



August 7, 2023

Michael Brandimarte and Anna Steffeney
125 West Elm Street
Yarmouth, ME 04096

Dear Mr. Brandimarte and Ms. Steffeney,

We have approved your Minor Site Plan for the Accessory Dwelling Unit (ADU) located at 125 West Elm Street. The plan is found to be consistent with the standards of Chapter 702, Site Plan Review Ordinance, subject to the following conditions of approval:

1. The barn and ADU structure shall be setback from the paved edge of Deering Street at least 20 feet resulting in a setback of 6 feet 8 ¼ inches from the property line as depicted on the Brandimarte/Steffeney Site Plan with a last revision date of July 28, 2023.
2. No parking shall be permitted between the garage doors of the barn and Deering Street.
3. Deering Street is under a roadway moratorium until 2025. If excavation occurs in the street, pavement restoration requirements for moratorium streets shall apply as outlined in the attached memorandum from Erik Street, DPW Director. Prior to any excavation work in the right of way, the applicant and their contractor are required to meet with the DPW Director or the DPW Project Manager to discuss the details of the pavement and/or trench restoration work.
4. The foundation drains proposed to daylight at the rear of the property shall not extend into the drainage swale. Foundation drain outlets should be stabilized when installed to prevent erosion.
5. All erosion and sedimentation controls need to be in place before excavation or soil disturbance begins. Protecting the seasonal drainage swale at the rear of the property and preventing runoff or track out into the street is a priority. Any concrete residues, water from concrete washouts, and stormwater from foundation holes must be contained and filtered onsite.
6. Proof of primary residence to include;
 - a. Driver's License or other recognized form of state or federal ID
 - b. a copy of a utility bill.
7. Before obtaining a certificate of occupancy for the ADU, the property owner shall file with the Cumberland County Registry of Deeds the Declaration of Restrictions as outlined in Town of Yarmouth Ordinances Chapter 702 Article I.J.13.k. Evidence that the Declaration of Restrictions has been recorded in the Registry of Deeds shall be submitted to the Town. An example of the Declaration of Restrictions is attached to this approval.

NICHOLAS CIARIMBOLI | CODE ENFORCEMENT OFFICER
207-846-2401 | nciarimboli@yarmouth.me.us | yarmouth.me.us
200 Main Street, Yarmouth, ME 04096

8. All work shall be completed in accordance with the attached memorandums from Mike Robitaille, Yarmouth Fire Chief, dated June 7, 2023, and Eric Gagnon, Yarmouth Water District, dated June 13, 2023.

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 Authority.
2. **Erosion and Sedimentation Control (ESC):** ESC BMPs in accordance with Maine DEP requirements shall be installed prior to the disturbance of site soils and vegetation.
3. **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.
4. **Site Plan Expiration:** The site plan approval will be deemed to have expired unless work has commenced within one year of the approval or within a time period up to two years from the approval date if approved by Planning Director as applicable. Requests to extend approvals must be received before the one year expiration date.

Please don't hesitate to contact me if you have any need to follow up on this approval.

Sincerely,



Nicholas Ciarimboli
Code Enforcement Officer

Attachments:

Memorandum from Steve Johnson, dated June 7, 2023
Memorandum from Erik Street, dated June 13, 2023
Memorandum from Mike Robitaille, dated June 7, 2023
Email from Eric Gagnon, dated June 13, 2023
Example Declaration of Restrictions

CC: 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
Erin Zwirko, Town Planner
File copy



TOWN OF YARMOUTH
INTERNAL MEMORANDUM

TO: Nicholas Ciarimboli, Code Enforcement Officer
FROM: Steven S. Johnson, P.E., Town Engineer
DATE: June 7, 2023
RE: Minor Site Plan Application: 125 West Elm Street ADU

Nick:

I have reviewed the subject application submitted by Michael Brandimarte for a proposed new barn/ADU on the parcel located at 125 West Elm Street dated May 18, 2023. I have the following technical comments:

The applicant is proposing to demolish two small structures on the property and construct a two-story, 3 vehicle bay barn/ADU structure in their place. It is proposed that two bays of the barn be served by a new curb cut on Deering Street and it appears that the existing curb cuts are proposed to remain. The proposed new structure is not in a mapped flood zone and the parcel is located in the Medium Density Residential (MDR) zone.

