



**TOWN OF YARMOUTH**  
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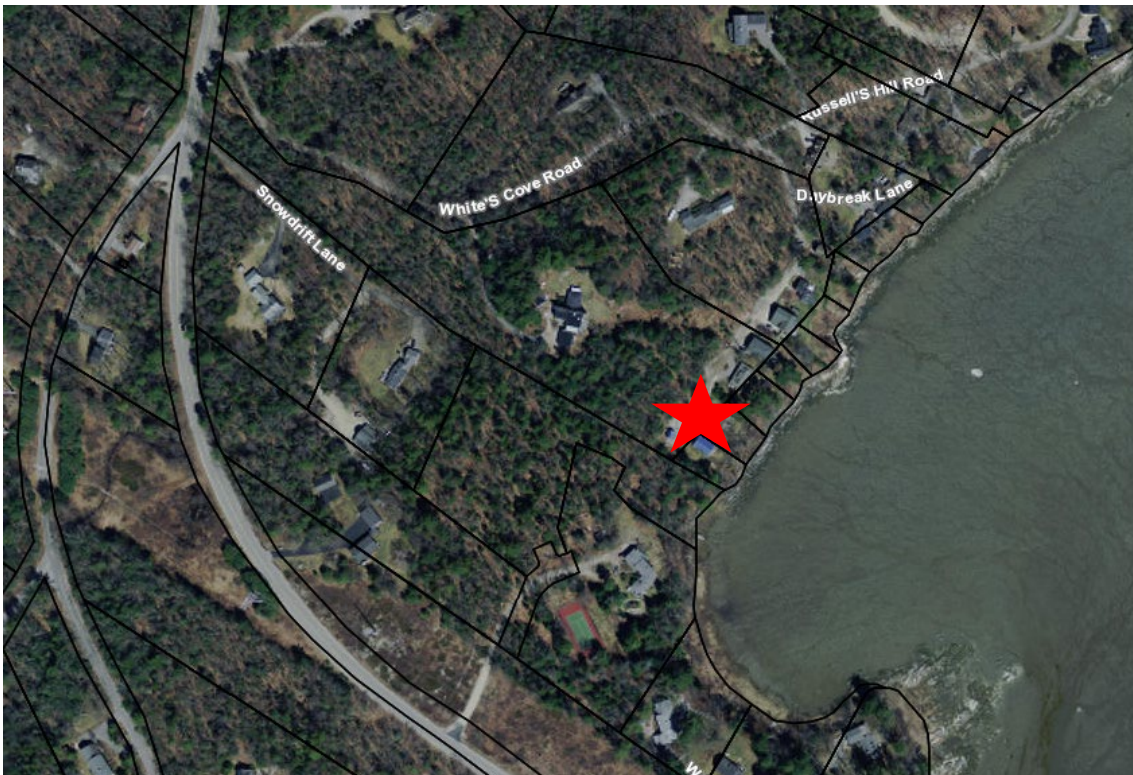
**PLANNING BOARD REPORT  
YARMOUTH, MAINE**

166 White's Cove Road, Yarmouth, Maine  
Shoreland Zone Permit  
Chapter 701 Article IV. Section R.  
Zaki Nashed, Applicant  
Map 3 Lot 21; LDR/SOD/RP

Prepared by: Erin Zwirko, Director of Planning & Development and Juliana Dubovsky, Assistant Planner  
Report Date: August 4, 2022; Planning Board Meeting: August 10, 2022

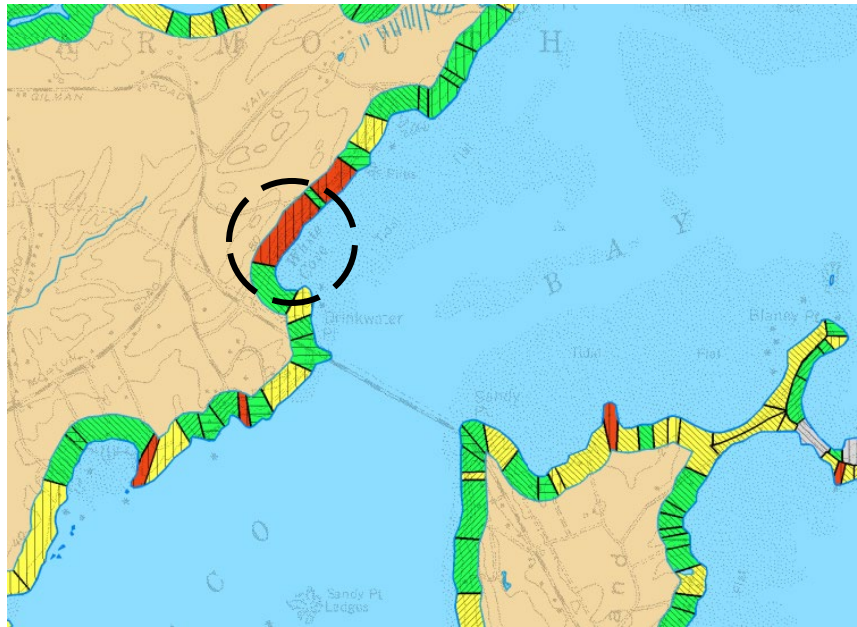
**I. INTRODUCTION**

The applicant, Zaki Nashed, proposes to demolish and replace a single-family permanent residence at 166 White's Cove Road (Map 3 Lot 21). The property is located in the Low-Density Residential district (LDR), the Shoreland Overlay District (SOD), and the Resource Protection District (RP). This is a small nonconforming lot of 11,157 square feet (0.26 acres) in the LDR zone, which has a 2-acre minimum lot size, and 68 feet of ocean frontage, which is below the 150 ft minimum shore frontage for a Tidal Area.



Aerial Photo of Project Area; Site Identified with a Star

The lot also has a highly unstable coastal bluff at the shoreline. Pursuant to the Town's Zoning Ordinance (Ch. 701, Art. IV.R.7.c(1)(c.)), the 75 foot shoreland setback should be measured from the top of the adjacent Coastal Bluff when identified as "highly unstable" or "unstable." The existing structure is located 27.3 feet from the top of the mapped highly unstable coastal bluff and therefore is considered non-conforming.



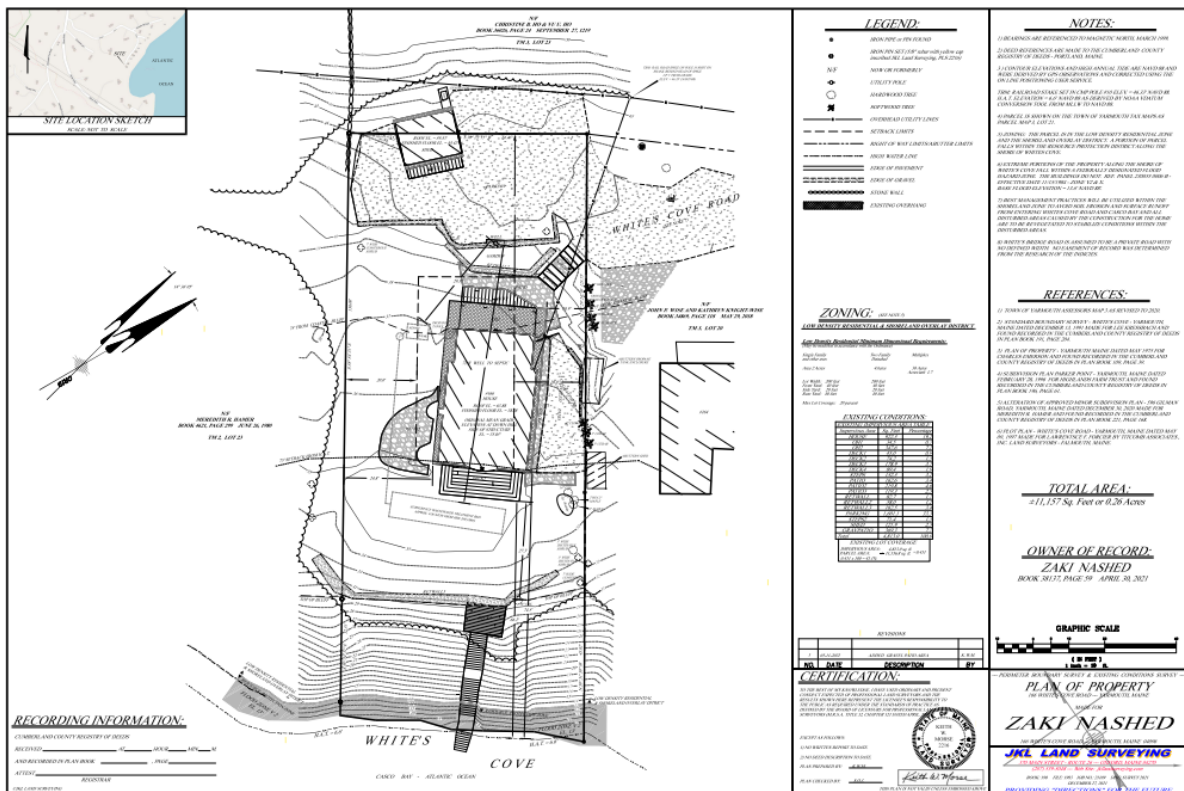
Maine Geological Survey of Unstable Coastal Bluffs; Site Area Circled

The existing two-story building is non-conforming under setbacks, lot size and width, lot coverage of non-vegetated surfaces, and height requirements. The applicant is proposing to replace the existing residential structure with a new two-story home of roughly the same footprint. Within 75 feet of the coastal bluff, the house itself is expanding in size from 922.5 square feet to 1,135 square feet. The house's proposed height of 28 feet 9 inches is a very small decrease from the existing height of 28 feet 10 inches. The application states that the proposed new footprint will be 2,441.62 square feet, which is a decrease of 345.38 ft (12%). The side yard setback on the north side is increasing from 13.61 feet to 13.65 feet. The front yard setback will increase from 40 feet to 40.5 feet, however a new set of stairs and an uncovered patio will be added within that 40.5 feet. The existing retaining wall in the front yard (west side) will also be removed. The side yard setback on the southern side will be within the required 20 feet but it is a reduction from the existing setback, which is not noted on either the existing or proposed site plan drawing.

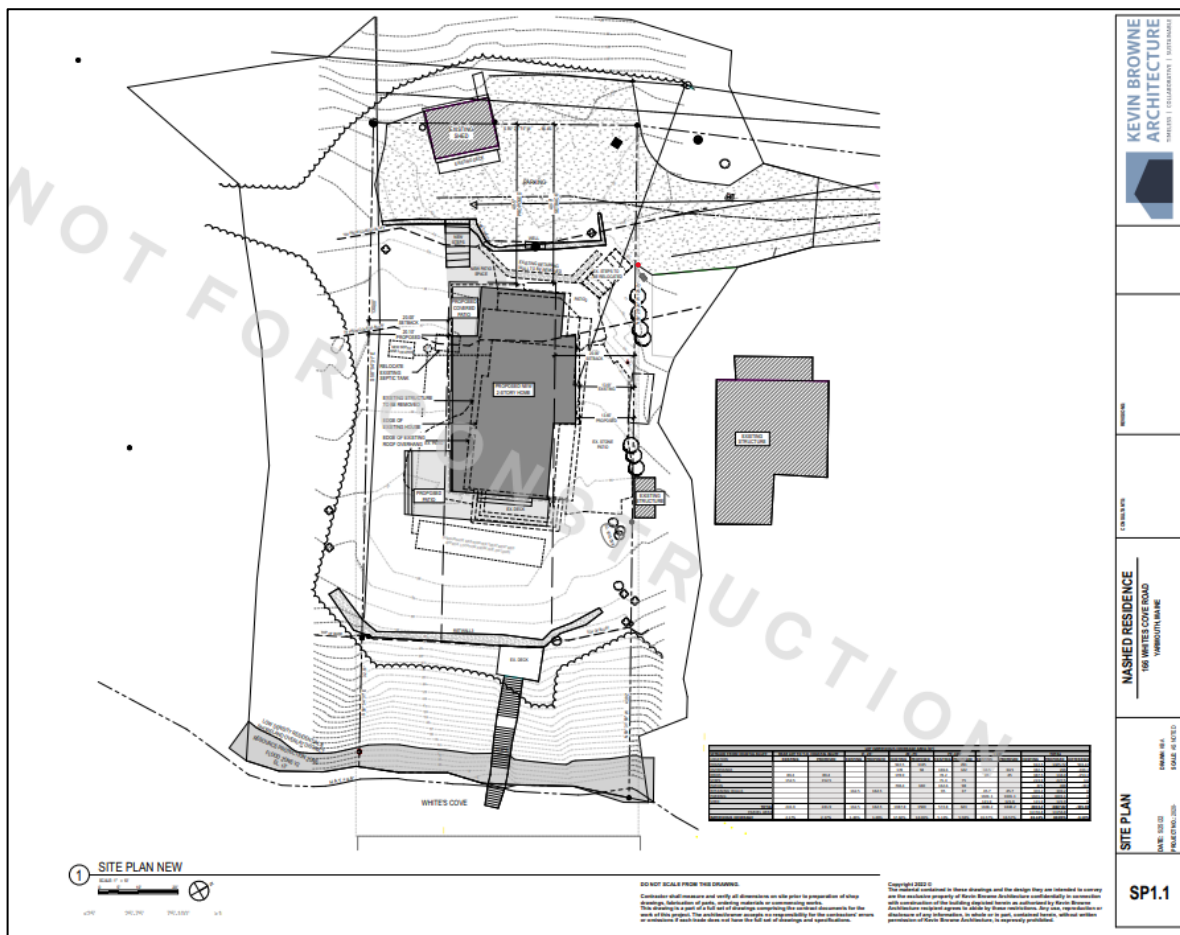
#### Dimensions & Setbacks

Minimum Dimensional Requirements			
Zone: LDR	Required	Existing	Proposed
Minimum Lot Size	2 Acres	.26 acres	.26 acres
Lot Width	200'	64.5'	64.5'
Front Yard Setback (avg)	40'	+40'	40'
Side Yard Setback	20'	13.61'	13.65'
Shoreland Setback	75'	27.3' (from unstable bluff)	27.3'

