



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

**PLANNING BOARD REPORT
YARMOUTH, MAINE**

797 Princes Point Rd., Yarmouth, Maine
Shoreland Zone Permit

Chapter 701 Article IV. Section R.

Laura & Sam Rigby c/o Samuel Day, BRIBURN Architecture, Applicants
Map 24 Lot 62; LDR/SOD/RP

Prepared by: Nicholas Ciarimboli, Code Enforcement Officer

Report Date: February 28, 2023; Planning Board Meeting: March 8, 2023

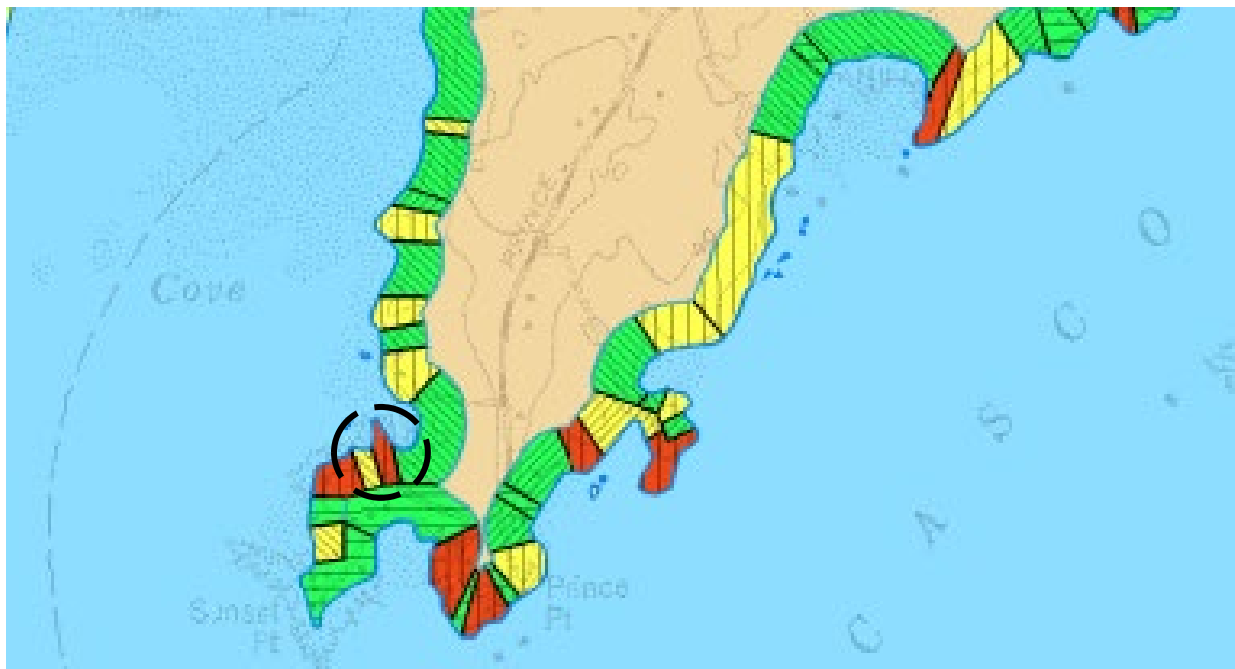
I. INTRODUCTION

The applicants, Laura & Sam Rigby, are proposing renovations and additions to the existing single-family residence at 797 Princes Point Rd. (Map 24 Lot 62). The property is located in the Low-Density Residential district (LDR), the Shoreland Overlay District (SOD), and the Resource Protection District (RP). The lot is nonconforming at 1.8 acres in the LDR zone, which has a 2-acre minimum lot size, with approximately 800 feet of ocean frontage (150 ft minimum shore frontage for a Tidal Area).

