



Erin Zwirko, AICP, LEED AP
E-mail: ezwirko@yarmouth.me.us

Tel: 207-846-2401
Fax: 207-846-2438

TOWN OF YARMOUTH
200 Main Street, Yarmouth, Maine 04096
www.yarmouth.me.us

To: Planning Board
From: Erin Zwirko, Director of Planning and Development
CC: Zaki Nashed, Applicant
Michael Morse, Archipelago
Nick Ciarimboli, Code Enforcement Officer
Re: Update to 166 White's Cove Road Request for a Shoreland Overlay District Permit
Date: August 10, 2022

Updated Information

Nick Ciarimboli, Code Enforcement Officer, and I had a conversation with the applicant's representative this afternoon to discuss the significant gaps in the permitting history at the property and how that impacted our recommendation in the staff report issued on August 4, 2022. After discussing the existing conditions of the property and reviewing the historical permits and other documentation available with Mr. Morse, Nick and I determined that although there are gaps and discrepancies in the available documentation, there is no compelling evidence to verify whether or not the existing conditions are not legally existing.

As such, the reduction of the nonconforming structure footprint by 20.2 percent (2,077.2 square feet to 1658.4 square feet) is consistent with the expansion allowances identified in Chapter 701, Article IV.R.5. Additionally, the reduction in the non-vegetated lot coverage by 3.1 percent (4,813.2 square feet to 4,467.82 square feet) is also consistent with the Shoreland standards identified in Chapter 701, Article IV.R.7. As noted in the staff report, the proposed home is located in the only location possible due to the Shoreland setbacks and the zoning setbacks.

Therefore, the Planning staff recommends approval with the following motions and conditions of approval. Nick and I, and the applicant's representative, will be available to answer any questions.

Motions

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.

"Our Latchstring Always Out"

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

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:

1. Prior to the issuance of a building permit, the applicant shall submit a letter of no impact from the Maine Historic Preservation Commission.
2. Prior to the issuance of a building permit, the applicant shall coordinate with the Yarmouth Fire Department and the Yarmouth Water District regarding the seasonal water service as it is unable to support a life safety sprinkler system which is a requirement for new single-family homes per Town of Yarmouth Ordinance Chapter 317, Fire Sprinkler Ordinance.
3. 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.

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