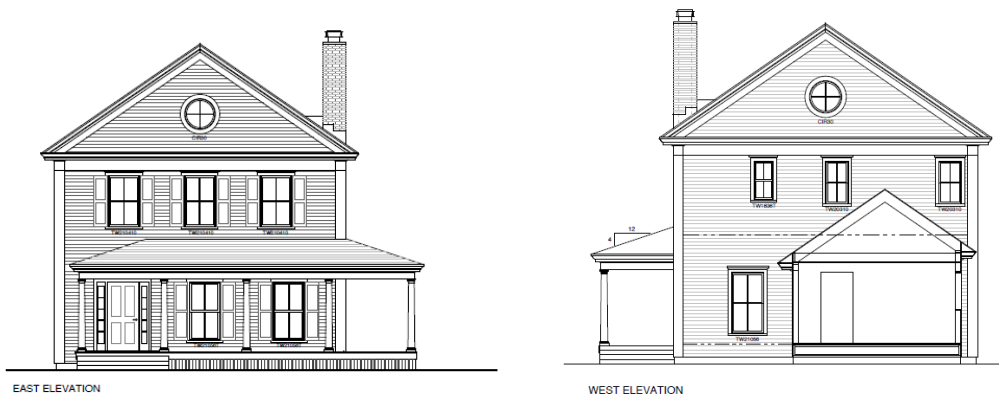


Property Location is Starred

The application materials include a site plan and elevations:



Proposed Site Plan



East (Front) and West (Rear) Elevations



North Elevation (note that the garage is existing)



South Elevation (Note that the garage is existing)

II. Purview for Review

As the cottage is designated as a Non-Contributing Structure in the Upper Village Historic District, the Planning is required to review whether the cottage is a Building of Value per the Historic Building Alterations and Demolitions of Chapter 701 Article IX, which were enacted in April 2018. (Note that if the cottage was designated as a Contributing Structure, it is automatically presumed to be a Building of Value.)

The term “Building of Value” is defined as “*a Building worthy of preservation, due to any of a variety of relevant considerations, including, without limitation, architectural cultural, historical or archaeological significance, contribution to an overall setting or streetscape, or otherwise of a character defining a particular area, neighborhood or streetscape, such that preservation would be deemed important to the maintenance of the character of such area, neighborhood or streetscape.*”

If the Planning Board determines the structure is a Building of Value, the Board must then review the Substantial Modification described in Chapter 701, Article IX. A Substantial Modification is defined as:

- a. removal or alteration of fifty (50 %) percent or more of the roof area and/or any exterior walls, or
- b. any portion of an exterior wall or roof area enfronting or facing and readily visible from a street or public open space

The property at 91 South Street is not on the National Register and has not been previously determined to be eligible for such listing. This does not mean that it is not eligible for listing, which is a determination by the Maine Historic Preservation Commission. There is a procedure for requesting the MHPC to make such a determination upon request, with property owner support, and that is one of the steps that can be taken during a demolition delay period.

III. Public Comment

Notices were mailed to 40 property owners within 500 feet of the property and notice was sent to the Town Council, Historic Preservation Committee, and Yarmouth Historical Society as required by Article IX. We have not received any public comments regarding the proposal.

The Historic Preservation Committee reviewed the application at their meetings on January 22 and February 26, 2024. After discussing the proposal as a concept in January, the Applicant worked with the HPC to modify the original plans, elevations, and renderings. The HPC issued a recommendation to the Planning Board at their February 26th meeting finding that the cottage is Not a Building of Value and that demolition and reconstruction can proceed in accordance with Chapter 701, Article IX and X.

IV. Evaluation

a. Historic Resource Survey

In 2018, the Town commissioned a reconnaissance survey of properties in a defined study area which was generally corresponding with the area covered by the DDOZ map. For the property at 91 South Street, the survey states:

Cottage: "Small vernacular house with interesting hipped roofline, rear ell. New windows. Integrity intact."

Garage: "Gable-roof garage, difficult to see from the road."