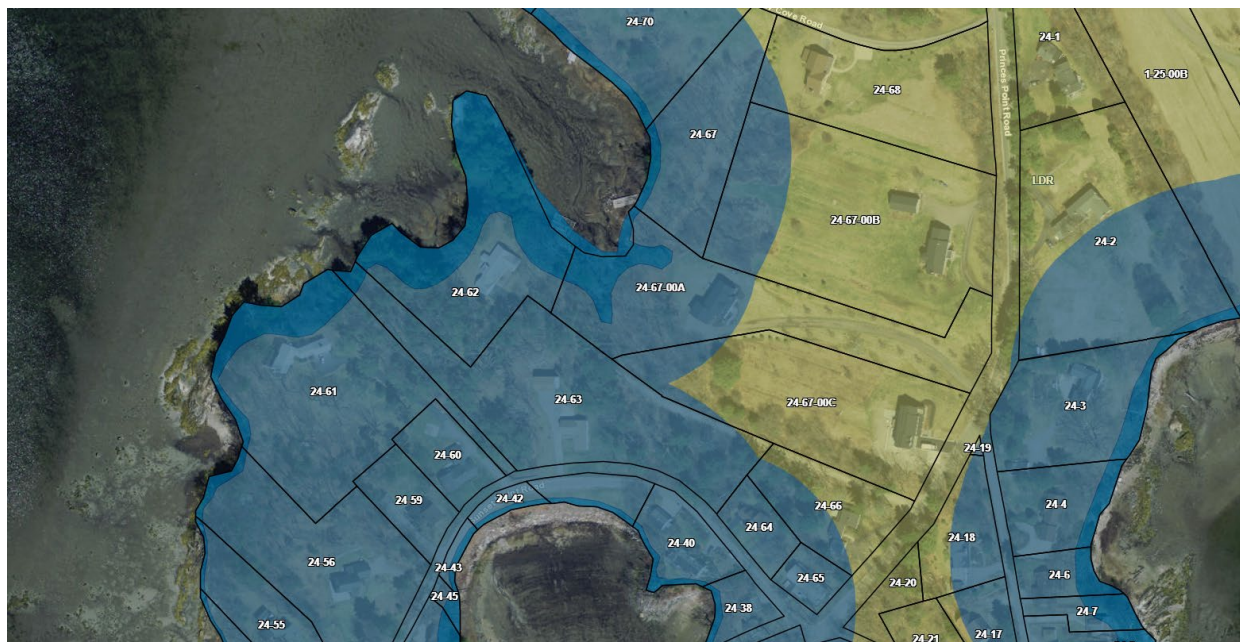


Aerial Photo of Project Area; Site Identified with a Star

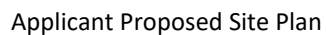
Although the lot is designated as having unstable and highly unstable coastal bluff per the Maine Geological Survey Coastal Bluffs Map, a Slope Stabilization Permit was completed in 2004 along a portion of the frontage as identified on the applicants Sheet A100 Site Plan. Pursuant to the Town's Zoning Ordinance (Ch. 701, Art. IV.R.7.c(1)(c.)), the 75 foot shoreland setback would be measured from the top of the adjacent Coastal Bluff when identified as "highly unstable" or "unstable." In this instance, the stabilization project allows the applicant to utilize the standard benchmark of the Highest Annual Tide (HAT) along the west elevation where the stabilization occurred and the top of bluff along the north elevation. At its closest, the existing screen porch on the west is located 44 feet 6 inches from the HAT and the existing house on the north is 35 feet 1 inch from the top of bluff. The existing structure is therefore considered non-conforming. The proposed structure increases the size of the patio on the west side within the 44'-6" and 75' setback with the majority of the renovation occurring outside the 75' Shoreland Buffer zone.