The lot also is not in compliance with the lot coverage requirements. Pursuant to Ch. 701, Article IV.R.7.c(4), *"With the exception of General Development Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds, and Commercial Fisheries/Maritime Activities Districts, nonvegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone."* The overall impervious area coverage is decreasing from 43.14% to 40.05%.



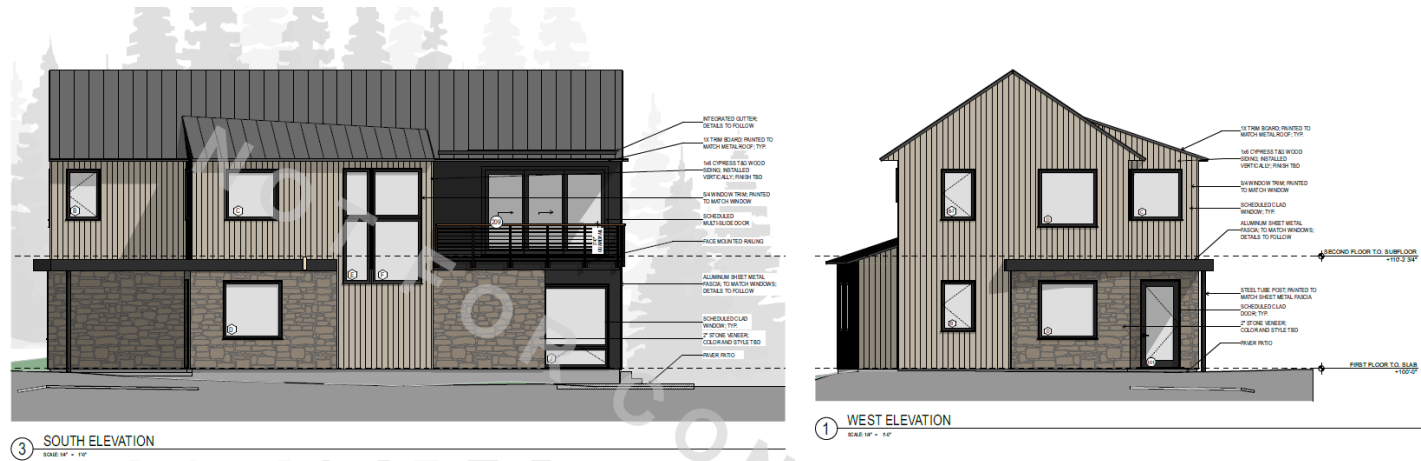
## Existing Site Plan



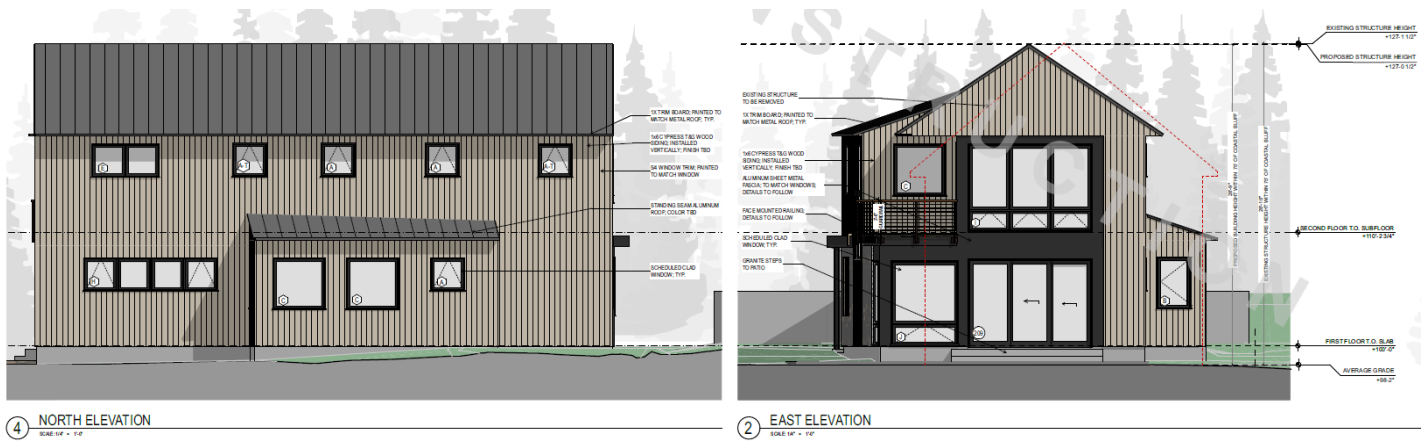
## Proposed Site Plan



The applicant has provided elevations and renderings of the proposed home. Photographs of the existing structure and site are provided in the application materials.



South and West Elevations



North and East Elevations



East and West Elevation Renderings

## II. REQUIRED REVIEWS

<i><b>Applicant's Proposal</b></i>	<i><b>Applicable Standards</b></i>
Newly constructed and expanded non-conforming Single-Family Residence on a non-conforming parcel	Shoreland Overlay District Permit Review Chapter 701 Article IV.R.5.a.(1).c.i, Expansion
Removal and rebuilding of an existing residence, resulting in a removal of greater than 50% of the market value of the structure prior to the rebuilding.	Shoreland Overlay District Permit Review, Chapter 701 Article IV. R. a (3) and (4) Reconstruction or Replacement, Relocation Assessment

Sixteen notices were sent to property owners within 500 feet of the subject parcel. A notice also appeared in the August 4, 2022 edition of *The Forecaster*. No written comments were received from the public as of this writing.

## III. PROJECT DATA

<i><b>SUBJECT</b></i>	<i><b>DATA</b></i>
<b>Existing Zoning</b>	LDR/Shoreland Overlay District
<b>Existing Use</b>	Single Family Residence
<b>Proposed Use</b>	Single Family Residence
<b>Parcel Size</b>	0.26 acres
<b>Lot Size</b>	11,157 sq ft
<b>Property shoreline</b>	68'
<b>Total area of direct impact</b>	2,787 sq ft (Footprint of Existing Structure in and out of SOD)
<b>Estimated cost of the project</b>	Not available

Uses in Vicinity: Permanent and seasonal Single-Family Homes

## IV. PROPOSED DEVELOPMENT

As a nonconforming structure, the development is subject to the requirements of Shoreland regulations including Chapter 701, Zoning, Article IV.R.5.a.(1).c.i, which allows such structures to be expanded to 1,000 sf or 30% larger than the footprint that existed as of January 1, 1989, and up to a height of 20 ft or the height of the existing structure, whichever is greater.

Additionally, Chapter 701, Article IV.R.a.(3) and (4) requires replacement of nonconforming structures that exceed 50% of the value of the existing structure to demonstrate that the new structure has been relocated to meet required setbacks to the greatest practical extent. Replacement structures cannot reduce setbacks from the water below the existing nonconforming distance from the water, although expansion that equals the nonconforming setback is allowed. In this case, the existing structure is nonconforming to setbacks on two sides (the north and the east), so the new structure cannot be closer to the water than the closest legally existing portion of the existing structure on either side.

The existing 2 story residence will be demolished, and a new two-story house will be constructed. The proposal includes additional hardscape elements including two new patios, covered and uncovered, and maintains two of the three existing retaining walls. One retaining wall will be removed on the west side of the house and a set of stairs will be relocated from the northwest side of the house to the southwest side. There is also an existing shed with a deck in the front yard (west side).

The new house will use the existing septic system and it will be relocated from the easterly side of the house (between the house and the top of the coastal bluff) to the southerly side setback of the parcel or beneath the parking area. Existing site grades will be minimally impacted, and the application includes an Erosion Control and Sedimentation Plan.

The proposed residence will generally be located within the setbacks of the existing structure, relative to the property lines. The proposed new house has a larger footprint than the existing house, but other existing impervious structures on the lot, such as decks and patios, have been removed, reducing the overall impervious surface lot coverage from

4,813.2 square feet (43.14%) to 4,467.82 square feet (40.05%).

#### Lot Impervious Coverage Area by Setback from the Coastal Bluff (provided by the Applicant)

SETBACK FROM COASTAL BLUFF	REAR LOT TO T.O. COASTAL BLUFF		LOT IMPERVIOUS COVERAGE AREA (SF)								TOTAL		DIFFERENCE
	EXISTING	PROPOSED	0'-25'		25'-75'		75'-100'		>100'		EXISTING	PROPOSED	
LOCATION	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	DIFFERENCE
HOUSE					922.5	1135	291				922.5	1425.72	503.22
OVERHANGS					178	94	169.6	122	34.5	34.5	382.1	216	-166.1
DECKS	89.4	89.4			178.9		74.2		45	45	387.5	134.4	-253.1
STEPS	152.5	152.5					71.4	75			223.9	227.5	3.6
PATIOS					708.4	340	162.6	98			871	438	-433
RETAINING WALLS			162.5	162.5			95	37	45.7	45.7	303.2	303.2	0
PARKING									1601.1	1601.1	1601.1	1601.1	0
SHED									121.9	121.9	121.9	121.9	0
<b>TOTAL</b>	241.9	241.9	162.5	162.5	1987.8	1569	572.8	623	1848.2	1848.2	4813.2	4467.82	-345.38
PARCEL AREA											11156.8	11156.8	
IMPERVIOUS COVERAGE	2.17%	2.17%	1.46%	1.46%	17.82%	14.06%	5.13%	5.58%	16.57%	16.57%	43.14%	40.05%	-3.10%

#### V. EVIDENCE OF EXISTING CONDITIONS AND 2001 SHORELAND PERMIT

The applicant has not provided evidence to document that the existing structures or structural footprint included in the application's calculations were existing on January 1, 1989. Although the current conditions form the basis for their proposed expansion, the most recent evidence that the Department of Planning and Development has on file is a 2001 Shoreland Permit. The evidence in the 2001 Shoreland Permit establishes the basis for the allowable 30% expansion of combined total footprint for all structures on the site.

The Department of Planning and Development has the following evidence to support the request (all attached to this staff report):

- The 1984 tax card shows a cottage of 672 square feet and an existing shed.
- The 1995 tax card notes an 889 square foot primary structure, and under "Additions, Outbuildings and Improvements," that there is a freestanding shed (192 square feet), and a wooden deck (70 square feet). Presumably, this wooden deck refers to the one shown on the Existing Conditions Survey as attached to the existing shed in the front yard. The inspector also notes on the card that it has been under renovation for the past six years.
- The 2001 Shoreland permit approved an expansion of the house to 938 square feet and a 96 square foot deck, totaling 1,034 square feet within the shoreland setback. A 30% increase on 889 square feet per the 1995 tax card is 1,155.7 square feet. This leaves a remaining allowable expansion within the shoreland setback of an additional 121.7 square feet. The application materials indicate that the existing non-conforming structures within the shoreland setback account for 2,214.2 square feet; the proposal, while a reduction of the existing condition by 11%, is 1,058.5 square feet beyond the allowable expansion based on the evidence on hand.

