



Planning Board Recommendation to Town Council
Resource Protection (RP) District Zoning Map Amendment
Prepared by Erin Zwirko, Director of Planning and Development
Planning Board Action: March 12, 2025

On March 12, 2024, the Yarmouth Planning Board made the following motion and vote:

On the basis of the application, plans, reports and other information submitted, and the findings and recommendations contained in Planning Board Report dated February 6, 2025, for amendments to the Yarmouth Zoning Map to amend the extent of the Resource Protection District, the Planning Board finds that the amendment is in conformance with the Yarmouth Comprehensive Plan, and therefore recommends that the Town Council adopt the proposed zoning map amendment.

Such motion moved by Mary Lynn Engel, seconded by Jerry King, and voted 6 in favor, zero opposed (Schumacher absent).

I. Introduction and Background

In June 2024, the Town Council adopted amendments to Chapter 315, Floodplain Management, in order to update the ordinance to be in compliant with new standards and incorporate the new floodplain maps that became effective on June 20, 2024. Prior to the adoption of these new maps, the latest revision of Yarmouth's floodplain mapping occurred in 1984. With the updates, inland river floodplains associated with the Royal River, Cousins River, and Pratt's Brook were refined, while the coastal floodplains generally remained the same.

The adoption of the new maps directed corresponding changes to the Resource Protection (RP) District, a zoning district mandated by the state's Shoreland Zoning Act. In Yarmouth's Zoning Ordinance, the RP District is included in Chapter 701, Article IV.I (page 104). The RP District is defined by a series of features, such as wetlands, steep slopes, floodplains, soils, and areas of erosion. While many of these features can be mapped like floodplains, these features also require field verification. As such, the official Zoning Map of Yarmouth notes that the limits of the RP District are illustrative and the boundary of the district is determined by field verification of designated areas, applying the descriptions in the text of the Zoning Ordinance.

Beginning this past fall, Planning Staff and the Code Enforcement Officer worked with our GIS consultant, VHB, to analyze the limits of the 2024 floodplains and steep slopes and make updates to the estimated boundary of the district. The analysis was reviewed with the southern Maine Shoreland Coordinator to ensure that his feedback was incorporated into the proposed zoning map amendment.

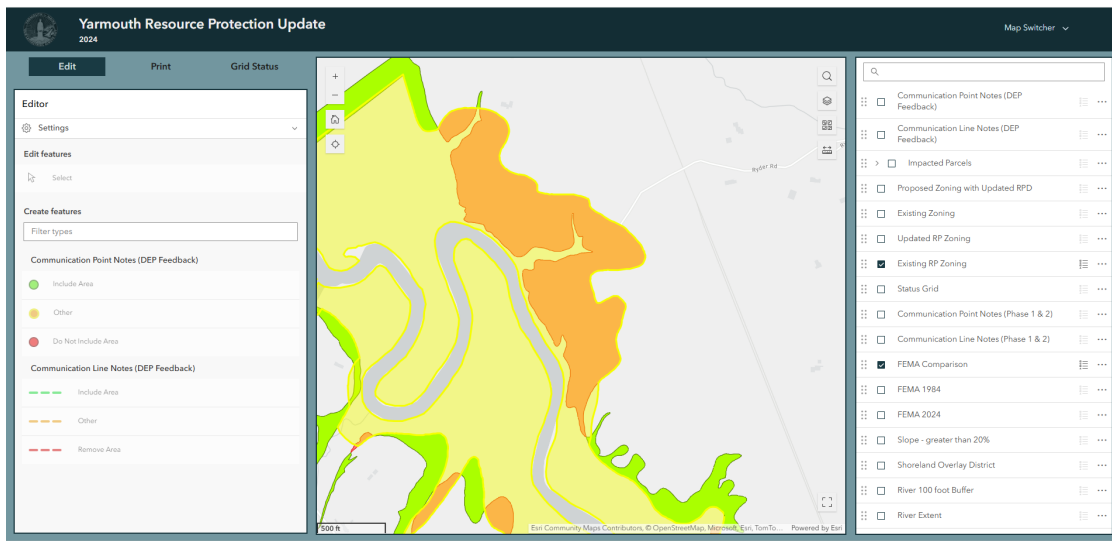
II. Analysis Completed to Inform Zoning Map Amendment