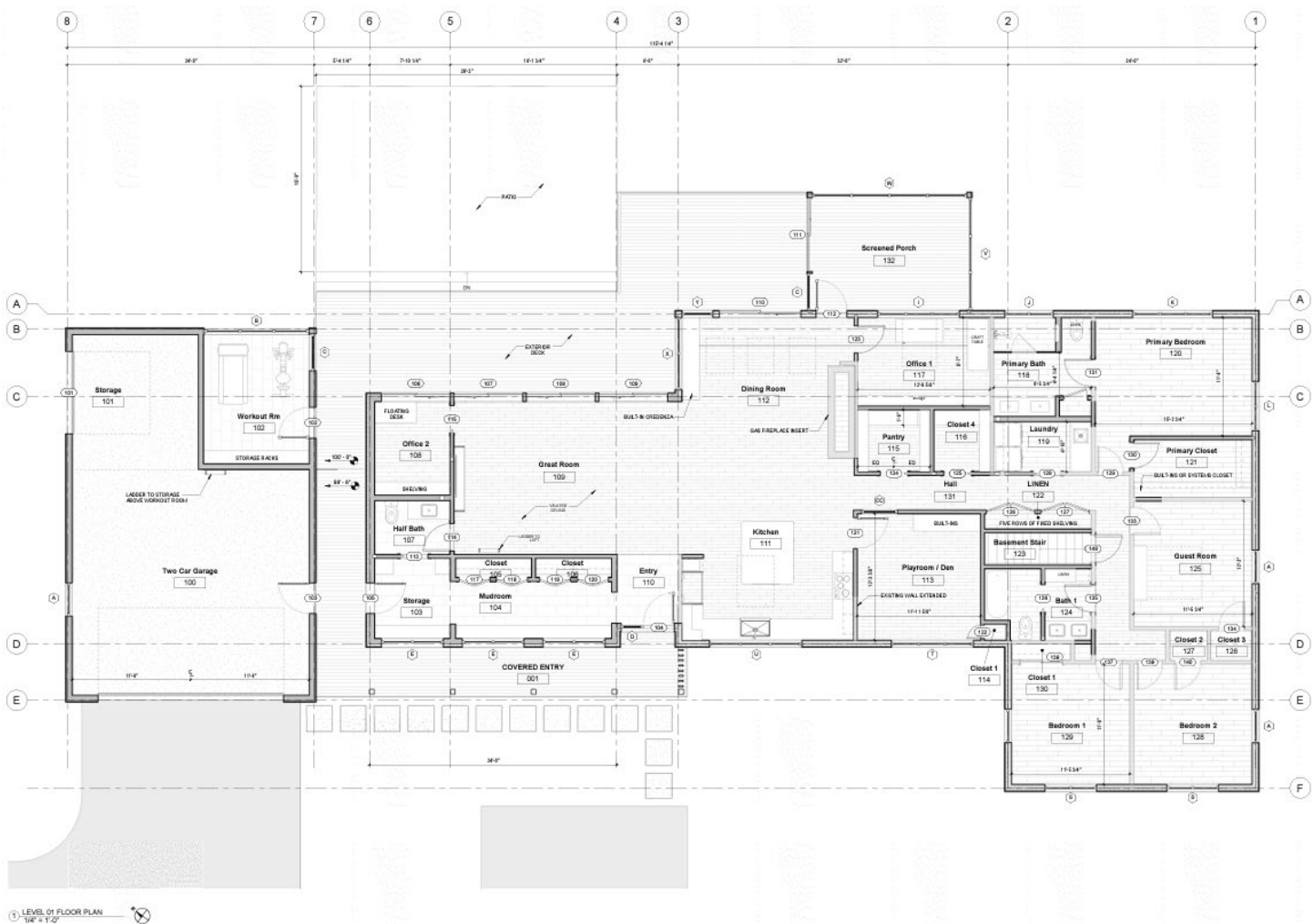
Maine Geological Survey of Unstable Coastal Bluffs; Site Area Circled



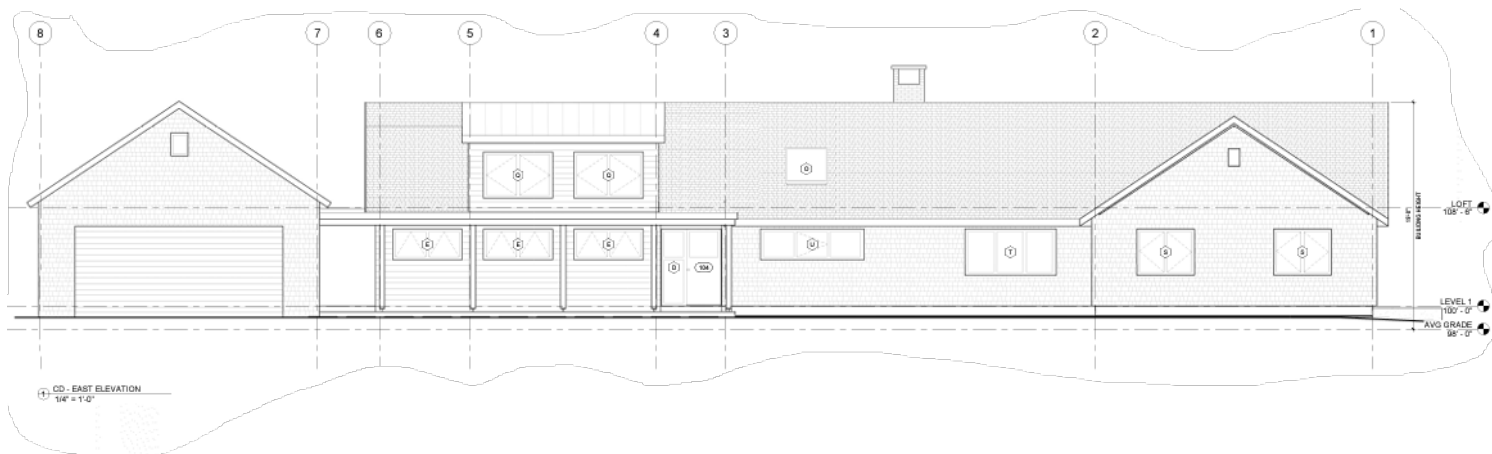
The lot complies with the lot coverage requirements. Pursuant to Ch. 701, Article IV.R.7.c(4), *“With the exception of General Development Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds, and Commercial Fisheries/Maritime Activities Districts, nonvegetated surfaces 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 increases from 8.42% to 10.99%



The applicant has provided full plans, elevations, and renderings of the proposed home. Additional drawings are provided in the application materials.