Additionally, there are many features on the subject property that have been added or expanded since the 2001 permit that are not documented in the Department of Planning and Development that affect the non-vegetated lot coverage. As it relates to the application in front of the Planning Board showing a 43.1% non-vegetated lot coverage, the proposal cannot be permitted as presented even though it represents a reduction in the existing condition because the 2001 permit set the non-vegetated lot coverage at 27%, already exceeding the maximum allowed per the Ordinance. The applicant may need to adjust their proposal and/or provide mitigation per Article IV.R.11.c in the form of a revegetation plan per Article IV.R.7.n, unless evidence documenting the existence of the non-permitted structures and features can be produced for review by the Code Enforcement Officer.

Attached to this staff report is an analysis prepared by the Code Enforcement Officer.

#### VII. PUBLIC COMMENT

No public comments have been received to date.

## VIII. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

### a. Right, Title, and Interest

The applicant has provided documentation of the property deed.

### b. Financial and Technical Capacity

The estimated cost of the project is not included in the application.

The project team includes Archipelago, a consulting firm. JKL Land Surveyors provided drawings, which included a Perimeter Boundary Survey and Existing Conditions Survey sheet. The firm of Kevin Brown Architecture drafted a Site Plan, First and Second Floor Plans, Elevations, and 2 renderings to illustrate the proposed new building. An Erosion Control Plan was provided, and notes added to an excerpt of Perimeter Boundary Survey and Existing Conditions sheet to the satisfaction of the Town Engineer.

## IX. ZONING ASSESSMENT

### Shoreland Zoning Chapter 701 Article IV.R.5.a.(1).c.i, Expansion

#### (1) Expansion

*All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream or ARTICLE IV CHAPTER 701 wetland setback requirement contained in Article IV R. 7 (c) (1) . A non-conforming Structure may be added to or expanded after obtaining a permit from the Permitting Authority, if the standards of this subsection are met, and if such Addition or expansion does not increase the non-conformity of the Structure.*

*(a.) Expansion of any portion of a structure within 25 ft of the normal high-water line of a water body, tributary stream or upland edge of a wetland is prohibited, even if the expansion will not increase non-conformity with the water body, tributary stream, or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.*

**Staff Comment:** Although not established as legally existing, there are no structures within 25 feet of the H.A.T that will be expanded. The existing stairs and deck will remain as existing, although no evidence is provided to these features being permitted.

Because there is an unstable bluff, the Town's Ordinance requires the setback be measured from the top of the coastal bluff. Within 25 feet of the top of the coastal bluff is an existing retaining wall, which will not be altered with the proposed project.

*(b.) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 ft from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Article IV.R, 5 (a).*

**Staff Comment:** The existing nonconforming principal structure is located at a distance greater than 25 feet from the coastal bluff, which the Town's ordinance requires measurement from due to it being categorized as unstable.

However, there exist features on the site, a retaining wall, a deck, and stairs, for which we do not have evidence of being permitted, although these features will not be expanded. Pursuant to the Shoreland Overlay District Standards

(c.5.), steps are allowed to a maximum of four (4) feet in width. Historically, these elements are not required to meet the shoreland setback as they relate to access to the shoreline.

*(c.) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Article IV .R. 5 (a) or Article IV. R. 5.(a) (1), above.*

*(i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.*

**Staff Comment:**

As noted by the applicant, *"The existing structure is located 27.3' from the top of a mapped highly unstable coastal bluff and therefore is considered non-conforming."* It appears that the proposed structure is not located any closer to the coastal bluff than the proposed home.

The application materials show that the area of the house that is within the 75 feet coastal bluff setback is increasing in size from 922.5 square feet to 1,135 square feet. An additional 291 square feet of the house is being added to the area of 75 feet to 100 feet of the coastal bluff. This expansion is predominantly in the southerly and westerly sides of the house. The southern side of the house will expand up to within 1 inch of the side yard setback, at 20.10 feet. A new patio on the southeastern side of the house extends into the side yard setback and beyond the footprint of the existing deck. The western expansion of the house is within the allowed front yard setback, and a new patio extends into the 40.5 feet.

The designs for the residence set the proposed height no greater than the existing residence height of 28 feet and 10 inches. The proposed residence is set at a grade along lot at elevation 35 and the proposed roof peak will remain at the same height.

However, the Department of Planning and Development cannot confirm that the proposed structure does not exceed the expansion allowances. We have the following evidence to support the request (all attached to this staff report):

- The 1984 tax card shows a cottage of 672 square feet and an existing shed.
- The 1995 tax card notes an 889 square foot primary structure, and under "Additions, Outbuildings and Improvements," that there is a freestanding shed (192 square feet), and a wooden deck (70 square feet). Presumably, this wooden deck refers to the one shown on the Existing Conditions Survey as attached to the existing shed in the front yard. The inspector also notes on the card that it has been under renovation for the past six years.
- The 2001 Shoreland permit approved an expansion of the house to 938 square feet and a 96 square foot deck, totaling 1,034 square feet within the shoreland setback. A 30% increase on 889 square feet per the 1995 tax card is 1,155.7 square feet. This leaves a remaining allowable expansion within the shoreland setback of an additional 121.7 square feet. The application materials indicate that the existing non-conforming structures within the shoreland setback account for 2,214.2 square feet; the proposal, while a reduction of the existing condition by 11%, is 1058.5 square feet beyond the allowable expansion based on the evidence on hand.



## Shoreland Zoning Chapter 701 Article IV Section R.5.a(3), Relocation – Does Structure Meet Setback to the Greatest Practical Extent

### **(3.) Relocation**

*(a.) A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located, provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Permitting Authority, and that the relocation does not decrease the structure's setback from the Water Body, Tributary Stream, or Upland Edge of a Wetland.*

**Staff Comment:** It appears that the proposed home meets all of the setback requirements to the greatest practical extent.

*(b.) In determining whether the Structure relocation meets the setback requirements to the greatest practical extent the Permitting Authority shall consider:*

*i. the size of the lot;*

**Applicant's Response:** The property is 11,157 square feet, well below the minimum lot area in the SOD. The existing structure is almost entirely within the 75' coastal bluff setback. Due to the location of the top of the bluff in relation to the relatively small parcel, the parcel's available building envelope is only approximately 15 feet by 25 feet. The lot dimensions and corresponding municipal setback requirements do not allow the structure's footprint to meet these minimum requirements. The existing structure location cannot be further back from the coastal bluff without violating the 40-foot front setback requirement.

**Staff Comment:** Under existing conditions, the parcel is non-conforming under lot size, lot coverage and shore frontage requirements for the LDR district. The building is non-conforming under setback requirements and height requirements. The combination of these requirements prevents the proposed structure to be made any less nonconforming other than slight adjustments.

*ii. the slope of the land;*

**Applicant's Response:** The property is substantially flat in the area of the existing dwelling and only begins to drop off within ~15 feet of the top of the coastal bluff. The westerly portion of the parcel features a substantial slope and landscape retaining walls dropping approximately 7 feet in elevation from the parking area to the first floor of the existing dwelling. Any proposed reconstruction should remain on the flat portion of the parcel to avoid excessive grading.

**Staff Comment:** The front yard of property slopes downhill; this area includes a retaining wall and an existing wooden shed and deck. The existing stairs are on the northwesterly side of the house and will be removed. One new set of stairs is proposed on the lot in the front yard from elevation 43 to elevation 38. The middle of the property, where the house is situated and majority of the structures are, is fairly flat. An existing set of stairs on the easterly side provides access from the bluff shore to the water, going from elevation 28 to beyond the H.A.T at 6.6 feet, over a roughly 50-foot horizontal distance. Stairs are allowed within the Shoreland setback under Article IV.R.7.c.5, with a maximum width of four feet.

*iii. the potential for soil erosion;*

**Applicant's Response:** While the Coastal Bluff is identified as an "unstable" area, any proposed reconstruction will not encroach any closer to the top of the Coastal Bluff as the existing structure. Soil erosion is not a factor for any proposed relocation, except for excavation into the steep slopes between the parking area and the existing structure. Relocation closer to the parking area would require alteration of the existing landscape retaining walls which help prevent erosion and ensure site stability.

**Staff Comment:** The Town Engineer noted that as the applicant has included an acceptable site-specific erosion and sedimentation control (ESC) plan for the project and dictated that they will be installed prior to the disturbance of vegetation.

*iv. the location of other structures on the property and on adjacent properties;*

**Applicant's Response:** The property contains various other structures, including a shed and multiple landscape retaining walls that are necessary for erosion control and soil stability. In the front yard of the property and immediately adjacent to the patio are two landscape retaining walls and a parking area. Additionally, the residential dwelling on the abutting parcel is set back approximately the same distance from the coastal bluff as the structure on the subject lot

**Staff Comment:** As explained in the introduction, there are many features on the subject property that have been added or expanded since the 2001 permit that are not documented in the Department of Planning and Development. These structures and features cannot be considered legally existing on the site for the purposes of the analysis.

*v. the location of the septic system and other on-site soils suitable for septic systems, (provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules if a subsurface disposal system is being or is to be used;)*

**Applicant's Response:** The existing septic system is located between the residential dwelling and the top of coastal bluff. In coordination with any proposed reconstruction, the septic system would be relocated to an area of suitable soils within the southerly side setback of the parcel, or possibly beneath the existing parking area.

**Staff Comment:** The Town Engineer notes in his memo that it is unclear if the applicant is proposing to reuse the existing leach field or replace it. He recommends that if reuse is the plan, the applicant should submit evidence that the field was designed and constructed per Maine Sub-Surface Wastewater Disposal Rules for the proposed number of bedrooms in the new dwelling.

*vi. the physical condition and type of foundation present, if any;*

**Applicant's Response:** A proposed reconstruction would remove the existing foundation to better comply with the side yard setbacks requirements. The existing foundation does not affect relocation potential.

**Staff Comment:** No concerns.

*vii. and the type and amount of vegetation to be removed to accomplish the relocation.*

**Applicant's Response:** Any proposed reconstruction or relocation will result in disturbance to grass lawn area adjacent to the existing dwelling. Where the existing lawn area is disturbed and/or new area suitable for replanting is created, a proposed reconstruction will replant these areas upon completion. No woody vegetation should be removed for relocation on the subject property

**Staff Comment:** The applicant should submit a landscape plan. Additionally, as described in the introduction, the applicant may need to provide mitigation in the form of a revegetation plan in order to bring the non-vegetated lot coverage back to 27%, which was permitted by the 2001 Shoreland Permit, already exceeding the 20% non-vegetated lot coverage.

## Shoreland Zoning Article IV Section R.5.a (4), Reconstruction or Replacement,

### **(4.) Reconstruction or Replacement**

*(a.) Any non-conforming structure which is located less than the required setback from the Normal High-Water line of a Water Body, Tributary Stream or Upland Edge of a Wetland and which is wholly or partially removed, damaged or destroyed regardless of the cause, by more than 50% of the market value of the Structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit from the Planning Board is obtained within eighteen (18) months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with Article IV.R.5.a.(3) of this Ordinance. In no case shall a Structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement Structure is less than the required setback it shall not be any larger than the original Structure, except as allowed pursuant to Section IV.R.6.a(1) above, as determined by the non-conforming Footprint of the reconstructed or replaced Structure at its new location. If the total amount of Footprint of the original Structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed Structure shall be replaced or reconstructed at less than the setback requirement for a new Structure. When it is necessary to remove Vegetation in order to replace or reconstruct a Structure, Vegetation shall be replanted in accordance with section IV.R.5.a(3) of this Ordinance.*

**Applicant's Response:** Along with this structure footprint reduction, lot coverage- the percentage of the lot covered by structure, driveway, parking, and other non-vegetated surfaces- is also proposed to decrease. The existing lot coverage is 43.14% and the proposed lot coverage is 40.05%, a decrease of 3.1%.

**Staff Comment:** The 2001 Shoreland Permit allowed an increase in the non-vegetated surfaces to 27%, exceeding the 20% maximum for lot coverage. The Department of Planning and Development does not have any other evidence to support the increase in the non-vegetated coverage from 27% to 43.14%, other than the plans submitted with this application which show features and structures on the site that were not accounted for in any permitting since 2001 and is not documented anywhere in the Town's files before 2001.

