Background. On November 29, 2018 Ian and Eric Michaud met with Scott LaFlamme, Economic Development Director, Nick Ciarimboli, Code Enforcement Officer and me to inquire if the Rural Residential Zone would permit a storage building for aging of oak bourbon whiskey barrels associated with and produced at their distillery, Liquid Riot, in Portland. The RR zone does allow Storage Buildings, however we determined that the definition of Storage Buildings in Chapter 701, Zoning, would not allow storage of a commercial product, and is limited to 1,000 square feet in size.

Storage Building: A Building, not exceeding one thousand square feet, used only for the non-commercial storage of materials or private property. A Storage Building may contain no more than one commercially registered motor vehicle.

We advised the applicant that the proposed use is not allowed under current zoning, and explained that a zoning amendment, either to the zoning text or possibly a contract zone, would be required to allow the storage of bourbon whiskey barrels from their commercial distillery in Portland. We aided the applicant in drafting a proposed text amendment to the RR zone to allow a broader range of storage buildings in the RR zone as a Special Exception, for consideration by the Planning Board and Town Council. Any
zoning amendment must be reviewed by the Planning Board with a recommendation to the Town Council, before the Town Council can act on it.

The Planning Board reviewed this in a workshop on March 13, 2019 and viewed the amendment favorably in anticipation of a public hearing and recommendation to the Town Council. Comments from the Board included clarification of the text to ensure that storage of agricultural products grown on the premises would not be subject to the size limit for storage of product produced elsewhere. (see extract from 3/13/2019 Minutes, Attachment 6) The Board expressed general support for zoning changes to improve the economic health of the agricultural sector in the RR zone, which might include consultation with the Economic Development Advisory Board, and a more comprehensive look at the RR zone. This amendment request can go forward while that review is underway.

The applicant’s property is a 6.7-acre lot on outer Granite Street that backs onto Pratt’s Brook, out beyond the Maggie May subdivision and the Pan Am railroad tracks. Surrounding uses are typically residential with some larger lots of 15 to 20 acres, and several that are around 1 acre along Granite Street. (See site context aerial, Attachment 2)
At the March 13 workshop, there was a brief discussion of the potential for marijuana related product storage. It was noted that there is a general prohibition in Yarmouth regarding marijuana products, however, a review of the relevant ordinance, Chapter 509, Retail Marijuana Establishments and Retail Social clubs Ordinance, reveals that it deals exclusively with retail facilities, and might not restrict storage facilities. The Town has elected to move slowly with the emerging marijuana industry, so we have added a restriction in the proposed definition of Agricultural Products to not include marijuana related products in this proposal.

**Proposed Amendment.** The proposed amendment would allow storage buildings for agricultural products as follows:

**Proposed Special Exception:** Facilities for storage of Agricultural Products. Agricultural Products may be produced on the premises or produced elsewhere. The storage facility shall not exceed 3,000 square feet gross floor area per lot for Agricultural Products produced elsewhere. Storage facilities for Agricultural Products produced on the premises are not limited in size. The facility shall not include on-premise retail sales or consumption, or on-premise processing of product not produced on the premises. Impacts from such use shall not create undue adverse traffic, parking, noise, odor or other external impacts or nuisance effects. (Requires site plan review.)

**Proposed Definition:**

**Agricultural Products:** Raw unprocessed crops, and/or food, beverage, or other goods or commodities derived from Agriculture, but shall not include marijuana related products.

The use standards and definition are intended to limit the storage use to the types of products and activities that are common to local farming activity, but not required to be grown on the premises. Because lots of manufactured goods are composed of agricultural products at some point in the production process, we might want to limit the definition of Agricultural Products somewhat. For example, “goods or commodities derived from Agriculture, including products for human consumption and products such as fibers or oils used in manufacture, but not including manufactured finished goods produced elsewhere that include agricultural products as one of several inputs.” At the workshop discussion, the Board did not see the need to add this additional language. The Special Exception process allows for enough oversight to ensure that the ordinance is interpreted appropriately.