Floor Plan



East Elevation



Rendering of East Elevation



Rendering of West Elevation

II. REQUIRED REVIEWS

<i>Applicant's Proposal</i>	<i>Applicable Standards</i>
Renovations and expansion of non-conforming Single-Family Residence	Shoreland Overlay District Permit Review Chapter 701 Article IV.R.5.a.(1).c.i, Expansion
Renovations 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 March 2, 2023 edition of *The Forecaster*. No written comments were received from the public as of this writing.

III. PROJECT DATA

<i>SUBJECT</i>	<i>DATA</i>
Existing Zoning	LDR/Shoreland Overlay District
Existing Use	Single Family Residence
Proposed Use	Single Family Residence
Parcel Size	1.8 acres
Property shoreline	+/- 800 feet
Estimated cost of the project	\$550,000

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. The existing structure was built in app. 1966 and based on the documentation that is readily available in the Department of Planning and Development's files appears to be the same configuration as the existing footprint. The applicant has also indicated that the existing height of house is 19'-8" and will be maintained through their proposal. In 2008, a screen porch was constructed over a portion of the original deck footprint, but no expansion occurred at that time. The applicant is currently proposing an expanded patio within the nonconforming setback for an increase of 545 square feet or 20.2% over the existing area and assumed 1989 footprint of 2,276 square feet and in compliance with the standards.

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. Although the applicant has not provided any information regarding the percentage of replacement value for the renovations to occur on the nonconforming portion of the house, the Town will assume greater than 50% and analyze the proposal in this regard. For the scope of work within the nonconforming portion of the house, there appears to be no change to the foundation and limited impact to the massing of the house. Fenestration appears to be slightly adjusted but for the most part the work consists of interior renovation and siding improvements. Based on the minimal site impact due to the reuse of the existing structure, and the limited site area available that is in compliance with the required setbacks, there is a very strong case for the reuse of the existing nonconforming portion of the house in lieu of a relocation that is more conforming with regards to the setbacks that would inevitably have a much greater adverse impact on the site.

A new detached garage meeting the required shoreland setbacks will be added to the south of the existing house. The

existing garage will be removed down to the slab, and the living area of the house will be expanded over this footprint by extending the existing ridgeline. The house's proposed height of 19 feet 8 inches is consistent with the existing height. No tree removal has been proposed within the 75' buffer zone at this time. If any trees are to be removed within the Shoreland Zone, the applicant shall indicate this along with the existing and proposed cleared areas and basal area removal calculation.

It is assumed the house will reuse the existing public water connection. Because the renovated structure may require a sprinkler system per CH. 317 Town of Yarmouth Fire Sprinkler Ordinance, additional coordination with the Yarmouth Water District may be required to determine how to address the flow capacity for the sprinkler system.

The lot complies with the lot coverage requirements, which is a maximum of 20 percent. The overall impervious area coverage increases from 8.42% to 10.99% including the house, new garage, walks, patios, and driveway.

Impervious Coverage (provided by the Applicant)