Although the proposal reduces the non-vegetated surfaces to 40.05%, it is based on features that are not legally existing on the site. The applicant may need to adjust their proposal or provide mitigation per Article IV.R.11.c in the form of a revegetation plan per Article IV.R.7.n, unless evidence documenting the existence of the non-permitted structures and features can be produced for review by the Code Enforcement Officer.

## **X. SHORELAND PERMIT REVIEW**

If the Planning Board is the Permitting Authority, it shall hold a public hearing in accordance with Chapter 702 Article I.E. Notification, prior to the Planning Board rendering a decision the Permitting Authority shall consider the following criteria:

1. *Will maintain safe and healthful conditions;*

**Staff Comment:** The new home will maintain safe and healthful conditions and will be required to meet all building code requirements.

The Water District Superintendent notes that due to the seasonal water service, the primary residential structure would not be able to support a life safety sprinkler system, which is required per Town of Yarmouth Ordinances. The application should clarify in the next submission whether they intend to extend an 8-inch watermain from Gilman Road for year-round service or if they will continue to use the existing well when the seasonal service is inactive. Coordination with the Yarmouth Water District is recommended as a condition of approval.

2. *Will not result in water pollution, erosion, or sedimentation to surface waters;*

**Staff Comment:** Town Engineer Steve Johnson notes in his memo that the applicant has provided an acceptable site-specific erosion and sedimentation control (ESC) plan for the project. All ESC BMPs must be installed prior to the disturbance of the vegetation. This is recommended as a condition of approval.

3. *Will adequately provide for the disposal of all sewage and wastewater;*

**Staff Comment:** The Town Engineer notes in his memo that it is unclear if the applicant is proposing to reuse the existing leach field or replace it. He recommends that if reuse is the plan, the applicant should submit evidence that the field was designed and constructed per Maine Sub-Surface Wastewater Disposal Rules for the proposed number of bedrooms in the new dwelling. This is recommended as a condition of approval.

4. *Will not have an unreasonable adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;*

**Staff Comment:** No comments have been received from the Harbormaster on this application.

5. *Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters and other identified scenic resources;*

**Staff Comment:** No easements are located on the property and there are no changes proposed to the landscape that would affect visual or actual points of access.

6. *Will protect archaeological and historic resources as designated in the comprehensive plan;*

**Staff Comment:** The property is not within a local historic district, the demolition delay overlay zone, or specifically identified in the Comprehensive Plan or the Phase 1 Architectural Survey as being a future study area. A letter of no impact from Maine Historic Preservation Commission (MHPC) is recommended as a condition of approval.

7. *Will not adversely affect existing commercial, fishing, or maritime activities in the Commercial, WOC I, WOC III, GD, or Industrial Districts,*

**Staff Comment:** The project is not located in any of the districts listed above and will have no impact on existing commercial, fishing, or maritime activities located in such districts.

8. *Will avoid problems associated with floodplain development and use, and*

**Staff Comment:** A portion of the parcel is located within the 100-Year Flood Plain, but the existing building improvements are not located within the Flood Plain area. The lowest floor of all buildings be elevated at least 1-foot above the 100-year flood level.

9. *Has been designed in conformance with the land use standards of the SOD.*

**Staff Comment:** The staff find that the project is not currently in conformance with the land use standards of the SOD, subject to approval of the expansion and relocation criteria of Shoreland Zoning Article IV, Section R.5.a(1) Expansion, Section R.5.a(3), Relocation and Section R.5.a(4) Reconstruction or Replacement. While the application does attempt to make reductions to bring it into greater conformity, the basis for the designs are existing conditions for which the Department of Planning and Development do not have any evidence of being legally existing structures.



## **XI. STAFF RECOMMENDATION**

At the first review of the application, it appeared that it would be appropriate to recommend approval of the Shoreland Permit due to the decrease in the nonconformities on the property. However, in reviewing the previous permits that are on file and other evidence to determine what has existed on site, it became clear that there are significant gaps in the permitting history at the property, likely to no fault of the applicant. However, without evidence of permitting for structures and other features, we cannot support the proposed reconstruction of the home on the property at this time.

There is quite a bit of information in this staff report, but the following points are the important takeaways related to the expansion of the non-conforming structure relative to the shoreland setback and to the non-vegetated lot coverage, which relate to each other in how non-conforming structures and properties within the Shoreland Overlay District may be altered and expanded:

1. The 2001 Shoreland permit approved an expansion of the house to 938 square feet and a 96 square foot deck, totaling 1,034 square feet within the shoreland setback. A 30% increase on 889 square feet per the 1995 tax card is 1,155.7 square feet. This leaves a remaining allowable expansion within the shoreland setback of an additional 121.7 square feet. The application materials indicate that the existing non-conforming structures within the shoreland setback account for 2,214.2 square feet; the proposal, while a reduction of the existing condition by 11%, is 1058.5 square feet beyond the allowable expansion based on the evidence.
2. The non-vegetated lot coverage allowed by the 2001 Shoreland Permit was 27%. The application materials indicate that the non-vegetated lot coverage at the property today is 43.1%. The Department of Planning and Development have no evidence that this increase was permitted. As such, although the applicant is reducing the currently existing non-vegetated lot coverage, the applicant must bring the non-vegetated lot coverage back to 27% through adjustments to the proposal and through revegetation on the site.

The applicant may have additional testimony presented at the hearing, which the Planning Board can consider in addition to the staff recommend. Should the Planning Board choose to approve this proposal based on additional presented testimony, the Town staff will have conditions prepared.

## **XII. PROPOSED MOTION**

A motion is not recommended for the Planning Board. There are a number of recommendations in this staff report for the Planning Board and applicant to consider prior to a future submittal.

- A. Regarding Chapter 701 Article IV.R.a.(3) and (4), Reconstruction or Replacement, and Relocation Assessment, that the plan [is/is not] 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 / is not] approved as to location.

a. Conditions...

Such motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and voted \_\_\_\_ in favor, \_\_\_\_ opposed, \_\_\_\_\_.  
(note members voting in opposition, abstained, recused, or absent, if any).

- B. Regarding Shoreland Permit Review Chapter 701 Article IV.R.11 a & b, that the plan [is / is not] in conformance with the standards for review of this section, and [is / is not] approved subject to the following condition of approval:

a. Conditions....

Such motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and voted \_\_\_\_ in favor, \_\_\_\_ opposed, \_\_\_\_\_.  
(note members voting in opposition, abstained, recused, or absent, if any).

**Attachments:**

1. Steven Johnson, Town Engineer, Memo dated 7/25/22
2. Erik Street, Director of Public Works, Memo dated 7/19/22
3. Eric Gagnon, Water District Superintendent, Email dated 7/29/22
4. Planning Department Studies 1-3
5. 2001 Shoreland Permit
6. 1995 Shed Permit
7. 1984 and 1995 Tax Cards



**TOWN OF YARMOUTH**  
**INTERNAL MEMORANDUM**

**TO: Erin Zwirko, AICP, Director of Planning**  
**FROM: Steven S. Johnson, P.E., Town Engineer**  
**DATE: July 25, 2022**  
**RE: Shoreland Permit Application 166 White's Cove Road**

---

Erin:

I have reviewed the subject application package submitted by Mike Morse of Archipelago on behalf of Zaki Nashed for replacement of an existing home at 166 White's Cove Road dated July 12, 2022. I have the following comments:

The applicant is proposing to replace the existing structure with a new structure generally of the same size and generally in the same location. The applicant has submitted an adequate Erosion and Sedimentation Control (ESC) Plan and it is important to note that the ESC BMP's must be installed prior to the commencement of demolition or soil disturbance.

It is not clear to me from the application if the applicant is proposing to reuse the existing leach field or replace it. If reuse is the plan, the applicant should submit evidence that the field was designed and constructed per Maine Sub-Surface Wastewater Disposal Rules for the proposed number of bedrooms in the new dwelling.

Otherwise, I have no concerns with the project. If you have any questions, please see me.

# MAP 3 LOT 31

**Submit Comments to Erin Zwirko by 7/28/22**

## TOWN OF YARMOUTH

200 Main Street

Yarmouth, Maine 04096

**(207)846-2401**

**Fax: (207)846-2438**

### NOTICE OF PLANNING DEPARTMENT FILING & REQUEST FOR COMMENT

Date Rec'd.: 7/12/22

Agenda Date: 8/10/22

Project Description: Shoreland Permit

Project Location: 166 Whites Cove Road

Applicant: Zaki Nashed

Agent/Contact: Mike Morse - mmorse@archipelagoNA.com

#### Project Description:

Reconstruction of non-conforming single family residence

NO comments or  
concerns with  
this project.  
Erin  
7-19-22

- ☐ Review For Completeness/Checklist
- ☐ Respond To Applicant Re: Completeness
- ☐ Staff Input/Request Sent:

1. Director of Public Works (full size)
2. Town Engineer (full size)
3. Fire Chief (pdf)
4. Police Chief (pdf)
5. Director of Community Svcs (pdf)
6. Yarmouth Water District (pdf)
7. Code Enforcement Officer (full size)
8. Town Manager (pdf)
9. Harbormaster (pdf)
10. School District (pdf)
11. Tree Committee (pdf)
12. Economic Development Director (pdf)
13. Planning Director (full size)
14. Assessor - Subdivision Only (pdf)
15. Bike & Ped Committee (pdf)
16. Parks & Lands Committee (pdf)
17. Historic Preservation Committee (pdf)
18. Traffic Peer Review - TYLin (pdf)

Date Completed:

7/14/22

7/14/22

7/14/22

X

X

X

X

X

X

X

X

X

X

X

X

- ☐ Notice Letters Created/Sent

- ☐ Agenda To PB

- ☐ Agenda Posting:

1. Forecaster

2. Website

3. Bulletin Board

- ☐ Copy Of Findings And Decision In File



## Erin Zwirko

---

**From:** Eric Gagnon <egagnon@yarmouthwaterdistrict.org>  
**Sent:** Friday, July 29, 2022 1:31 PM  
**To:** Erin Zwirko  
**Cc:** Tim Herrick  
**Subject:** Re: Request for comment - Mill Point Apartments, Chase Bank & 166 Whites Cove Road - DUE 7/28  
**Attachments:** Chase Bank Route One Ability to Serve 2022 04 22.pdf; Chase Yarmouth Utility Site Plan YWD Edits.pdf

Hi Erin,

I am a day late with responses, hopefully, it's not too late for consideration.

Whites Cove:

- This lot has a seasonal water service that is activated in the Spring and turned off in the Fall. They have a well that is utilized when the season service is not active. If they wish to have year-round YWD service an 8" main extension from Gilman Road. Considering the distance and ledge conditions, I would assume the current service configuration will be utilized because of the costs involved in extending a watermain. This season line would NOT be able to support a life safety sprinkler system in its current configuration.

Mill Point Apartments:

- There is mention of utilizing the existing water service from Bridge Street. I do not think this is possible. Without more information, I am thinking this would require a water main extension off of Bridge Street with services taken off of the new water main in the private development. We would also need to make sure the Fire Department doesn't require a hydrant as part of the main extension.
- An extension requires an easement given to the District to maintain the new water main within the private right-of-way.
- In order to better assess how this project can be served we would need to know the following:
  - How does the developer want these buildings to be metered? Would they like a meter for each building, for each unit, or other?
  - Will there be any sort of sprinkler system requirement? If yes, what are the size requirements? This needs to be provided by a fire sprinkler system designer. Please keep in mind that the charge for fire sprinkler service is determined by the size of the connection to the water main.
  - What is the peak flow for each meter?

Chase Bank

- I know this project has received PB approval but we still have some items that I can't seem to track down.
- I have attached my letter from April. I have not seen an updated set of plans or any notification indicating the size of the fire system required for the building nor the location of the water main extension required. This could have been sent but there was a flurry of separate emails with numerous questions so the plans may have been lost in the shuffle.
- At some point we will need domestic peak flow requirements to properly size the meter, this item isn't very urgent.
- I have also attached a PDF of the last set of plans I remember receiving with some notes that I redlined.