As a reminder, the garage is a newer structure that will be retained and not subject to this review, except that the proposed structure will be attached to it.

b. Article X. Contributing and Non-Contributing Structure

As defined, a non-contributing structure is one that:

1. Does not contribute generally to the qualities that give the Historic District cultural, historic, architectural or archaeological significance as embodied in the criteria for designating a Historic District;
2. Was built within 50 years of the date of District Designation unless otherwise designated in the historic resources inventory;
3. Was constructed outside of the Period(s) of Significance of the District in which it is located unless otherwise designated in the historic resources inventory; or
4. Where the location, design, setting, materials, workmanship, association or feeling have been so altered or have so deteriorated that the overall integrity of the building, Structure, Object or Site has been irretrievably lost.

The structures at 91 South Street are listed as Non-Contributing Structures within the Upper Village Historic District. There is no specific information on why the cottage is listed as Non-Contributing; however, the Period of Significance for the Upper Village Historic District is 1790, the approximate date of the settlement of this area, through 1923, the year the Forest Paper Company closed and effectively ended development in this area. Based on the Assessor's records, it is likely that the cottage was built after the Period of Significance and therefore is Non-Contributing.

c. Dept. of the Interior's Standards for Rehabilitation of Historic Priorities and the Guidelines for the Treatment of Historic Properties

Standards of Review are based on the U.S. Department of the Interior's Standards for Rehabilitation of Historic Priorities and the Guidelines for the Treatment of Historic Properties. The standards offer four distinct approaches to the treatment of historic properties: preservation, rehabilitation, restoration, and reconstruction with Guidelines for each. In this case, guidelines for rehabilitation would be applied to acknowledge the need to alter the front façade to meet changing uses while retaining the property's historic character. The standards of evaluation for reconstruction, renovation and alteration are in Article X, Appendix A4.2

Relative Importance in History: No findings.

Physical Condition: The 2018 survey did not provide any specifics on the physical condition other than there are newer windows.

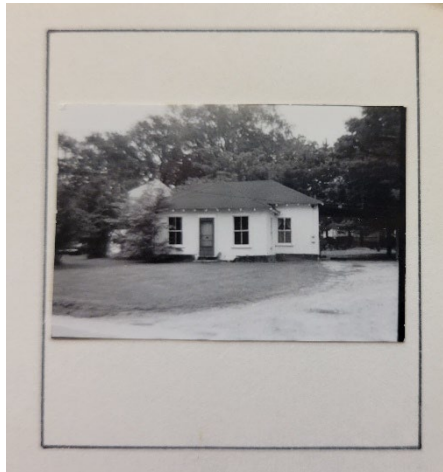
Proposed Use: The property will remain residential.

Mandated Code Requirements: The applicant will be required to install a sprinkler system into the new structure and must coordinate with the Yarmouth Water District to discuss domestic use and fire service requirements.

V. Yarmouth Design Manual

The cottage is an example of vernacular construction, with few significant features. The Yarmouth History Center provided some older photos of the property (1973 and 1989) but did

not have photographic evidence of the structure closer to its construction. The HPC did not offer any other observations about the property.



1973 Photo



1989 Photo (cottage to rear)



2023 Google Streetview

New Construction and Additions: The Design Manual States, “the shape of a structure and how it relates to its neighbors is a critical characteristic to consider when contemplating new construction or an addition. A historic neighborhood may have buildings with diverse materials and detailing but be unified in repeated forms such as roof type, projections, and overall building shape. New construction and Additions are related to existing development patterns, and do not compromise the historic character of the building(s).”

The proposed front elevation includes various details that are found in the Upper Village Historic District such as:

- Side lights at the entry door
- Distinctive cornice element
- Narrow gable end facing the street

The HPC found that the proposed new building will retain, respect, and complement the remaining significant character defining features of the property, and will be compatible with the historic streetscape of the Upper Village Historic District.



Proposed Front Façade

VI. Building of Value

The Historic Building Alterations and Demolitions ordinance requires the Planning Board to determine whether the subject buildings are Buildings of Value. The term “Building of Value” is defined as *“a Building worthy of preservation, due to any of a variety of relevant considerations, including, without limitation, architectural cultural, historical or archaeological significance, contribution to an overall setting or streetscape, or otherwise of a character defining a particular area, neighborhood or streetscape, such that preservation would be deemed important to the maintenance of the character of such area, neighborhood or streetscape.”*

As a Non-Contributing Structures to the Upper Village Historic District, the cottage is not presumed to be a Building of Value under Chapter 701, Article IX.

Based on the fact that the cottage was constructed after the Period of Significance for the Upper Village Historic District ended, the Planning Board could determine that the cottage is Not a Building of Value and allow the demolition to commence after a 30-day stay, with notice to the Council and on the Town website of the decision to allow modifications to proceed on that basis.