Using a web-based GIS tool, VHB and town staff completed two analyses:

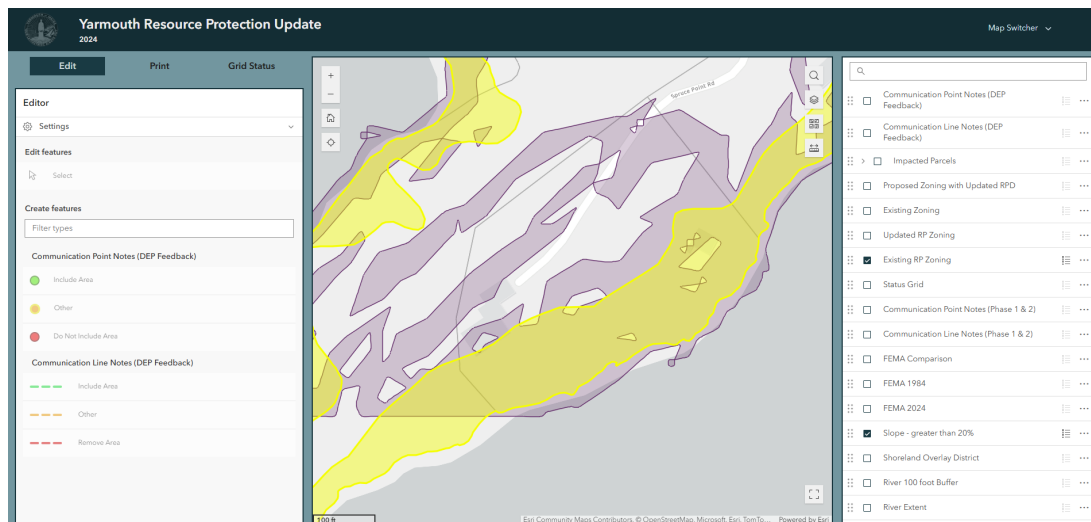
- A comparison between the 1984 and 2024 FEMA floodplain layers to understand where the floodplain has expanded and contracted, and
- An analysis of steep slopes of 20% or greater over 2 acres.

These areas were then compared to the limits of the existing RP District, and amendments were identified to more accurately depict the limits of the district. As noted on the Town of Yarmouth Zoning Map, the limits of the Resource Protection District are illustrative and are subject to field verification of the designated areas, applying the descriptions of the text of the Town of Yarmouth Zoning Ordinance, Chapter 701, Article IV.I. The limits of the Resource Protection District shown on the proposed map amendment will continue to be subject to field verification.

The following screenshot is an example of where the floodplain has expanded and contracted around the Royal River. The yellow is the limits of the existing RP District. The orange polygons illustrate where the floodplain has been reduced, and the green polygons are where the floodplain has expanded. The proposed RP District was amended to reflect these changes.