The applicant is proposing to provide sewer and water service to the new building from Deering Street which is under a paving moratorium until the start of the 2025 construction season. Should the applicant move forward with the installation before then, a moratorium restoration to Deering Street will be required. Additionally, the water service and the sewer service should be separated by ten (10) feet per Department of Health and Human Services drinking water standards.

The applicant is proposing to locate the new barn structure very near the northerly property line adjacent to Deering Street similar to the non-conforming location of the existing structures, which are accessed on the easterly side. This configuration provides for 16 feet of distance between the building overhead door and the edge of travel lane (ETW) of Deering Street. This will not allow enough distance for a vehicle to stop and enter the garage bay without blocking part of the Deering Street travel lane.

Chapter 701 Zoning Ordinance, Article IV, H MDR requires a ten (10) foot side setback. While I do understand that the existing buildings were not conforming to the side set back, it is important to note that access to the buildings were not from the northerly side of the building and this proposed change creates a new and unsafe condition. As such, the new structure should either be relocated to meet the minimum setback distances, which will allow adequate distance for parking or alternatively vehicle access should be solely from the existing curb cuts then to the easterly side of the building.

If you have any questions, please see me.

Town of Yarmouth ME

Director of Public Works

MEMORANDUM

To: Nick Ciarimboli – Code Enforcement / Planning Assistant

From: Erik S. Street, Director of Public Works 

CC: Steve Johnson, PE, Town Engineer, Wendy Simmons, Karen Stover

Date: 6/13/23

Re: 125 West Elm – Minor Site Plan

-
1. **General:** Applicant is proposing to construct a new barn with an ADU on the second floor.
 2. **Rights, Title:** No Concerns.
 3. **Easements:** No Concerns.
 4. **Homeowner Associations / Road Maintenance Agreements.** The applicant is the owner of the property.
 5. **Financial Capacity:** No Concerns.
 6. **Technical Ability:** No Concerns.
 7. **Solid Waste:** The property is residential and qualifies to use the Town Transfer Station or the owners can sign up for private waste /recycling collection.
 8. **Water:** No Concerns specifically with water – See pavement restoration standards under sewer.
 9. **Traffic / Parking:** The proposed design shows just 16' -1" from the front of barn to the edge of Deering Street. This is too short and will potentially require vehicles parking in the drive or entering the garage space to stop or sit within or on the very edge of the travel lane / right of way. This is a safety issue for traffic as well as for Public Works during winter maintenance. If the proposed vehicle entrance is to be allowed, the new structure will need to meet the required minimum setback distances, to ensure adequate room for parking.

10. **Storm Drains:** NA

11. **Drainage, Stormwater Management.** Foundation drains are proposed to daylight at the rear of the property and should not extend into the drainage swale setback area. Outlets should be stabilized when installed to prevent erosion.

12. **Sewers:** Applicant shows connecting to the sewer in the street. Deering Street is under moratorium until 2025. If excavation occurs in the street, pavement restoration requirements for moratorium streets will apply. This means that the pavement will be milled 1-1/2" deep, full width, and repaved 20' from the furthest outside edges of the cut. In addition to the restoration requirements, the applicant is responsible for complying with the regular warrantee / seasonal maintenance standards. Before any excavation work in the street is done, the applicants contractor needs to meet with the Town's Project Manger or Public Works Director, to discuss details of the pavement / trench restoration work.

13. **Erosion and Sediment Control:** All erosion and sediment controls need to be in place before any excavation work can begin. Protecting the seasonal drainage swale in the rear and preventing runoff or track out into the street will be a priority. Any concrete residues / water from concrete washouts / stormwater from foundation holes need to be contained and filtered on site.

14. **Soils:** No Concerns.

15. **Site Plan / Ordinance Requirements:** No Concerns.

16. **Lighting:** NA

17. **Waivers:** NA

18. **Off-Site Improvements:** NA

19. **Site Plan Drawing:** Only concern is the length of the driveway -identified under traffic /parking.

If you have any questions, please let me know.