**Comprehensive Plan.** The applicant cites the policies of the 2010 Comprehensive Plan that aim to preserve the rural character of Yarmouth, specifically in the RR and LDR zones. Some policies under the heading of *Rural Character and Open Space* relate to managing new residential development to use the Open Space Residential Development provisions to “…preserve land that is adjacent to or includes working farms and landscapes…” (Policy G.1.1 Page 40, Excerpt Attachment 1) There are no explicit policies to promote the economic sustainability of working farms and landscapes, other than to try to preserve such uses in the face of continued residential development. There are some *Community and Economic Development* strategies that could be applied to the working farms and landscapes, although not specifically targeted:
Strategy I.1.4 – Rezone additional lands for commercial use where appropriate. Use of contract zoning will be considered to allow commercial growth and investments in ways and locations complementary to and not in conflict with residential, natural resource, or community concerns, and consistent with the Future Land Use Plan.

Strategy I.1.5 – Encourage or allow mixed uses, more flexible standards for home occupations, and low impact cottage industries.

In considering this request, we have been aware that the RR zone is increasingly residential in use, and that any increase in commercial activity must be evaluated in the context of compatibility with the residential neighborhoods. We recall the debate about wedding barns in the RR zone, and do not intend to introduce a use that would be potentially disruptive to the quietude of the residential neighbors. A storage building with limited activity is not dissimilar from a barn on an active farm. Allowing a wider array of storage uses would provide an additional economic value to rural properties, which could forestall further break-up of large parcels into residential lots.

Staff Comments:
1. **Erik Street, Public Works Director:** Solid Waste: Facility would be considered commercial so any waste generated from this facility would not be allowed to come to the Transfer Station.
   **Traffic / Parking:** No Concerns. However, the applicant should be aware that Granite Street is posted seasonally, Mid. February thru May 1st, with vehicle weight restrictions of 23,000 lbs. These restrictions also apply to Ledge Rd, Old County Road and a section of E. Main Street. Vehicles with a registered weight of 23,000 lbs or more will not be allowed to travel over these roads during this time, without a Town issued permit.

2. **Police Chief Mike Morrill:** If the zoning change is approved, and a storage barn constructed, the property owner will need to meet state and federal license requirements before distilled products can be stored on site.

3. **Economic Development Director, Scott LaFlamme:** Due to Yarmouth’s small geographic footprint and well-defined commercial corridors, it’s important to look at every opportunity for commercial growth. This proposal, in my opinion, elaborates on traditional agricultural uses and allows the Planning Board to more broadly interpret agricultural spinoff opportunities.

**Recommendation.** We are supportive of this proposed amendment, which would allow some more development and economic value to occur in the RR zone, but in a careful way through the Special Exception performance standards that will ensure that the modest expansion of storage use does not detract from the quality of life in the surrounding residential neighborhood.

**Proposed Motion**

On the basis of the application, plans, reports and other information submitted by the applicant, and the findings and recommendations contained in Planning Board Report dated April 16, 2019 for Zoning Text Amendment Re: Agricultural Product Storage Buildings, Rural Residential Zone, Ian Michaud, 602 Granite Street, Applicant, the Planning Board finds that the plan [is/is not] in conformance with the
Yarmouth Comprehensive Plan, and therefore [recommends/does not recommend] that the Town Council adopt the proposed contract zone 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. Excerpts from Yarmouth 2010 Comprehensive Plan
2. Aerial View of 602 Granite Street and Vicinity
3. Comment from Scott LaFlamme, Economic Development Director, 3/5/2019
4. Comment from Erik Street, Public Works Director, 2/27/2019
5. Comment from Mike Morrill, Police Chief, 2/27/2019
6. Excerpt from Planning Board Minutes, 3/13/2019
7. Proposed Amendment to Allow Agricultural Storage Buildings in RR Zone
Yarmouth 2010 Comprehensive Plan – Excerpts Re: Rural Character and Economic Development

G. Rural Character and Open Space

1. BACKGROUND

Over the past twenty-five years, low-density residential development has occurred in the areas outside of the Village. Much of this development has been “suburban” in character and has impinged on the “rural character” of these outlying areas. The character of rural roads has changed, little open space has been retained, and scenic views and vistas have been altered. During the preparation of this plan, maintaining the character of these rural parts of the Town as residential development continues was raised as an important issue in planning for the future of Yarmouth.