However, since the applicant has also provided the new construction drawings, the Planning Board may also allow the demolition and construction to proceed without delay, if the Board determines that the proposal meets the following standard:

In the case of Substantial Modification, the Board may waive the delay period if it determines that the proposed design retains and respects the significant character defining features of the building. In such case, the waiver shall be predicated on approvals and permit issuance for the Substantial Modification plans.

VII. Recommendation

The new construction proposal is compatible with the historic streetscape of the Upper Village Historic District, while the cottage structure is Not a Building of Value. We do not believe that the Planning Board needs to impose a delay as the Historic Preservation Committee has recommended approval of the new construction as proposed.

We are offering the Substantial Modification motion for the Board to consider, following the applicant's testimony, public comment, and Board deliberations. The proposed motion will allow the new construction to proceed as the design respects the character defining features without a delay period and with appropriate conditions.

VIII. Motion for Board Consideration

Based on the public hearing, the Planning Board may proceed with the following motion.

a. Design Respects Character Defining Features

On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Memo dated March 7, 2024, regarding the application of Chapter 701, Article IX, Historic Building Alterations and Demolitions, for the substantial modifications to 91 South St, Map 41 Lot 82-00A, Brad Moll, Applicant, the Planning Board finds that the existing structure is Not a Building of Value and the new construction proposed will retain, respect, and complement the remaining significant character defining features of the property and will be compatible with the historic streetscape of the Upper Village Historic District, and therefore waives the delay period, and allows that the substantial modifications proceed subject to Town Planning Authority approval with the following conditions:

1. Prior to the issuance of a building permit, the applicant shall receive written approval from the Yarmouth Water District regarding the property's connection to the municipal water main and determination of water service capacity for a fire sprinkler system, per Chapter 317, Fire Sprinkler Ordinance. Evidence of such approval shall be provided to the Director of Planning & Development, Code Enforcement Officer, and Fire Chief.
2. South Street is under moratorium until 2028. Any paving impacts shall be subject to moratorium restoration standards.
3. Contractor parking is prohibited on South Street, Cumberland Street, and Center Street.

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

Attachments:

1. Recommendation from the Historic Preservation Committee – 2/26/24
2. Comments from Erik Street, Public Works Director – 2/28/24
3. Comments from Tree Advisory Committee – 3/1/24

**TOWN OF YARMOUTH
HISTORIC PRESERVATION COMMITTEE**

Findings of Fact, Conclusions and Recommendation to Planning Board
**91 South Street
February 26 , 2024**

1. BACKGROUND: - 91 South Street – Demolition of a Non-Contributing Structure to be followed by New Construction in the Upper Village Historic District.

At the January 2024 meeting, Mr. Brad Moll presented the HPC with a conceptual site plan sketch, with elevations and plans and other material, relating to the proposed demolition of an existing circa 1930 cottage structure, to be replaced by a newly constructed residential structure to be connected to the existing garage. The cottage was listed as non-contributing in the Historic District reconnaissance survey, and is not in good condition. The site is subject to a Contract Zone Agreement dating back some years, which permits new construction on this otherwise non-conforming lot, subject to MDR setback limits. The presented drawings were preliminary, intended only to stimulate conceptual discussion, which ensued. Mr. Moll stated that he wished to pursue both Art. IX and Art. X action at a single upcoming Planning Board meeting, and the Committee members saw no difficulty with HPC review and comment of both at a single HPC voting meeting, the Art. X discussion to proceed on the assumption of Planning Board approval of the Art. IX demolition being forthcoming, all in the interest of expediting the process. The Committee has now received evolved and detailed plans for the New Construction, for Article X review and comment.

2. FINDINGS.

- a. The Committee **FINDS** that the existing cottage proposed to be demolished is **NOT a Building of Value** within the meaning of Ch.701, Article IX.C.5. and that the plans submitted by applicant meet the requirements of Art. IX.E. Plans for Redevelopment, which clears the way for demolition.
- b. Having reviewed the revised plans submitted by applicant, the Committee **FINDS** that the revised plans adequately comply with the Standards for New Construction set forth in Ch.701, Article X.A4.3, including: A4.3.1 Scale and Form, A4.3.2 Composition of Principal Facades, A4.3.3 Relationship to Street, and A4.3.4 Other Standards, **AND** that the proposed new building will retain, respect and complement the remaining significant character defining features of the Property, and be compatible with the historic streetscape of South Street and the Upper Village Historic District.

