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GOVERNOR

STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES  
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AUGUSTA, MAINE  
04333-0021

PATRICK C. KELIHER  
COMMISSIONER

To: Tom Miragliuolo, Senior Planner, Municipal Planning Assistance  
Program, Department of Agriculture, Conservation and Forestry

From: Melissa Britsch, Maine Coastal Program, Maine Department of Marine Resources

Re: Town of Yarmouth Comprehensive Plan Review

Date: May 2, 2024

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Thank you for the opportunity to review the marine resources section of Yarmouth's Comprehensive Plan. I have provided the following comments and suggestions for your consideration.

### **Appropriate use of data provided by Maine Department of Marine Resources**

Yarmouth's Comprehensive Plan is thorough and the provided data were used correctly, although we were unsure if all licenses were reported in the plan. We would like the town to ensure that information about all marine licenses is reported; possibly by including a table. If this is included elsewhere in the plan, please add a reference to the marine resources section.

### **How the plan's policies and implementation strategies promote State goals relating to DMR's principal objectives and directives**

The proposed policies and implementation strategies will do much to promote State and DMR goals. We would like to encourage the town to address whether current water access is adequate for both recreational and commercial use, and what access needs could look like in the future. We would also like the town to address whether there are opportunities to improve or expand water access, and if so, what will be done to act on them. We would like the town to consider adding a strategy for local and regional harbor management plans, which was missing from the list of objectives and action items. We appreciate that the plan includes several additional goals and action items, and the plan is very thorough. The importance of marine resources and water access is clear, and the plan will do much to help the town improve access and ensure it remains resilient.

### **Consistency of the plan with DMR's programs and policies**

Overall, the plan is consistent with DMR's programs and policies. The plan is very detailed and will be a strong guide for future planning efforts. We are encouraged to see that the town is dedicated to maintaining water access facilities and is planning for continued access and working waterfront viability in a variety of ways. The comprehensive plan is detailed and it is clear that marine resources, coastal access, water quality, and the waterfront are valuable to the town.

### **Measures DMR recommends the town take to ensure its plan addresses and identifies deficiencies and inconsistencies**

Refer to my comments below.

Marine Resources	✓	Page	Comment #
<b>Analyses</b>			
Is coastal water quality being monitored on a regular basis?	x	125	
Is there a local or regional plan in place to identify and eliminate pollution sources?	x	131	
Has closing of clam or worm flats threatened the shellfishing industry, and are sources of contamination known? If so, are sources point (direct discharge) or nonpoint sources?	x	129	
Are traditional water-dependent uses thriving or in decline? What are the factors affecting these uses? If current trends continue, what will the waterfront look like in 10 years?	x	128	
Is there reasonable balance between water-dependent and other uses, and between commercial and recreational uses? If there have been recent conversions of uses, have they improved or worsened the balance?	x	128	1
How does local zoning treat land around working harbors?	x	130	2
Is there a local or regional harbor or bay management plan? If not, is one needed?	x	131	
Are there local dredging needs? If so, how will they be addressed?	x	130	
Is there adequate access, including parking, for commercial fishermen and members of the public? Are there opportunities for improved access?	x	121	3
Are important points of visual access identified and protected?	x	123	4
<b>Comments:</b>			
1) With respect to the balance among uses, does the town anticipate further changes in the future? Is there currently conflict among users or could there be conflict in the future?			
2) Will there be any changes in local zoning?			
3) Is access adequate for current demand? Is there enough access for both recreational and commercial users? Does the town see any opportunities to improve access and/or reduce crowding, or have plans to upgrade existing facilities?			
4) We appreciate seeing the information about which sites are or are not protected. Does the town have plans to protect the sites that are currently unprotected?			
<b>Condition and Trends</b>			
The community's Comprehensive Planning Marine Resources Data Set prepared and provided to the community by the Department of Marine Resources, and the Office, or their designees.	x	128, 129	5
A map and / or description of water-dependent uses.	x	122	6
A brief summary of current regulations influencing land use patterns on or near the shoreline.	x	130	
A description of any local or regional harbor or bay management plans or planning efforts.	x	131	7
The location of facilities (wharves, boat ramps, pump-out stations, etc.), with a brief description of any regional or local plans to improve facilities.	x	121	3
A description or map showing public access points to the shore. Include a brief description of their use, capacity, physical condition, and plans to improve, expand, or acquire facilities such as parking or toilets.	x	122	3
A list of scenic resources along the shoreline, including current ownership	x	123	4

(public or private) and any protections.			
<b>Comments:</b>			
5) Please add a table with a summary of all licenses. We want to be sure the information is accessible for future planning efforts. If this information is elsewhere in the plan, please include a reference to the location.			
6) We appreciate the detail in this section!			
7) Does the town need to create a harbor management plan or a mooring plan? We appreciate that the town has plans for the land side of the harbor and is working to implement them.			
<b>Policies</b>			
To protect, maintain and, where warranted, improve marine habitat and water quality.	x	69	
To foster water-dependent land uses and balance them with other complementary land uses.	x	69	
To maintain and, where warranted, improve harbor management and facilities.	x	69	
To protect, maintain and, where warranted, improve physical and visual public access to the community's marine resources for all appropriate uses including fishing, recreation, and tourism.	x	69	
<b>Comments: NA</b>			
<b>Strategies</b>			
Identify needs for additional recreational and commercial access (which includes parking, boat launches, docking space, fish piers, and swimming access).	x	69	
Encourage owners of marine businesses and industries to participate in clean marina/boatyard programs.	x	69	
Provide information about the Working Waterfront Access Pilot Program and current use taxation program to owners of waterfront land used to provide access to or support the conduct of commercial fishing activities.	x	70	
Support implement of local and regional harbor and bay management plans.	not discussed		8
If applicable, provide sufficient funding for and staffing of the harbormaster and/or harbor commission.	x	69	9, 10
Work with local property owners, land trusts, and others to protect major points of physical and visual access to coastal waters, especially along public ways and in public parks.	x	70	
<b>Comments:</b>			
8) We didn't see a strategy to support the implementation of local and regional harbor and bay management plans. Should this be included? We would encourage the town to add it as a strategy.			
9) We appreciate the extra goal to support Yarmouth's working waterfront and the action items supporting the goal. Enhancing access, considering zoning amendments, planning for where working waterfronts can move in the future, and connecting people to working waterfronts is critical for their long-term viability.			
10) We also appreciate the action item to assess public waterfront infrastructure for sea level rise vulnerability and to incorporate needed upgrades into the town's capital plan.			
The plan as a whole is very good.			