Eric Gagnon  
Superintendent  
Yarmouth Water District  
207.846.5821 phone  
207.846.1240 fax  
<http://YarmouthWaterDistrict.org/>

This message is intended for the use of the addressee only and may contain privileged and confidential information. If you are not the intended recipient of this message, be notified that any dissemination or use of this message is strictly prohibited. If you have received this message in error, please delete all copies of the message and its attachments and notify the sender immediately

On Thu, Jul 14, 2022 at 1:03 PM Wendy Simmons <[WSimmons@yarmouth.me.us](mailto:WSimmons@yarmouth.me.us)> wrote:

For your review:

[https://yarmouth.me.us/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=D1669487-6ACB-4E07-85EF-13C8A865005A&Type=B\\_BASIC](https://yarmouth.me.us/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=D1669487-6ACB-4E07-85EF-13C8A865005A&Type=B_BASIC)

Have a great Clamfest! Wendy

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

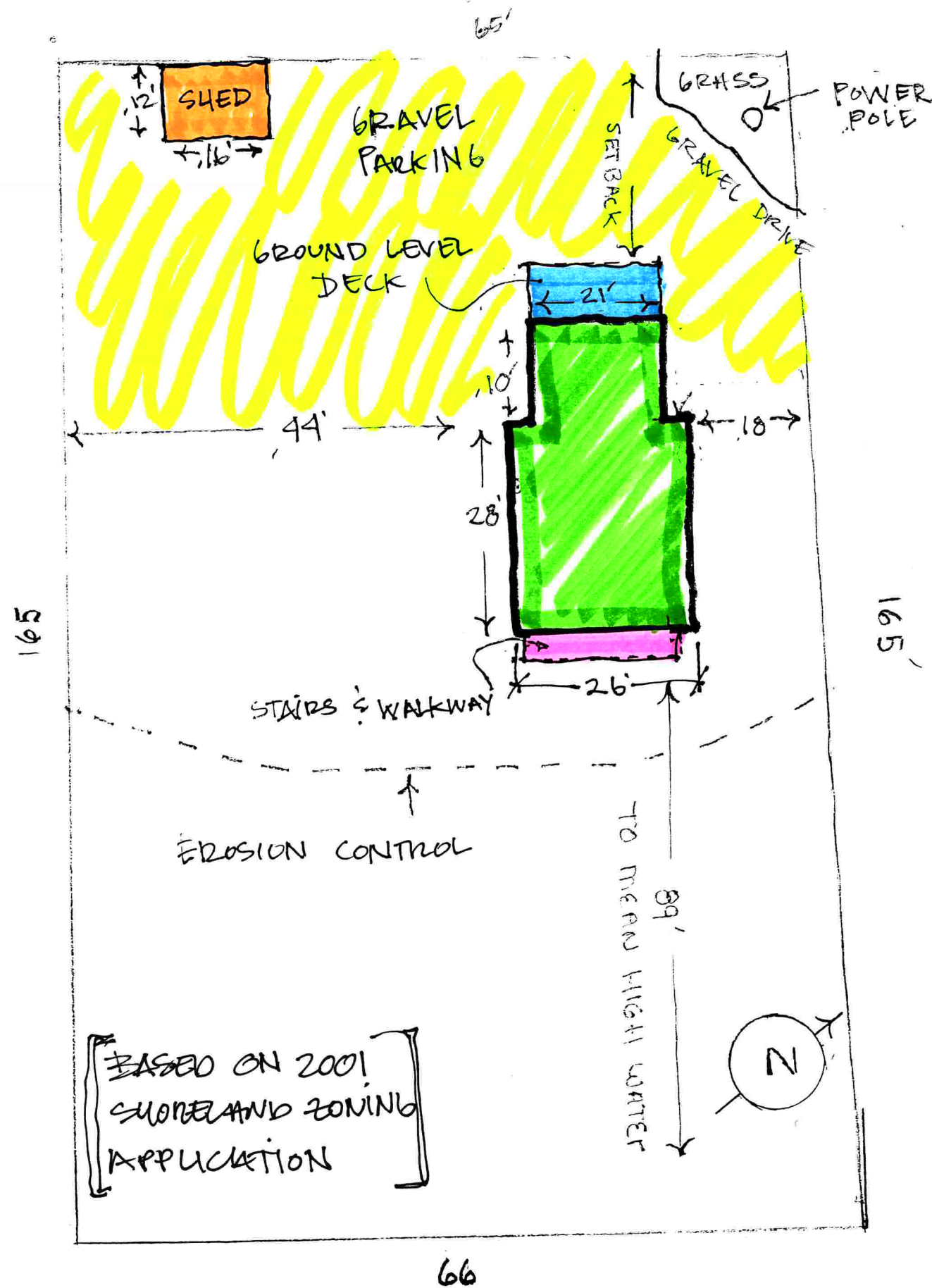
Fax: 207.846.2438

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

PLANNING DEPT. STUDY - 1

Conforming Regarding Shoreland Setback				
	Impervious Area	Sq. Feet	1995 Tax Card	Permit Records
Overhang 1	34.5	see shed	see shed	1995 Building Permit- 16' X12' Shed - accounts for Shed Overhang
Overhang 2	347.6	X	168.0	2001 Shoreland Permit - Noted as Ground Level Deck - scaled to 8'X21'
Deck 1	45.0	see shed	see shed	1995 Building Permit- 16' X12' Shed - accounts for Shed Deck
Deck 2	74.2	X	X	NO INFO - Not confirmed
Patio	162.6	X	X	NO INFO - Not confirmed
Retaining Wall	82.7	X	X	NO INFO - Not confirmed
Retaining Wall 2	58.0	X	X	NO INFO - Not confirmed
* Parking	1,601.1	X	1,614.0	2001 Shoreland Permit - Noted as Gravel Parking - total lot non-vegetated coverage noted as 3,008 Sq. Feet (1,614 based on difference between 3,008 and documented areas)
	71.4	X	X	NO INFO - Not confirmed
	121.9	192	192.0	1995 Building Permit- 16' X12' Shed - accounts for Shed
SUB TOT	2,599.0		1,974.0	
Non-conforming Regarding Shoreland Setback				
House	922.5	889	938	House Footprint - 2001 Shoreland Permit
Deck 3	178.9	X	96	2001 Shoreland Permit - Noted as Stairs & Walkway - scaled to 4'X24', Also noted on 2005 HHE-200
Deck 4	89.4	X	X	NO INFO - Not confirmed, Historically Shoreland access steps and docks have not been included in these calculations
Steps	152.5	X	X	NO INFO - Not confirmed, Historically Shoreland access steps and docks have not been included in these calculations
Patio 2	219.8	X	X	NO INFO - Not confirmed
Patio 3	119.3	X	X	NO INFO - Not confirmed
Retaining Wall 3	162.5	X	X	NO INFO - Not confirmed
Gravel Patio	369.3	X	X	NO INFO - Not confirmed
SUB TOT	2,214.2		1,034.0	
TOTAL	4,813.2		3,008.0	2001 Shoreland Permit - Noted total lot non-vegetated coverage noted as 3,008 Sq. Feet
Total Lot Area	11,156.8		11,156.8	
Calculated % Non-Vegetated Lot Coverage	43.1%	27.0%		20% Maximum - Town will recognize 2001 Shoreland Permit 3,008 Sq. Feet (i.e. 27%) as legally existing non-conforming

\* EXACT LOCATION OF THE GRAVEL PARKING AREA IS UNKNOWN, BUT BASED ON A TOTAL NON-VEGETATED LOT COVERAGE IDENTIFIED AS 3,008 S.F. ON THE 2001 SHORELAND PERMIT 1,614 S.F. HAS BEEN ALLOCATED FOR THE PARKING.



BASED ON 2001 SHORELAND ZONING APPLICATION

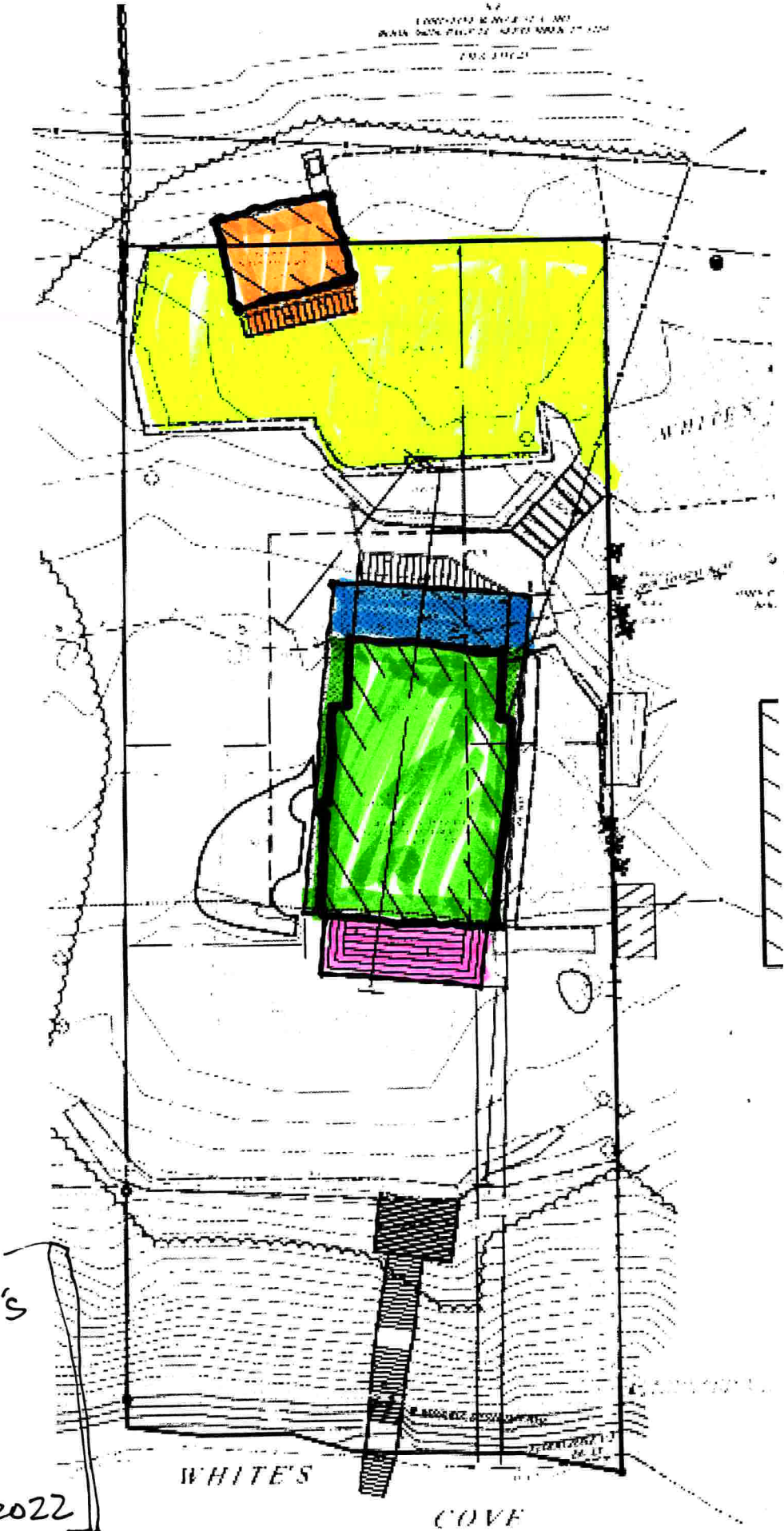


# PLANNING DEPT. STUDY - 2

	Impervious Area	Sq. Feet	1995 Tax Card	Permit Records	
Conforming Regarding Shoreland Setback					
Overhang 1	34.5	see shed	see shed	1995 Building Permit- 16' X12' Shed - accounts for Shed Overhang	
Overhang 2	347.6	X	168.0	2001 Shoreland Permit - Noted as Ground Level Deck - scaled to 8'X21'	
Deck 1	45.0	see shed	see shed	1995 Building Permit- 16' X12' Shed - accounts for Shed Deck	
Deck 2	74.2	X	X	NO INFO - Not confirmed	
Patio	162.6	X	X	NO INFO - Not confirmed	
Retaining Wall	82.7	X	X	NO INFO - Not confirmed	
Retaining Wall 2	58.0	X	X	NO INFO - Not confirmed	
				2001 Shoreland Permit - Noted as Gravel Parking - total lot non-vegetated coverage noted as 3,008 Sq. Feet (1,614 based on difference between 3,008 and documented areas)	
Parking	1,601.1	X	1,614.0		
Steps 2	71.4	X	X	NO INFO - Not confirmed	
Shed	121.9	192	192.0	1995 Building Permit- 16' X12' Shed - accounts for Shed	
SUB TOT	2,599.0		1,974.0		
Non-conforming Regarding Shoreland Setback					
House	922.5	889	938	House Footprint - 2001 Shoreland Permit	
Deck 3	178.9	X	96	2001 Shoreland Permit - Noted as Stairs & Walkway - scaled to 4'X24', Also noted on 2005 HHE-200	
Deck 4	89.4	X	X	NO INFO - Not confirmed, Historically Shoreland access steps and docks have not been included in these calculations	
Steps	152.5	X	X	NO INFO - Not confirmed, Historically Shoreland access steps and docks have not been included in these calculations	
Patio 2	219.8	X	X	NO INFO - Not confirmed	
Patio 3	119.3	X	X	NO INFO - Not confirmed	
Retaining Wall 3	162.5	X	X	NO INFO - Not confirmed	
Gravel Patio	369.3	X	X	NO INFO - Not confirmed	
SUB TOT	2,214.2		1,034.0		
TOTAL	4,813.2		3,008.0	2001 Shoreland Permit - Noted total lot non-vegetated coverage noted as 3,008 Sq. Feet	
Total Lot Area	11,156.8		11,156.8		
Calculated % Non-Vegetated Lot Coverage	43.1%		27.0%	20% Maximum - Town will recognize 2001 Shoreland Permit 3,008 Sq. Feet (i.e. 27%) as legally existing non-conforming	