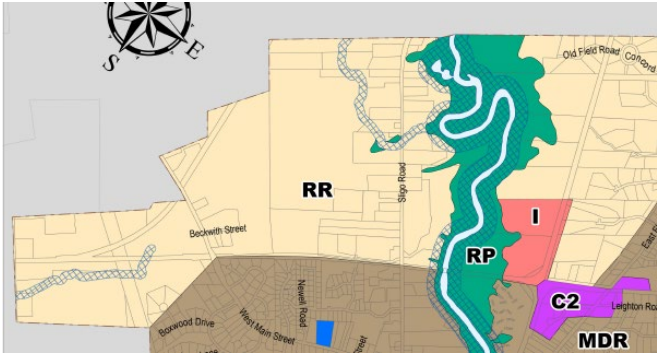
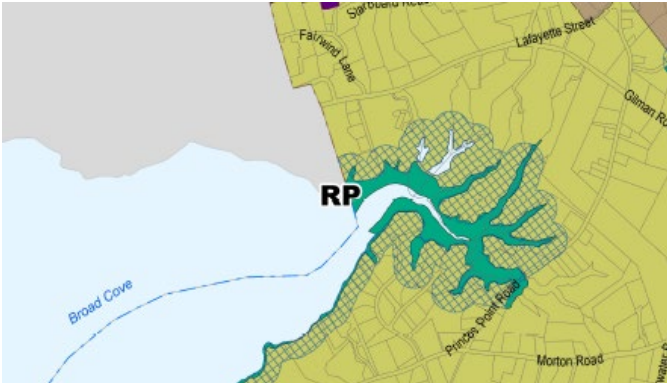
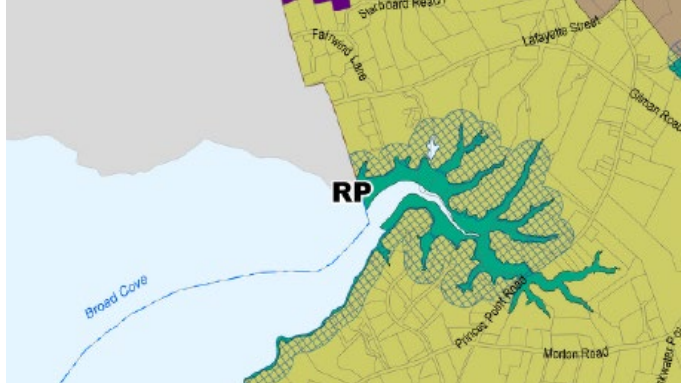
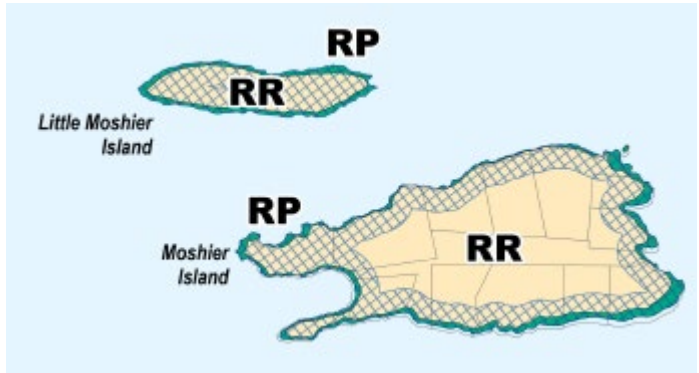
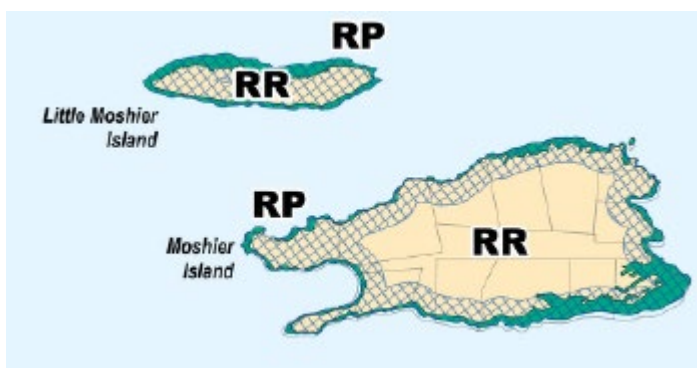