3. POLICIES AND STRATEGIES

While much of the “rural” part of Yarmouth has already been suburbanized, the opportunity still exists selectively acquire/protect additional open space and to ensure that as additional development occurs in these areas it is done a way that preserves the “rural character” to the extent feasible.

Policy G.1. New residential development in areas outside of the Village should be required to be designed and developed in a manner that preserves the remaining rural character to the extent practical.

Strategy G.1.1 – Amend the Open Space Residential Development ordinance to strongly encourage or require the use of this ordinance in the RR (Rural Residential) and LDR (Low Density Residential) zoning districts. Amendments should include:

- Additional density bonuses for preservation of land that is adjacent to or includes working farms and landscapes, preservation of riparian corridors, or substantially furthers the objectives of the Green Infrastructure Plan.

- If the property abuts the river, inclusion of the river frontage and a minimum 150 foot riparian corridor as required part of the open space.

- Enhanced design criteria, such as: consideration of retention of the rural, scenic character of the area including the frontage along existing roads; clustering near a new or existing road to decrease infrastructure costs and fragmentation of landscape; incorporation of working farms and space for neighborhood community gardens.
I. Community and Economic Development

1. BACKGROUND

The Town places a high value on the Village Center and Route One not only as places with vibrancy, attractiveness, and community pride but also as centers for economic activity, jobs, property tax generation and diversity. The Town supports and will encourage commercial and industrial growth, an improved business development environment, job creation, and investment in commercial buildings and activities where and as such growth and development is consistent with the Town’s overall vision and goals. The Town’s goal to promote and grow a sound and diverse economic tax base will be advanced in accordance with an Economic Development Plan to be developed in the future. Considerations for such a plan may include:

**Strategy I.1.4** – Rezone additional lands for commercial use where appropriate. Use of contract zoning will be considered to allow commercial growth and investments in ways and locations complementary to and not in conflict with residential, natural resource, or community concerns, and consistent with the Future Land Use Plan.

**Strategy I.1.5** – Encourage or allow mixed uses, more flexible standards for home occupations, and low impact cottage industries.
Due to Yarmouth’s small geographic footprint and well-defined commercial corridors, it’s important to look at every opportunity for commercial growth. This proposal, in my opinion, elaborates on traditional agricultural uses and allows the Planning Board to more broadly interpret agricultural spinoff opportunities.

In addition to allowing for new commercial opportunities in the rural residential zone, I’m thrilled to work with Liquid Riot to expand their business to Yarmouth. As the Town sees continued growth in artisanal food and beverage manufacturing and a well-deserved foodie reputation, the addition of Liquid Riot to our business portfolio would be wonderful. I’m excited to see this text amendment move forward and would offer my insights should they be necessary.
MEMORANDUM

To: Alex Jaegerman, FAICP, Director of Planning and Development
From: Erik S. Street, Director of Public Works
CC: Steve Johnson, PE, Town Engineer, Wendy Simmons, Karen Stover
Date: 2-27-19
Re: 602 Granite St- Agriculture Use Amendment – Application Review

1. **General**: Applicant is requesting to amend the Rural Residential Zoning to allow Agricultural Product storage as a Special Exception Use.

2. **Rights, Title**: N/A

3. **Easements**: N/A

4. **Home Owner Associations / Road Maintenance Agreements**: N/A

5. **Financial Capacity**: No Concerns

6. **Technical Ability**: No Concerns

7. **Solid Waste**: Facility would be considered commercial so any waste generated from this facility would not be allowed to come to the Transfer Station.