ITEMS THAT HAVE NOT BEEN HIGH LIGHTED  
ALTHOUGH EXISTING WERE NOT ACCOUNTED  
FOR IN 2001 SHORELAND PERMIT AND  
THEREFORE SHOULD NOT CONTRIBUTE TOWARDS  
A LEGALLY EXISTING NON-CONFORMING STATUS.  
MAXIMUM NON-VEGETATED LOT COVERAGE SHALL  
BE CAPPED AT PREVIOUSLY APPROVED AREA OF 3,008 S.F.

FROM APPLICANT'S  
SUBMISSION  
EXISTING  
CONDITIONS  
SURVEY 5/11/2022

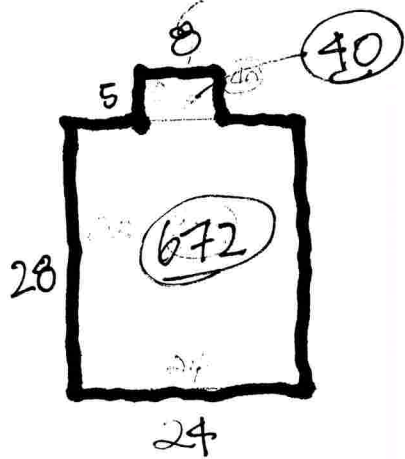




# PLANNING DEPT. STUDY - 3

1984

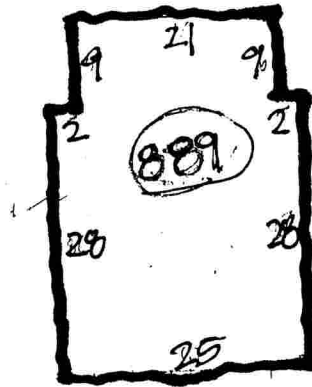
TAX CARD



N.T.S.

1995

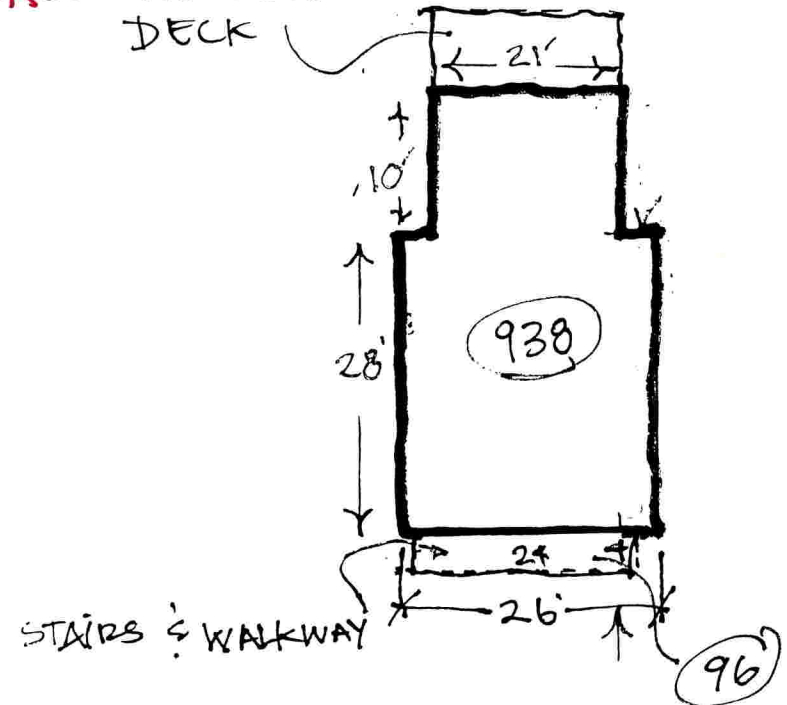
TAX CARD



2001

SHORTLAND PERMIT

\*GROUND LEVEL  
DECK



TOWN ASSUMES 1995  
FOOTPRINT IS CONSISTENT  
WITH JAN. 1, 1989 FOOTPRINT  
AND WILL BE USED AS BASIS  
FOR 30% EXPANSION.

TOTAL FOOTPRINT AT 30%  
EXPANSION EQUALS 1,155.7 S.F.

\*GROUND LEVEL DECK IS ASSUMED  
TO BE CONFORMING AND DOES  
NOT COUNT TOWARDS EXPANSION

TOTAL 2001 FOOTPRINT  
1,034 S.F.

TOTAL REMAINING EXPANSION  
POTENTIAL 121.7 S.F.

MAP 3 LOT 21

received \_\_\_\_\_  
fee + postage paid \_\_\_\_\_

## Shoreland Permit Application

Yarmouth, Maine  
(Zoning Ordinance, Article IV. R.)

Owner Meyer Mona E. Chaisson Donald J.

Mailing address 166 White Cove Rd. Yarmouth, Me.

Phone number 846-6256 Fax \_\_\_\_\_ e-mail \_\_\_\_\_

Contact Person Donald Chaisson / Mona Meyer

Mailing address 166 White Cove Rd Yarmouth, Me.

Phone number 846-6256 Fax \_\_\_\_\_ e-mail \_\_\_\_\_

Site address 166 White Cove Rd.

Project description Reconstruct 2nd Floor Raise ceiling  
replace roof rafters, complete new roof.  
replace slope section of roof with full wall.  
To gain standard ceiling height.

Expansion ☒

Relocation ☐

Reconstruction/Replacement ☒

Change of use of a non-conforming use yes ☐ no ☒

Setback reduction requested? yes ☐ no ☒

Erosion/sedimentation control plan required? yes ☒ no ☒

Flood Plain Management permit required? yes ☐ no ☒

I certify that, to the best of my knowledge, all information provided in this application form and accompanying materials is true and accurate.

Mona E Meyer  
Owner

Donald James Chaisson  
Owner

April 23, 2001  
Date

April 23, 2001  
Date

\_\_\_\_\_  
Contact

\_\_\_\_\_  
Date

### A. Project details - Existing conditions

1. Existing zone(s) of the site LDR + SOD
2. Total lot size 1/4 ACRE + or -
3. Square footage of portion of lot that is in the SOD 10,890
4. Total square footage of each structure or portion thereof that is in the SOD 1876
5. a. Total square footage of developed area - including structures, pavement, and unnatural non-vegetated surfaces - in the SOD 3008  
b. Percentage of developed area in the SOD to total lot area in SOD 28%
6. a. Shortest dimension from existing structure to normal high water 89'  
b. Shortest dimension from existing structure to upland edge of wetland N/A

### B. Project details - Proposed conditions

1. Proposed square footage of each building addition to be in the SOD 250
2. Proposed square footage of additional pavement and unnatural non-vegetated areas to be in SOD 0
3. a. Total square footage of proposed developed area, plus existing developed area, in SOD 3008  
b. Percentage of total proposed developed area in SOD to total lot area in SOD 3008
4. Shortest proposed dimension to normal high water or upland edge of wetland 89'

### C. Non-conforming structures

1. If any portion of an existing structure is within 75' of the normal high-water line of a water body or of an upland edge of a wetland:  

	Existing	Proposed	Total	percentage increase
<u>N/A</u> area in sq. ft.				
volume in cu. ft.				
2. If a new foundation or an enlarged foundation is proposed, how much will the structure be elevated? N/A

OWNER INITIALS MEM

#### **D. Scaled Site Plan must be included**

Required elements of Site Plan and Drawings:

1. Title block with
  - name of drawing
  - name of property owners
  - project address
  - map & lot reference
  - name & address of plan designs
2. North arrow and scale
3. Site boundaries
4. Setbacks: required, existing and proposed
5. 75' setback from normal high water and from upland edge of wetland
6. Existing and proposed contours, if applicable to project
7. SOD line
8. RP District zone line
9. Existing and proposed buildings
  - footprint
  - floor plan and elevations showing additions/expansions\*
10. Driveways, unnatural non-vegetated areas, walkways
11. Easements, rights-of-way
12. Wetlands
13. Landscaping to be relocated or removed
14. Drainage plan, with erosion control and details
15. Location of all utilities

\* Each structure labeled. e.g. 1-story addition, deck, enclosed porch, garage, etc.

Applicant(s) have examined the accompanying Site  
Plan and Drawings and attest to their accuracy

OWNER INITIALS MEM



## **PERMIT REVIEW CRITERIA**

(Zoning Ordinance, Article IV, Section R. 13.)

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all sewage and wastewater;
4. Will not have an unreasonable adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and points of access to inland and coastal waters and other identified scenic resources;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will not adversely affect existing commercial, fishing or maritime activities in the commercial, WOC I or Industrial Districts;
8. Will avoid problems associated with floodplain development and use;
9. Has been designed in conformance with SHORELAND OVERLAY DISTRICT STANDARDS (See Zoning Ordinance, Article IV, Section R. 9.)

## **SHORELAND PERMIT REVIEW**

May be performed either by the Planning Department or by the Planning Board depending on criteria in Zoning Ordinance, Article IV, Section R. 10.

Expansions of allowed non-conforming uses more than 75 feet from the highwater line of all waterbodies, tributary streams and upland edge wetland edges usually may be administered by the Department.

## **ADDITIONAL INFORMATION**

Applicants are invited to provide additional information to support conclusions to be made on the above Criteria and SOD Standards.

## **EXPANSIONS**

Applicants should provide area and volume expansion calculations. A suggested SAMPLE Expansions Table accompanies this form.