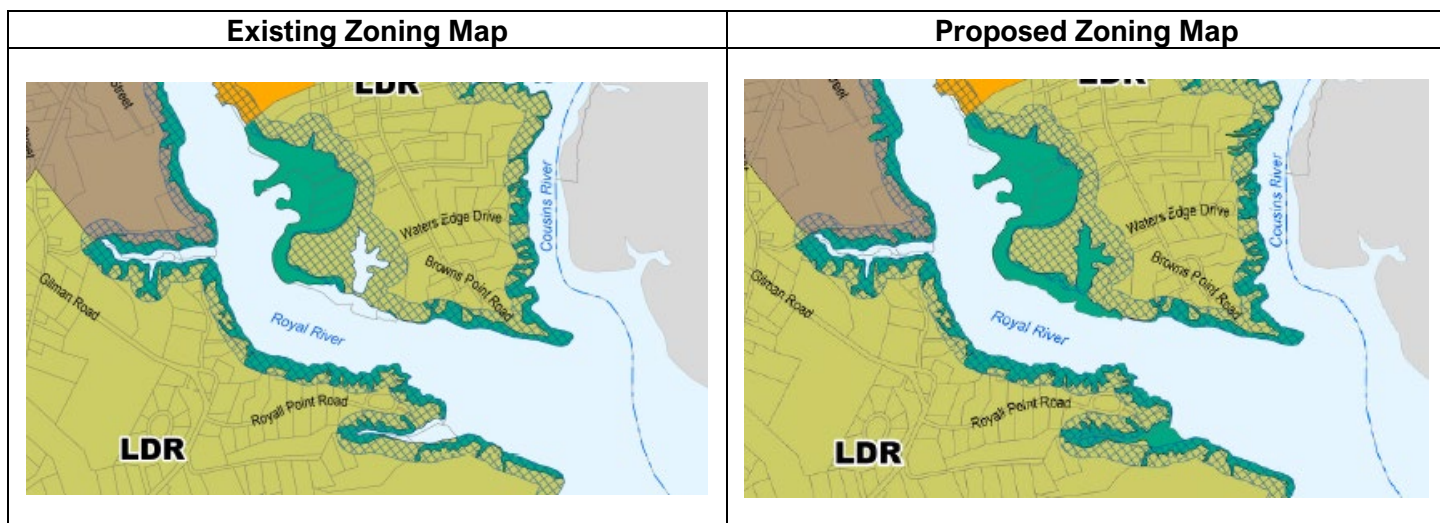
Below is a screenshot for a coast area where steep slopes are present over more than 2 acres where the RP District did not extend to that degree.



III. Recommended Amendments

The existing and proposed zoning maps are attached to this report, but to provide a little more detail where there are more significant differences, side by side comparisons are presented below.

Existing Zoning Map	Proposed Zoning Map
	
	
	



Practically speaking, the presence of RP District on a property may not require any additional permitting for typical activities that a property owner may want to undertake. However, for the typical property owner in a residential district, tree removal or vegetation maintenance within the RP District may require a permit from the Code Enforcement Officer (CEO). In many instances, the property is likely already located within the Shoreland Overlay District necessitating a permit from the CEO for these activities. For a more intensive activity with the RP District, like earthmoving or agriculture, a Planning Board permit would be required. Further, there are special performance standards for a new single-family home to be constructed within the RP District. As noted elsewhere, the limits of the RP District are illustrative, and are subject to field verification when pursuing permitting.

IV. Discussion and Comprehensive Plan Consistency

The Planning Board found that the proposed map amendment addresses compliance with state laws and therefore can be considered consistent with the Comprehensive Plan. The Mandatory Shoreland Zoning Act (MSZA) requires municipalities to adopt, administer, and enforce local ordinances that regulate land use activities in the shoreland zone. That said, the 2024 Comprehensive Plan includes the following relevant action:

NR-1.1	Ensure that land use ordinances are consistent with applicable state law regarding critical natural resources.
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The purpose of the MSZA, its implementing guidelines for municipalities, and the purpose statements of both the RP District and the Shoreland Overlay District express that these areas are critical natural resources that deserve protection. The Planning Board found that ensuring that the RP District is updated and reflects the best information available is consistent with the Comprehensive Plan.

V. Planning Board Recommendation

On March 12, 2025, the Planning Board recommended

On the basis of the application, plans, reports and other information submitted, and the findings and recommendations contained in Planning Board Report dated February 6, 2025, for amendments to the Yarmouth Zoning Map to amend the extent of the Resource Protection District, the Planning Board finds that the amendment is in conformance with the Yarmouth Comprehensive Plan, and therefore recommends that the Town Council adopt the proposed zoning map amendment.