8. **Water**: No Concerns

9. **Traffic / Parking**: No Concerns. However, the applicant should be aware that Granite Street is posted seasonally, Mid. February thru May 1st, with vehicle weight restrictions of 23,000 lbs. These restrictions also apply to Ledge Rd, Old County Road and a section of E. Main Street. Vehicles with a registered weight of 23,000 lbs or more will not be allowed to travel over these roads during this time, without a Town issued permit.

10. **Storm Drains**: N/A

11. **Drainage, Stormwater Management**: No Concerns currently.

12. **Sewers**: N/A
13. **Erosion and Sediment Control:** No Concerns currently.

14. **Soils:** No Concerns

15. **Site Plan / Ordinance Requirements:** I have no concerns with the requested amendment.

16. **Lighting:** N/A

17. **Waivers:** N/A

18. **Off-Site Improvements:** N/A

19. **Site Plan Drawing:** I have no concerns with the storage building that is being proposed.

   If you have any questions, please let me know.
INTERNAL MEMORANDUM

TO: Alex Jaegerman, FAICP, Director of Planning
FROM: Mike Morrill, Chief of Police
DATE: February 27, 2019
RE: Code of Ordinance Amendment: 602 Granite Street

Alex,

I have no objections to this amendment for allowing agriculture use in the rural residential zone.

If the zoning change is approved, and a storage barn constructed, the property owner will need to meet state and federal license requirements before distilled products can be stored on site.

Michael E. Morrill
Chief of Police
Yarmouth Police Department
200 Main Street
Yarmouth, ME 04096
Phone: (207)846-3333
mmorrill@yarmouth.me.us
I. CALL TO ORDER
Tom Federle called the meeting to order at 7:00 PM.

II. ROLL CALL OF MEMBERS

<table>
<thead>
<tr>
<th>PRESENT</th>
<th>ABSENT</th>
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<tbody>
<tr>
<td>Tom Federle, Chair</td>
<td>X</td>
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<td>Judy Colby George, Vice Chair</td>
<td>X</td>
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<tr>
<td>Andrew Bertocci</td>
<td>X</td>
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<td>Matt Schumacher</td>
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<td>Andrew Schaefer</td>
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<td>Michael Dubois</td>
<td>X</td>
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<tr>
<td>Matthew Gredler</td>
<td>X</td>
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3. Workshop: Agricultural Use Text Amendment to Chapter 701, Article IV.F, Special Exception, to Allow Facilities for Storage of Agricultural Products; Vicinity of 602 Granite St.; Map 17 Lot 17, Ian Michaud, Applicant.

The applicant is proposing an amendment to the Rural Residential (RR) zoning district to allow agricultural product storage as a special exception use. This would allow the owner of the property to build a storage building to warehouse barrels of whiskey and other items associated with his business. The proposed amendment reads as follows:

**Facilities for storage of Agricultural Products.** Agricultural Products may be produced on the premises or produced elsewhere. The facility shall not exceed 3,000 square feet gross floor area per lot. The facility shall not include on-premise retail sales or consumption, or on-premise processing of product not produced on the premises. Impacts from such use shall not create undue adverse traffic, parking, noise, odor or other external impacts or nuisance effects. (Requires site plan review.)

This proposed amendment is scheduled for workshop review, at which no vote will be taken. The Planning Board will comment and schedule this item for a future hearing at which they will vote on a recommendation to the Town Council regarding the proposed amendment.

Ian Michaud, applicant gave an overview of the plan. He is co-owner, with his brother of Liquid Riot, brewery, distillery and restaurant. He lives on family land passed down which has always been farm land. Their products are becoming more in demand and they want to increase production of their whiskey. He wants to grow corn on his land which is allowed under Rural Residential zoning and he wants to build a barn for storing the whiskey to age; which is not allowed under Rural Residential zoning. Distilling is considered an agricultural industry by the State and they are asking for there to be an amendment to the zoning to allow them to
warehouse the whiskey. There wouldn’t be increased traffic because he would transport the barrels himself.