***Town of Yarmouth,
Maine***

Incorporated 1849
**YARMOUTH FIRE RESCUE
178 NORTH ROAD
YARMOUTH, MAINE 04096**



MICHAEL ROBITAILLE, CHIEF OF DEPARTMENT

BILL GODDARD, DEPUTY CHIEF

TO: Erin Zwirko, Town Planner
CC: Nicholas Ciarimboli, Code Enforcement Officer
Subject: 125 West Elm Street

On June 7, 2023, I reviewed the application submitted by Michael Brandimarte and Anna Steffeney for the Minor Site plan for an ADU located at 125 West Elm Street, Yarmouth. The following is required based on National Fire Protection Standards and local municipal ordinances.

- Interconnect smoke detectors are required.
- Carbon Monoxide detectors are required to be installed.
- In accordance with Chapter 317 of the Yarmouth Ordinance, a sprinkler system will be required to be installed. Plans are required to be submitted to the State Fire Marshalls Office for approval.
- The Yarmouth Water District must approve the water rates and connections for the sprinkler system.
- House numbers are required and must be visible from the road if within 50 feet of road. If the home is greater than 50 feet, the applicant will be required to have 4" numbers at the entryway of the road.

Sincerely,

Michael Robitaille

Michael Robitaille
Fire Chief

Wendy Simmons

From: Eric Gagnon <egagnon@yarmouthwaterdistrict.org>
Sent: Tuesday, June 13, 2023 3:16 PM
To: Wendy Simmons; Nicholas Ciarimboli; Erin Zwirko
Cc: Mike Robitaille; Tim Herrick
Subject: Re: Request for Comment - 125 West Elm St. - Due 6/9

Follow Up Flag: Follow up
Flag Status: Flagged

Hi all,

Here are some general requirements we have for detached ADUs that apply to this address:

- There must be separate fire and domestic services for this dwelling. Exact configurations and sizing cannot be determined until flow information is known. Ideally, there will be a single service connection to the water main with a control valve near the property line and a tee installed immediately downstream of the control valve that will allow for separate fire and domestic lines with each their own valve.
- We need to know the domestic service flow requirements in gallons per minute calculated by the AWWA M22 Meter and Service Line sizing method. We can help folks work through this calculation if they know what they will be using for water fixtures.
- A fire service designer must determine the flow requirements and size for the fire service.
- There must be a flow sensor and alarm on the fire service regardless of the fire marshall and code requirements. If this is not possible, we will need to reevaluate the configuration entirely.
- We have an application for new water service installation that must be completed once flow requirements are known.

Please let me know if there are any questions as this response might be different than previous responses as we are working our way through the correct way to serve ADUs and the newer fire service requirements.

Eric Gagnon
Superintendent
Yarmouth Water District

Our current work schedule is Monday through Thursday 7 am to 5 pm and I typically do not check my emails regularly outside of those hours.

207.846.5821 phone

207.846.1240 fax

<http://YarmouthWaterDistrict.org/>

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On Fri, May 26, 2023 at 11:31 AM Wendy Simmons <WSimmons@yarmouth.me.us> wrote:

For your review.

Have a great weekend. W

Wendy L. Simmons, SHRM-CP (she, her, hers)

Administrative Assistant

Planning, Code Enforcement and Economic Development

Town of Yarmouth

200 Main St.

Yarmouth, ME 04096

Phone: 207.846.2401

Fax: 207.846.2438

www.yarmouth.me.us

DECLARATION OF RESTRICTIONS ON DEED

Owner: [REDACTED], Trustee of the [REDACTED] Living Trust dated
September 23, 2005

Doc: [REDACTED] Bk: [REDACTED] Pg: [REDACTED]

Re: Accessory Dwelling Unit

1. The accessory unit shall not be sold separately.
2. The unit is restricted to the approved size.
3. The use permit for the accessory unit shall be in effect only so long as either the main residence or the accessory unit is occupied by the owner of record as the principal residence.
4. The above declarations are binding upon any successor in ownership of the property.
5. The deed restrictions shall lapse upon removal of the accessory unit.

State of Maine

Cumberland County ss.

Date: 4/12/18

[REDACTED]

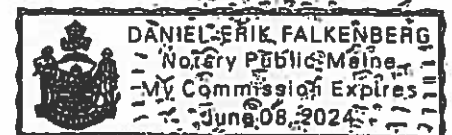
Personally appeared the above-named [REDACTED]
and acknowledged the foregoing instrument to be of his/her free act and deed.

Before me,


Daniel E. Falkenberg

Notary Public/Attorney at Law

Commission Expiration Date 6/8/24



SEAL