3. CONCLUSIONS AND RECOMMENDATIONS. Based upon the foregoing the Committee:

- a. **CONCLUDES** that the proposed Demolition should be permitted to go forward, with the CEO being authorized to issue the Demolition Permit, and with the New Construction being approved, and
- b. **RECOMMENDS** to the Board that:
 - i. the Board adopt the factual background and findings of the Committee set forth in Sections 1 and 2 above, and
 - ii. the application be approved, with the delay period provided for in Ch.701,Article IX.I.4.d. being waived, predicated upon approvals and permit issuance for the New Construction in accordance with the revised plans as heretofore filed by the Applicant and reviewed and approved by this Committee.

Historic Preservation Committee
S/ Bruce B. Butler
By Bruce B. Butler, ChairPerson
Architect, AIA/LEEDAP

Submit Comments to Erin Zwirko by 3/1/24**TOWN OF YARMOUTH****200 Main Street
Yarmouth, Maine 04096****(207)846-2401****Fax: (207)846-2438****NOTICE OF PLANNING DEPARTMENT FILING & REQUEST FOR COMMENT**

Date Rec'd.: 2/13/24

Agenda Date: 3/13/24

Project Description: Demolition Delay

Project Location: 91 South St.

Applicant: Brad Moll

Agent/Contact: yarmouthco@gmail.comProject Description:

Tear down cottage and rebuild

*No comments or
Concerns with Demo work,
Rds are posted until
MAY 1st 23,000 lb weight
restriction in place.
EJS
2-28-24*

- ☐ Review For Completeness/Checklist
☐ Respond To Applicant Re: Completeness
☐ Staff Input/Request Sent:

1. **Director of Public Works** (full size)
2. Town Engineer (full size)
3. Fire Chief (pdf)
4. Police Chief (pdf)
5. Director of Community Svcs (pdf)
6. Yarmouth Water District (pdf)
7. Code Enforcement Officer (full size)
8. Town Manager (pdf)
9. Harbormaster (pdf)
10. School District (pdf)
11. Tree Warden (pdf)
12. Tree Committee (pdf)
13. Economic Development Director (pdf)
14. Planning Director (full size)
15. Assessor - Subdivision Only (pdf)
16. Bike & Ped Committee (pdf)
17. Parks & Lands Committee (pdf)
18. Historic Preservation Committee (pdf)
19. Traffic Peer Review - TYLin (pdf)

Date Completed:

2/13/242/13/242/15/24XXXXXXX

Vacant

—XXXXX—XXX—

- ☐ Notice Letters Created/Sent
☐ Agenda To PB
☐ Agenda Posting:

1. Forecaster

2. Website

3. Bulletin Board

- ☐ Copy Of Findings And Decision In File

Yarmouth Tree Advisory Committee

TO: Planning Board Members
Erin Zwirko, Planning Director

COPY: Karyn MacNeill, Scott Couture, David Craig

DATE: March 1, 2024

FROM: YTAC members: Michael Brandimarte, Susan Prescott,* Lisa Small,
Aaron Kaufman, Steve Ryan, Lisa Wilson

RE: Applications for review

The Yarmouth Tree Advisory Committee has reviewed the applications for your meeting on 3-13-24 and has the following comments.

1. Latchstring Park [*Susan Prescott recused herself from comments on this item]. This revised application is a large scope reduction in the project due to budget constraints. All of the granite hardscaping has been removed, as well as light fixtures, benches, bike racks and similar "furniture." The infrastructure, e.g. for lighting, has been retained. YTAC is concerned about two aspects. First, there has been a considerable (~30%) reduction in plantings, although what and where removals will be is difficult to see in the submitted materials. We request that an accurate rendering of retained trees, shrubs, and other plantings be provided. Second, there appear to be large areas of concrete surfacing. We request that a cost-effective permeable material (e.g., some type of stabilized aggregate) be considered. This would be more natural in appearance and much better for the establishment and health of the surrounding plantings.
2. 91 South Street. This application entails building demolition and construction. No information is provided about trees on the property. We request that the Planning Board-endorsed Tree Protection Measures be followed on this site