Chari Federle opened to public comment

No public comment

Public comment closed

Alex Jaegerman gave an overview of how the amendment came about. Scott LaFlamme met with Ian and Eric to discuss the zoning and if they would be able to build a commercial barn/warehouse on the property. With his help and discussion with Nick Ciarimboli (CEO) the amendment language was crafted to allow the building of the barn in the RR zone. This would be a modest, controlled step towards allowing agriculture related commercial activity in the RR zone.

Andrew Bertocci thinks due to the changing nature of agriculture the Town may need to broaden their perspective and he does not consider this use as something that would get out of control. He considers the aging process for whiskey to be production on the land. Michael Dubois agrees and confirmed if they recommended the amendment to Town Council it would still have to come back to Planning Board for final approval. AJ – yes, Town Council would hold a public hearing and it would come back to Planning Board for review as a Special Exception and Site Plan.

The Board had a general discussion about whether the entire RR zoning ordinance should be looked at and revised and if there are others in the Town who may have similar businesses or needs who could benefit from revising the RR zoning. S. LaFlamme volunteered the Economic Development Advisory Board to look at the RR Zoning and make recommendations to the Board.

There were concerns on the wording on the building size of 3000sf and if it would limit other applicants to a building no larger for storage of items produced on the premises. AJ will work on tightening up the wording and clarification that the size limit applies to buildings for storage of material not produced on the premises before bringing it back to the Board for approval and recommendation to the Town Council.
Proposed Amendment to RR Zone to Allow Agricultural Product Storage as a Special Exception Use
April 16, 2019

Chapter 701, Zoning, Article IV.F, Rural Residential Zone

F. “RR”- RURAL RESIDENTIAL
The rural residential district is located in a generally rural area and intended to remain in that character. The district allows residential uses at low density and recreational and agricultural pursuits.

<table>
<thead>
<tr>
<th>Permitted Uses:</th>
<th>Accessory Uses and Buildings</th>
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<tbody>
<tr>
<td>Agriculture &amp; Forestry</td>
<td>Cluster Development Dwelling</td>
</tr>
<tr>
<td>Churches</td>
<td>Family Day Care Home</td>
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<td>Essential Services</td>
<td>Manufactured Housing</td>
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<tr>
<td>Farm Animals for Personal Use</td>
<td>Storage Buildings</td>
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<tr>
<td>Municipal Uses and Buildings</td>
<td>Two Family Detached Dwelling</td>
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<tr>
<td>Dwelling</td>
<td>Multiplex</td>
</tr>
<tr>
<td>Home Occupations (pursuant to II.J)</td>
<td>Antenna array on Alternative Tower Structure, except no microwave dish antennas are permitted</td>
</tr>
<tr>
<td>Wireless communication facility (see Article II.Z &amp; Ch. 702, Site Plan Review Ordinance), except no microwave dish antennas are permitted</td>
<td>ADU-Accessory Dwelling Units (pursuant to Ch. 702)</td>
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<tr>
<th>Special Exception</th>
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<tbody>
<tr>
<td>Public Utilities</td>
<td>Cemeteries</td>
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<tr>
<td>Excavation of Land</td>
<td>Schools</td>
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<tr>
<td>Animal Husbandry</td>
<td>Group Day Care Home</td>
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<tr>
<td>Day Care Center facility within Churches and Community Buildings (requires site plan review)</td>
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<tr>
<td>Expansion of existing commercial greenhouses to no more than 50% of the floor area in existence at the effective date of this Ordinance</td>
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Facilities for storage of Agricultural Products. Agricultural Products may be produced on the premises or produced elsewhere. The storage facility shall not exceed 3,000 square feet gross floor area per lot for Agricultural Products produced elsewhere. Storage facilities for Agricultural Products produced on the premises are not limited in size. The facility shall not include on-premise retail sales or consumption, or on-premise processing of product not produced on the premises. Impacts from such use shall not create undue adverse traffic, parking, noise, odor or other external impacts or nuisance effects. (Requires site plan review.)
Chapter 701, Zoning, Article I.D, Definitions

**Agricultural Products**: Raw unprocessed crops, and/or food, beverage, or other goods or commodities derived from Agriculture, but shall not include marijuana related products.