OWNER INITIALS

MEM

# SAMPLE

## EXPANSIONS TABLE

(Used if any portion of a structure is less than 75 feet from the normal high water line or upland edge of a wetland. See Article Iv, Section 6.a. (3)(a))

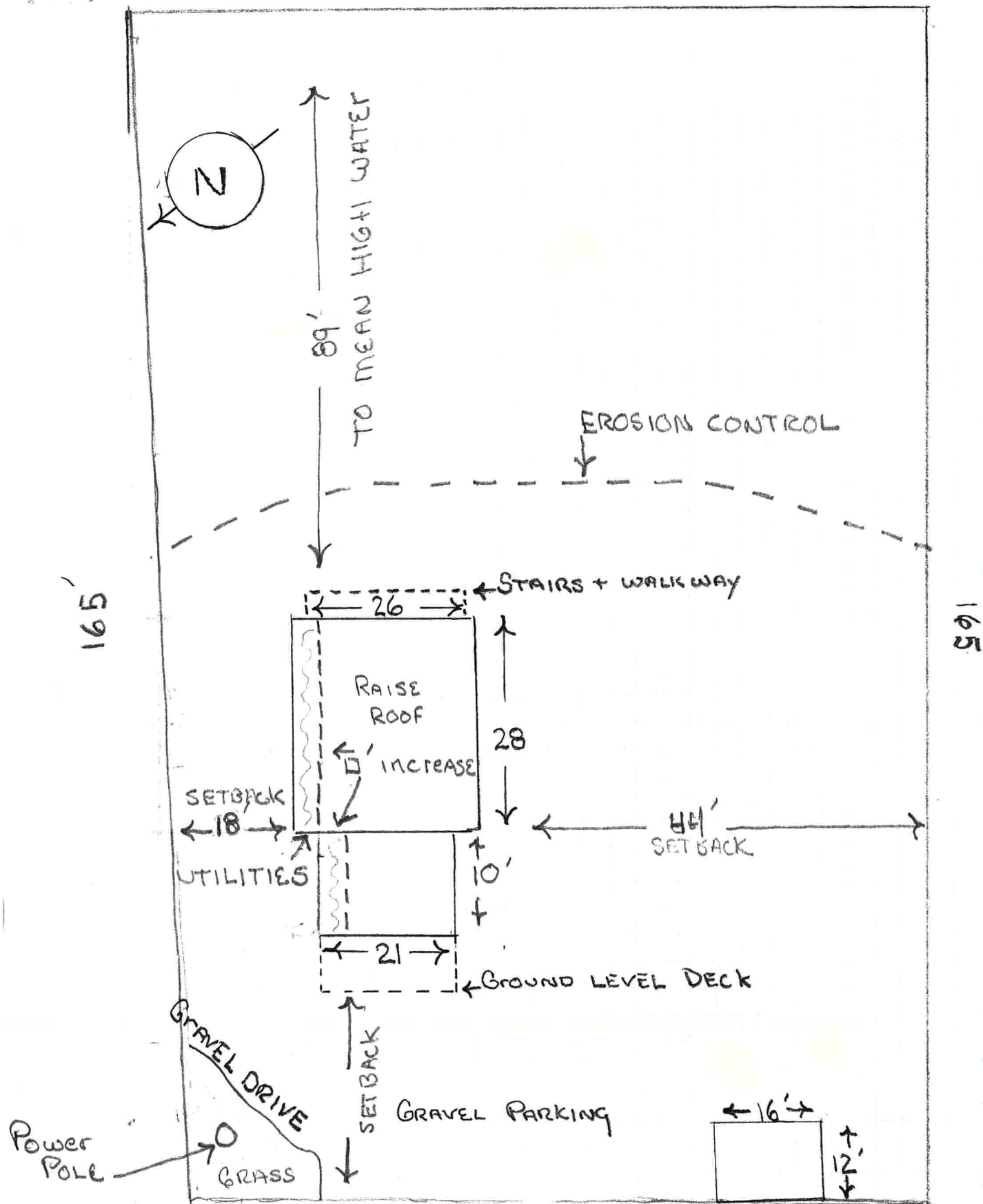
### SUMMARY OF SQUARE FOOTAGES AND VOLUMES:

#### HOUSE

	Existing	Proposed	Total	% Increase
Area, Sq. Ft.	3,415 s.f.	440 s.f. (255 s.f. of porch) (185 s.f. of deck)	3,955 s.f.	12.88%
Volume, Cu. Ft.	23,066 c.f.	2,170 c.f.	25,236 c.f.	10.9%

#### GARAGE

	Existing	Proposed	Total	% Increase
Area, Sq. Ft.	822.5 s.f.	45 s.f.(entry)	867.5 s.f.	1.05%
Volume, Cu. Ft.	15,128 c.f.	0 enclosed c.f.	15,128 c.f.	0%



MEYER MONA E.  
 CHAISSON DONALD J  
 MAP 3, LOT 21  
 166 WHITE COVE RD.  
 YARMOUTH ME 04096

SCALE  
 1" INCH = 20 FT.



## TOWN OF YARMOUTH

P.O. Box 907  
YARMOUTH, MAINE 04096

George B. Smith

Director of Planning & Development

Tel: (207) 846-2401

Fax: (207) 846-2403

E-mail: gsmith@yarmouth.me.us

### PLANNING DEPARTMENT FINDING OF FACTS AND DECISION

Date: April 30, 2001

#### **Re: Shoreland Permit - Roof Replacement/Raising - Property at 166 White's Cove Road - Map 3, Lot 21 -**

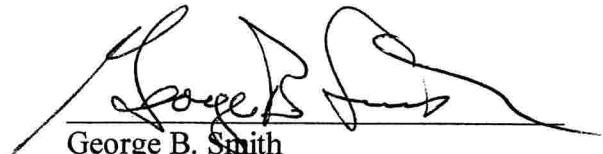
The Yarmouth Planning Department, acting pursuant to the Zoning Ordinance, Chapter 701 IV.R.10.B.(1), makes the following findings of fact and decision based upon the application of Mona E. Meyer and Donald J. Chaisson dated April 30, 2001 and accompanying plans and submissions:

#### **Findings:**

1. **Mona E. Meyer and Donald J. Chaisson (Applicants)** have submitted an application for a Shoreland permit to construct in the SOD Shoreland Overlay District zone a raised roof on their existing home as shown on site plans included with the application.
2. The Applicants' property is Assessor's **Map 21, Lot 3**, is known as **166 White's Cove Road**, and is located in the LDR Low Density Residential zone, partially in the SOD zone and partially within the 100 Year Flood Plain adjacent to coastal waters. The Zoning Map does not specify RPD for this site, much of which consists of a steep slope and bluff. The proposed improvements are shown to be sited up on the bluff and more than 75 feet from mean high water.
3. The applicants represent per the scaled site that the proposed improvement will not increase developed area, and the scaled site plan does not indicate coverage greater than the maximum permitted 20%.
4. The application satisfies the applicable criteria of Chapter 701, IV. R., subject to the following conditions:
  - A. The applicants shall provide a Drainage and Erosion Control plan acceptable to the Planning Department and obtain a Building Permit before commencing construction. Satisfactory inspection of erosion control facilities, in place at the site, shall precede demolition.

- B. Construction work shall not include excavation, removal of vegetation or other disturbance of the lot without advance approval from the Planning Department.
- C. Building Height shall not exceed 35 feet.

**Therefore, the application of Mona E. Meyer and Donald J. Chaisson herein described, as shown on the scaled Site Plan filed, is hereby approved, subject to the conditions described above, on April 30, 2001.**



George B. Smith  
Director, Planning and Development

PERMIT NO: 01-038

## Town of Yarmouth, Maine

WHITE COPY - FILE ORIGINAL



PERMIT NO: 01-63E

## Town of Yarmouth, Maine

GREEN COPY – OCCUPANCY PERMIT

THE ISSUANCE OF THIS PERMIT DOES NOT IMPLY APPROVAL  
BY ANY OTHER AGENCY INCLUDING THE FOLLOWING:  
STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AGENCY AND THE UNITED STATES ARMY CORPS  
OF ENGINEERS. THE OBTAINING OF ALL PERMITS IS THE  
RESPONSIBILITY OF THE OWNER OR HIS AUTHORIZED AGENT.

3-21  
**BUILDING  
PERMIT**

AMOUNT  
PAID

20 -

VALIDATION

APPLICANT Donald Chaisson DATE 10-27 1993 PERMIT NO. 93-1417

PERMIT TO Residential Storage Shed ADDRESS (NO.) 3348 Whites Cove Rd. (STREET) (CONTR'S LICENSE)

AT (LOCATION) (NO.) (STREET) ZONING DISTRICT LD8

BETWEEN (CROSS STREET) AND (CROSS STREET) LOT SIZE

SUBDIVISION (3) LOT 21 BLOCK (CROSS STREET)

BUILDING IS TO BE 12 FT. WIDE BY 16 FT. LONG BY 15 FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO TYPE Res USE GROUP B-4 BASEMENT WALLS OR FOUNDATION 57 (TYPE)

REMARKS: Minimum setback 15' from any property line.

AREA OR VOLUME (CUBIC SQUARE FEET) ESTIMATED COST \$ 500 PERMIT FEE \$ 20 -

OWNER Donald Chaisson BUILDING DEPT BY Paul Chaisson C.E.D. #137

(Affidavit on reverse side of application to be completed by authorized agent of owner)

AREA OR VOLUME (CUBIC SQUARE FEET) OWNER Donald Chaisson ADDRESS 3348 Whites Cove Rd.

SEE REVERSE SIDE FOR CONDITIONS OF ACCEPTANCE

DEPT. FILE COPY

21

PANCY

NTR'S LICENSE

LD8

CONFORM IN CONSTRUCTION

(TYPE)

line



# PROPERTY ASSESSMENT RECORD

TOWN OF YARMOUTH, MAINE

CARD OF CARDS

MAP 181	LOT 28	ROAD WHITES CORSE	SINGLE FAMILY		RESIDENTIAL		SUMMARY	
3	21	OWNER Iezzi, Louis Charles	TWO FAMILY		SEASONAL		LAND BLDG. TOTAL	
RECORD OF OWNERSHIP			APARTMENT		NEIGHBORHOOD		23900 8401 32300	
DATE			BK	PG	RET ST	REMARKS:		
Emman Sandra R.			4-23-80	4592	269	19 LAND BLDG. TOTAL		
Iezzi, Louis Charles			3-21-83	6135	82	19 LAND BLDG. TOTAL		
Emman, Sandra I.			9-10-84	6556	259	19 LAND BLDG. TOTAL		
Iezzi, Louis			2-19-85	6688	154	19 LAND BLDG. TOTAL		
Meyer, Morn E.			7-26-85	6838	45	19 LAND BLDG. TOTAL		
131 Portland Street						19 LAND BLDG. TOTAL		
INTERIOR INSPECTED:						19 LAND BLDG. TOTAL		
YES	NO-EST	DATE	7/22/81			19 LAND BLDG. TOTAL		

LAND VALUATION										LAND FACTORS				
CLASSIFICATION	ACRES	%	PRICE	TOTAL	-	DEPR	+	VALUE		MINUS		PLUS		
HOUSE LOT										VACANCY		COMM. INFL.		
BASE										SEMI-IMP	5	OTHER		
FRONT ACRES										TOPOGRAPHY				
ACREAGE										ACCESS				
TILLABLE										R/W				
PASTURE										SIZE				
WOODLAND										SHAPE				
WASTE										USE				
TOTAL	1.32													
14100 \$ LOT COMPUTATIONS										OTHER FACTORS				
FRONTAGE	DEPTH	UNIT PRICE	DEPTH %	FR FT PRICE	TOTAL	DEPR	DEPR	VALUE		LEVEL		PAVED ROAD		
100.5	150	250	100		25125	5		23900		ROUGH	✓	GRAVEL ROAD	✓	
										ROLLING		TOWN WATER	✓	
										SWAMPY		DRILLED WELL		
										HIGH		DUG WELL		
LOCATION										AREA TRENDS				
G F P										IMPROVING	STATIC ✓	DECLINED		