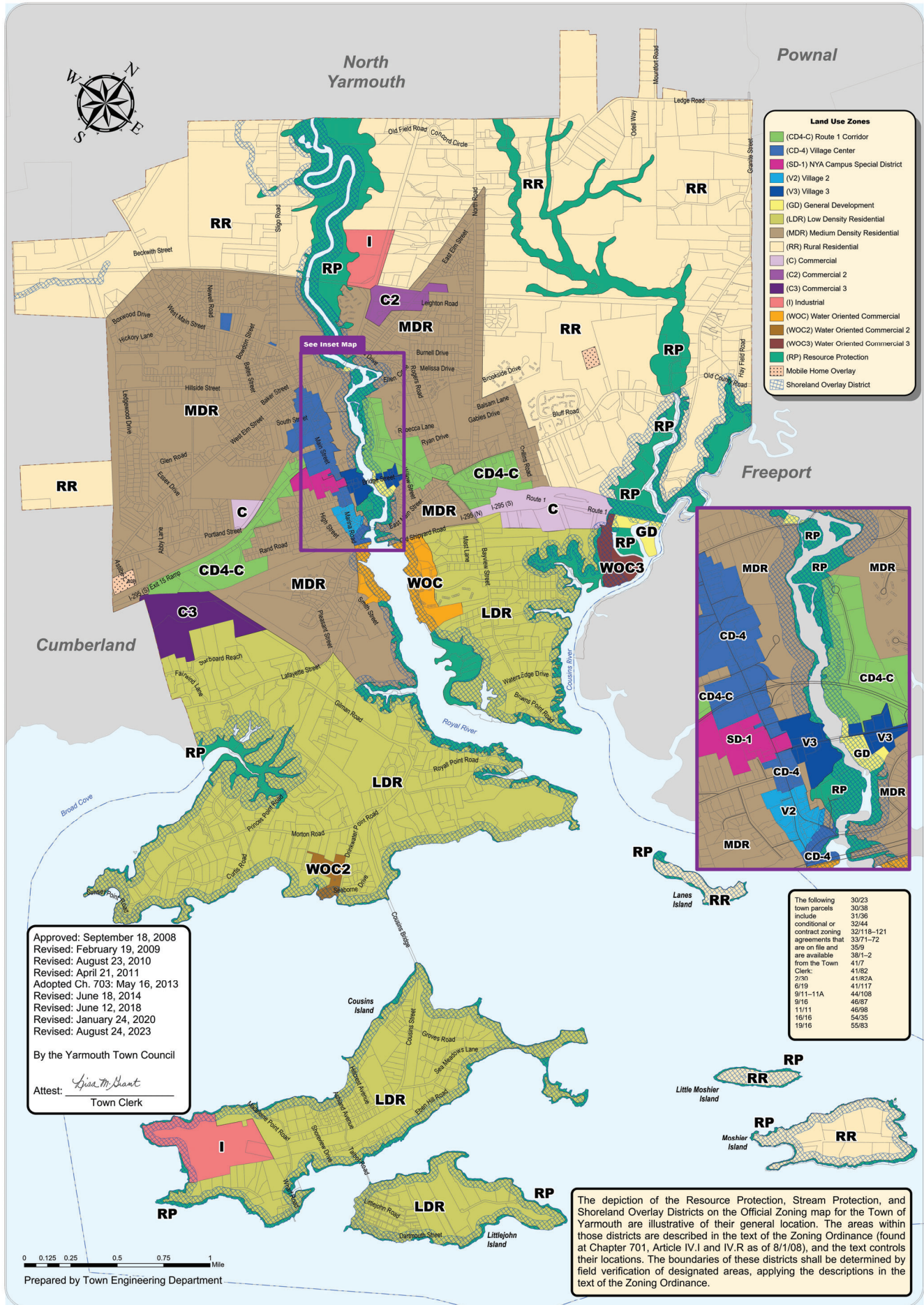
Such motion moved by Mary Lynn Engel, seconded by Jerry King, and voted 6 in favor, zero opposed (Schumacher absent).

Attachments:

1. Yarmouth Zoning Map, last revised August 24, 2023
2. Proposed Yarmouth Zoning Map, dated November 21, 2024

Town of Yarmouth Official Zoning Map

Yarmouth Town Code Ch. 701 & 703



Town of Yarmouth PROPOSED Zoning Map

Yarmouth Town Code Ch. 701 & 703

