



Erin Zwirko, AICP, LEED AP  
Director of Planning & Development  
E-mail: [ezwirko@yarmouth.me.us](mailto:ezwirko@yarmouth.me.us)

Tel: 207-846-2401

Fax: 207-846-2438

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**TOWN OF YARMOUTH**

200 Main Street, Yarmouth, Maine 04096

[www.yarmouth.me.us](http://www.yarmouth.me.us)

June 23, 2022

Maria Atkins  
1945 Congress Street  
Portland, ME 04102

Michael Gotto  
Stoneybrook Land Use, Inc.  
4846 Sun City Center Blvd, #300  
Sun City Center, FL 33573

Dear Ms. Atkins and Mr. Gotto:

On June 22, 2022, the Yarmouth Planning Board voted to approve the Shoreland Zoning Permit to demolish and rebuild a single-family home and complete other site improvements, including stairs, at 109 Sunset Point with the following motions and votes:

**Reconstruction or Replacement and Relocation Assessment**

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 June 16, 2022, and the testimony presented at the Planning Board hearing, regarding Shoreland Permit Review Chapter 701, Article IV.R.a.(3) and (4), Reconstruction or Replacement, and Relocation Assessment, for the construction of a new single-family home and other site improvements at 109 Sunset Point, Map 23 Lot 53, Maria Atkins, Applicant, the proposed new single-family home is set back from the shore edge to the greatest practical extent according to the standards for relocation contained in Article IV.R.a(3), and is approved as to location.

**Such motion moved by Janet Hansen, seconded by Mary Lynn Engel, and voted 6 members in favor, 0 members opposed (Jerry King absent).**

*"Our Latchstring Always Out"*

## **Shoreland Zoning Permit**

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 June 16, 2022, and the testimony presented at the Planning Board hearing, regarding Shoreland Permit Review Chapter 701, Article IV.R.11 a & b, for the construction of a new single-family home and other site improvements at 109 Sunset Point, Map 23 Lot 53, Maria Atkins, Applicant, the plan is in conformance with the standards for review of this section, and is approved subject to the following conditions of approval.

**Such motion moved by Janet Hansen, seconded by Mary Lynn Engel, and voted 6 members in favor, 0 members opposed (Jerry King absent).**

### **Conditions of Approval:**

1. The applicant shall not utilize blasting to aid in the construction of the new single-family home and the other site improvements.
2. The applicant shall substitute a swamp white oak for the red oak in the replanting plan.
3. The applicant shall coordinate with the Department of Public Works and the Yarmouth Water District to ensure that the new home construction, paving, and water main projects are appropriately coordinated.
4. The applicant shall install a solid fence to provide screening of the proposed generator.
5. The applicant shall have a professional surveyor lay out the foundation in the field
6. Prior to the issuance of a building permit, the applicant shall submit a letter of no impact from the Maine Historic Preservation Commission.
7. Prior to the issuance of a building permit, the applicant shall comply with the requirements of the Fire Chief as outlined in his memorandum dated May 29, 2022.
8. All erosion and sedimentation controls (ESC) best management practices (BMPs) shall be installed prior to the disturbance of site soils and vegetation. During construction, the applicant and their construction manager/contractor shall 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.
9. During construction, the applicant and their construction manager/contractor shall ensure that the protective fence to be placed around the white oak tree to be preserved is maintained in good condition. In addition, the applicant and their construction manager/contractor shall ensure that the protected tree is adequately watered and fertilized and a thick layer of mulch is placed within the protected area for the duration of construction. The use of machinery, heavy foot traffic, storage of building materials, washing equipment, use of chemicals, and similar hazards should be avoided. The applicant and their construction manager/contractor shall ensure that crane mats are utilized wherever heavy equipment is expected.
10. During construction, only two parking spaces shall be established for the construction manager/contractor team. All other employees must park off site at a Park and Ride or other public parking area. Parking on Sunset Point is prohibited during construction.
11. No site work may commence prior to July 1, 2022, and the Code Enforcement Officer is prohibited from issuing a demolition permit and/or a building permit prior to July 1, 2022.

## Standard Conditions of Approval:

Please note the following standard conditions of approval and requirements for all approved site plans.

1. Develop Site According to Plan: The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority.
2. Separate Building Permits Are Required: This approval does not constitute approval of building plans, which must be reviewed and approved by Yarmouth Code Enforcement Officer.
3. Permit Expiration: The permit shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the date of issuance of the permit, the applicant shall have one additional year to complete the project at which time the permit shall expire.
4. Preconstruction Meeting: At least two weeks prior to the release of a building permit or start of site construction, a construction schedule shall be provided by the owner, agent, or contractor to the Town Engineer, Code Enforcement Officer Public Works Director and Director of Planning and Development detailing the construction schedule and critical aspects of the site work. The Town representatives may require a preconstruction meeting with the contractor to review the approved plans and conditions of approval prior to start of construction.
5. Landscaping: All required landscaping shall be guaranteed for a 2-year period.

We are looking forward to working with you. Please don't hesitate to contact me if you have any need to follow up on this approval.

Sincerely,



Erin Zwirko, AICP, LEED AP  
Director of Planning & Development

CC:

Chair and Members of the Yarmouth Planning Board

Nathaniel J. Tupper, Town Manager

Steven S. Johnson, Town Engineer

Erik S. Street, Director of Public Works

Karyn MacNeill, Community Services Director

Daniel Gallant, Police Chief

Michael Robitaille, Fire Chief

Scott LaFlamme, Economic Development Director

Nicholas Ciarimboli, Code Enforcement Officer

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