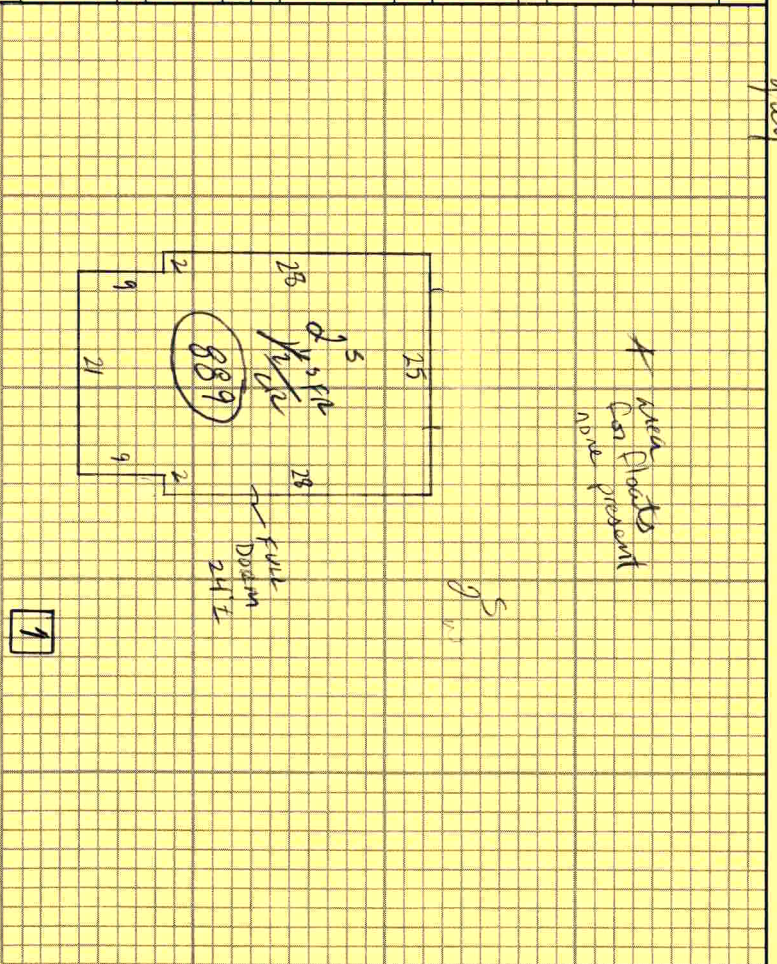


CONSTRUCTION													REMODELING DATA					SKETCH									
FOUNDATION G F P						FLOORS						YEAR					COST										
						B 1 2 3 G F P						STRUCTURAL					KITCHEN										
												ELECTRICAL					ELECTRICAL										
												PLUMBING					PLUMBING										
												HEATING					HEATING										
BASEMENT						INLAID						COMPUTATIONS															
LL HR						W/W CARPET						UNIT					AMOUNT										
1/2 3/4						TERRAZZO						672 SF					30900										
BSMT AREA						SINGLE						BSMT AREA					- 2184										
MT GAR												BSMT GAR															
FRAMING						ATTIC FLR & STAIRS						WALLS					INSULATION 1,000										
R JOISTS						4485						ROOFING															
X O/C						7 INTERIOR FINISH						LIGHTING															
AMS & COL						B 1 2 3 G F P						FIREPLACES					+ 3000										
UDS						PLASTER						FLOORS															
WALLS						DRYWALL						ATTIC					+ 1350										
SUBLE SIDING						PANEL						INT FINISH 3/4X11/2					- 5796										
NGLE SIDING						KNOTTY PINE						HEATING															
SHINGLES						WALLBOARD						PLUMBING															
INC BLOCK						UNFIN						TOTAL					36 598										
CE BRK ON						FINISH ATTIC AREA						ADDITIONS & PCHS															
LID COM BRK												140X23-SF					920										
SULATION						8 HEATING						3 SF															
TIC ONLY						HOT AIR						4 SF															
ROOFING						HOT WATER/VAPOR						5 SF															
PH SHINGLES						STEAM						6 SF															
OOD SHINGLES						AIR COND						7 SF															
ETAL						PIPELESS FURN						8 SF															
ALL ROOFING						FLOOR FURN						9 SF															
ROOF TYPE						AUTO OIL BURNER						TOTAL					27518										
ABLE						GAS						FACTOR -20					66										
P MANSARD						ELECTRIC						FIN BSMT															
AMBREL						NO HEATING																					
LIGHTING						UNIT HTS						REPL VALUE					18162										
O ELEC						9 PLUMBING						OCCUPANCY					CONSTRUCTION										
JTTETS						BATHROOM						OUT BLDGS.					SIZE										
FIREPLACES						TOILET ROOM						1 STEPS					-										
OF STACKS						WATER CLOSET						2															
REPLACE STACK						LAVATORY						3															
REPLACE						STALL SHOWER						4															
EARTH						KITCHEN SINK						5															
NO OF ROOMS						AUTO WATER HEATER						6															
SMT 1ST						NO PLUMBING						7															
ND 3RD												8															
T LAYOUT												TOTAL VALUE BUILDINGS					8400										



BUILDING STYLE : 1		S/F BSMT LIVING : 0		LAYOUT : 1	
1. Conv. 7. Custom		FIN BSMT GRADE : 2		1. Typical 2. Inadeq.	
2. Ranch 8. Condo/Twnhse		ELECTRICAL		ATTIC	
3. Split or Bi-Level 9. Other		T = 60 Amps 4 = Multi-Secs.		1. 1/4 Fin. 4. Full Fin.	
4. Cape 2 = 100 Amps 5 = Comm-Secs.		3 = 200 Amps 9 = None		2. 1/2 Fin. 5. Fl/Skirts	
5. Gambrel 3 = 200 Amps 9 = None		HEAT TYPE		3. 3/4 Fin. 9. None	
6. Colonial or Garrison		1. HW BB 6. Grav. WA		INSULATION	
DWELLING UNITS : 1		2. HW CI 7. Electric		1. Full 4. Minimal	
OTHER UNITS : 0		3. Heat 8. Units		2. Heavy 5. Partial	
STORIES (1-2) : 4		4. Steam 9. No Heat		3. Capped 9. None	
1 = One 4 = 1-1/2		COOL TYPE		UNFINISHED %	
2 = Two 5 = 1-3/4		1. Refrig. 4. Cool Air		GRADE & FACTOR	
3 = Three 6 = 2-1/2		2. Evapor. 9. None		1. E 4. B	
7 = 3-1/2 8 = Four		KITCHEN STYLE		2. D 5. A	
EXTERIOR WALLS		1. Modern 3. Old Style		3. C 6. AA	
1. Wood 6. Brick		2. Typical 4. Obsolete		SQ. FOOTAGE	
2. Al/Aln/yl 7. Stone		BATH(S) STYLE		1. Poor 5. Avg +	
3. Comp. 8. Conc.		1. Modern 3. Old Style		2. Fair 6. Good	
4. Asbestos 9. Other		2. Typical 4. Obsolete		3. Avg. - 7. V Good	
5. Stucco		# ROOMS		4. Avg. 8. Exc.	
ROOF SURFACE		# BEDROOMS		PHYS. % GOOD	
1. Asphalt 4. Comp.		# FULL BATHS		FUNCT. % GOOD	
2. Slate 5. Wood		# HALF BATHS		FUNCT. % CODE	
3. Metal 6. Other		# ADDN FIXTURES		1. Incomp. 3. Damage	
S/F MASONRY TRIM		# FIREPLACES		2. Overbuilt 9. None	
1. 2. 3. 4. 5. 6. 7. 8. 9.		TRIO		ECON. % GOOD	
YEAR BUILT		YEAR REMODELED		ECON. CODE	
1. 2. 3. 4. 5. 6. 7. 8. 9.		FOUNDATION		1. Location 3. Services	
1. Conc. 4. Wood		1. Conc. 4. Wood		2. Encroach 9. None	
2. C. Blk 5. Slab		BASEMENT		ENTRANCE CODE	
3. Br/Stone 6. Piers		1. 1/4 4. Full		1. Inspect 4. Vacant	
4. Full 5. Crawl		BSMT CAR # CARS		2. Refused 5. Estimate	
5. None 9. None		WET BASEMENT		3. Info. Only 6. Ext. Only	
1. Dry 3. Wet		DATE INSP. 11/15/94		INFO. CODE	
2. Damp 9. None		ADDITIONS, OUTBUILDINGS & IMPROVEMENTS		1. Owner 4. Agent	
CODE TYPE YEAR UNITS GRADE COND. PERCENT GOOD		CODES		2. Relative 5. Estim.	
1. 2. 3. 4. 5. 6. 7. 8. 9.		1. 2. 3. 4. 5. 6. 7. 8. 9.		3. Tenant 6. Other	
FAS 24 1995 192 31.00 4		1. 15 Ft		11-20-97	
DK 68 70 100%		2. 25 Ft		1. 2004	
		3. 35 Ft			
		4. 1 1/25 Ft			
		5. 1 3/45 Ft			
		6. 2 1/25 Ft			
		Add 10 Masonry			
		21. OFF			
		22. EFP			
		23. Garage			
		24. Shed			
		25. Bay Window			
		26. Overhang			
		27. Unif. Bsm.			
		28. Unif. Attic			
		29. Fin. Attic			
		Add 20 for 2 Story			
		61. Canopy			
		62. Carport			
		63. Swimming Pool			
		64. Tennis Court			
		65. Barn			
		66. Greenhouse			
		67. Natatorium			
		68. Wood Deck			
		69. Jacuzzi			

NOTES: 2/19/02 Conn # P.F.'s, Story he 1918, quality. Added entry to guide 2 stories



Appears to be in remodel stage  
sub flrs only no wall covering  
new windows, siding & roof  
Remodel over 1918.  
1918x 500compete.  
4-95 601. COMPLETE - INTERIOR = OPEN STUD, ROUGHED WIRING  
& PLUMBING. CK 4-96 @ 3.092 Good Cond.  
4-1-96 100% 6014



EVER MONA E 003  
31 PORTLAND STREET 021

ARMOUTH ME 04096 02945  
06838P045

EVER MONA E 003  
021

R#1 BOX 336R  
ARMOUTH ME 04096 02945  
06838P045

MEYER MONA E 003  
021

166 WHITES COVE ROAD  
YARMOUTH ME 04096 02945  
B06838P045

MEYER MONA E & CHAISSON DONALD J 003  
(JT) 021

166 WHITES COVE ROAD  
YARMOUTH ME 04096 02945  
B16457P231 6/19/01

DELAHUNT MICHAEL V & CONNOLLY MARY F (JT) 003  
166 WHITES COVE ROAD 021  
YARMOUTH ME 04096

B21590P221 07/26/04 02945

Date Listed 11/15/94 By: KIN  
Date Reviewed 11/20/97 By: 6004  
Date Reviewed 11/23/95 By: 6004

Date Reviewed 2/19/ By: 02

NOTES: 1/15/94 Capt. K.H.  
WAL 10/12/94 2nd call NWAH 525  
Y-23-01 # 01-36 rec'd. 2nd floor 190 sf B. 38.00

1/21/02 1st floor

1. Valid 2. Related 3. Distress 4. Split 5. Partial 6. Exempt 7. Changed 8. Other 9. 1

PROPERTY DATA: USE COMMERCIAL ( ) RESIDENTIAL ( ) INDUSTRIAL ( ) EXEMPT ( )

EXEMPT CODE YEAR LAND BUILDINGS EXEMPT TOTAL

TRAN CODE 95/96 129,600 33,400 0 163,000

LAND USE CODE ACCT: 02945-1 MAP/LOT: 003-021

BLDG. USE CODE 96/97 129,600 34,400 0 164,000

NEIGHBORHOOD CODE 14 ACCT: 02945-1 MAP/LOT: 003-021

ZONING CODE 98/99 90,700 41,800 7,000 125,500

11. RR 12. LDR 13. MDR 14. WOC 15. RP 16. WOC 17. V 18. IND 19. ACCT: 02945-1 MAP/LOT: 003-021

TOPOGRAPHY 00/01 90,700 41,800 7,000 125,500

UTILITIES 00/01 90,700 41,800 7,000 125,500

1. Level 2. Rolling 3. Above St. 4. Below St. 5. Low 6. Swampy 7. Steep 8. Rough 9. None 10. ACCT: 02945-1 MAP/LOT: 003-021

1. All Public 2. Public Water 3. Public Sewer 4. Drilled Well 5. Dug Well 6. Septic 7. Cesspool 8. Ovoid Disc 9. None 10. ACCT: 02945-1 MAP/LOT: 003-021

1. Paved 2. Semi-Improved 3. Gravel 4. Not Accepted 5. Proposed 6. Private 7. None 8. ACCT: 02945-1 MAP/LOT: 003-021

1. Mobile Home Park 2. Affordable Housing 3. Shoreland 4. ACCT: 02945-1 MAP/LOT: 003-021

1. Discharge to Sewer 2. Discharge to Ground 3. No Sump Pump 4. ACCT: 02945-1 MAP/LOT: 003-021

1. Land 2. Land & Bldg. 3. Building Only 4. MO-HOME 5. RW 6. Other 7. ACCT: 02945-1 MAP/LOT: 003-021

1. Conventional 2. FHA/VA 3. Assumed 4. Seller 5. Private 6. Cash 7. FHA/VA 8. Unknown 9. ACCT: 02945-1 MAP/LOT: 003-021

1. Buyer 2. Seller 3. Lender 4. Agent 5. Public Record 6. MIS 7. Family 8. Other 9. Confid. 10. ACCT: 02945-1 MAP/LOT: 003-021

1. Valid 2. Related 3. Distress 4. Split 5. Partial 6. Exempt 7. Changed 8. Other 9. 1

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INFLUENCE CODES

1= Vacancy 2= Excess Frontage 3= Topography 4= Size / Shape 5= Access 6= Restrictions 7= Location 8= Environmental 9= Fractional Share

42. NBHD. Site 43. Condo Site 44. Water/Well 45. Sewer/Septic

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42. NBHD. Site 43. Condo Site 44. Water/Well 45. Sewer/Septic

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