CODE REVIEW SUMMARY RESIDENTIAL				
Description:	Single Family Residential - Renovation			
		Section	Remarks	
LAND USE				
Zoning District	Low Density Residential (LDR) Resource Protection District (RPD) Shoreland Overlay District (SOD)			
Permitted Use	Single Family Detached Dwelling			
Minimum Lot Area	87,120 SF (2 Acres)			
Lot Area	78,408 SF (1.8 Acrea)			
			Refer to Yarmouth Tax Map	
Existing Lot Coverage	6,602 SF (8% Lot Coverage)			
			Breakdown: Existing Asphalt Driveway: 2,680sf Existing Front Walkway/Patio: 299sf Existing House: 3,234sf Existing Rear Deck/Patio: 389sf	
Proposed Lot Coverage	8,616 SF (11% Lot Coverage)			
			Breakdown: Proposed Driveway: 2,889sf Proposed Front Walkway/Pavers: 308sf Proposed Garage: 999sf Proposed House: 3,398sf Proposed Rear Deck/Patio: 1,023sf	
Allowable Lot Coverage	15,681 SF (20%)			
	See Below for 75' Setback Expansion Calculations			
SETBACKS & DIMENSIONS				
Front	40'		ARTICLE IV	
Side	20'		ARTICLE IV	
Rear	40'		ARTICLE IV	
High Water	Refer to Site Plan			
Height	35' (Refer to Shoreland Section)			
EXISTING IMPERVIOUS SURFACE CALCULATIONS WITH SHORELAND ZONE				
	SETBACK FROM HIGHWATER LINE			
	<25'	<25'-75'	>75'	TOTAL
1. HOUSE	0	2,167 SF	1,067 SF	3,234 SF
2. WALKS / PATIOS	0	536 SF	152 SF	687 SF
3. PAVEMENT	0	0	2,680 SF	2,680 SF
TOTAL LOT COVERAGE WITHIN SHORELAND ZONE	0	2,703 SF	3,898 SF	6,602 SF
MAXIMUM COVERAGE WITHIN 75' SETBACK (30% EXPANSION ALLOWED)	2,703 SF (existing coverage <75') x 1.3 = 3,514 SF			
MAXIMUM SQFT OF EXPANSION WITHIN 75' SETBACK	3514 SF (maximum coverage) - 2703 SF (existing coverage) = 811 SF MAXIMUM EXPANSION ALLOWED			

PROPOSED IMPERVIOUS SURFACE CALCULATIONS WITH SHORELAND ZONE				
	SETBACK FROM HIGHWATER LINE			
	<25'	<25'-75'	>75'	TOTAL
1. HOUSE	0	2,276 SF	2,118 SF	4,394 SF
2. WALKS / PATIOS	0	972 SF	361 SF	1,333 SF
3. PAVEMENT	0	0	2,889 SF	2,889 SF
TOTAL LOT COVERAGE WITHIN SHORELAND ZONE	0	3,248 SF	5,368 SF	8,616 SF
MAXIMUM COVERAGE WITHIN 75' SETBACK (30% EXPANSION ALLOWED)	2,703 x 1.3 = 3,514 SF			
PROPOSED EXPANSION WITHIN 75' SETBACK (%)	3,248 SF - 2,703 SF = 545sf (proposed expansion) / 2703sf (existing coverage >75ft) = 20.2%			

NOTE: 2008 SCREEN PORCH ADDITION WAS BUILT OVER AN EXISTING DECK AND IS NOT INCLUDED AS PART OF EXPANSION CALCULATIONS

V. PUBLIC COMMENT

No public comments have been received to date.

VI. 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 \$550,000. No Financial capacity info has been provided.

The project team includes BRIBURN Architecture, an architectural consulting firm, and Survey, Inc, surveyors. The application materials indicate that Brian Plowman will be the contractor.

VII. 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.

(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).

(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: The entirety of the nonconforming portion is greater than 25' from the applicable benchmark. The proposed expansion of the nonconforming portion is limited the waterside patio and portion of the adjacent deck

area for a total expansion of 20.2% or 545 square feet. Maximum allowable expansion is 30%.

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;

Staff Comment: The lot is nonconforming for size at 1.8 acres per the LDR zoning requirements of 2 acres. However, the entirety of the lot is located within the Shoreland Overlay District, and only a small portion of the lot is located beyond the 75-foot setback from either the HAT or the top of bank. The proposed structure meets the zoning setbacks required but has limited opportunity to be placed outside of the 75-foot setback without resulting in significant adverse impact on the site.

ii. the slope of the land;

Staff Comment: The lot is relatively flat with the driveway and structure located on the flattest portion of the site. The property gradually slopes toward the water and becomes quite steep at the top of the bluff.

iii. the potential for soil erosion;

Staff Comment: The Public Works Director noted that Erosion & Sediment Control BMPs shall be installed prior to the disturbance of vegetation.

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

Staff Comment: It is not apparent that any other existing or adjacent structures would impede relocation (location of septic system unknown), but given the nature of the reuse of the majority of the existing structure it is fair to say that relocation may have a greater adverse impact on the site as opposed to reuse/renovation in place.

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;)

Staff Comment: The applicant has not presented any information with regards to the septic system at this time. As the proposal does not appear to increase number of bedrooms, there may not be a need to expand the system. However, if the property is served by a septic system, the applicant shall provide additional detail regarding the existing septic system including a report verifying the system is in good working order, and have the system and components location identified on the plot plan confirming required setbacks for the Building Permit Application. If

any replacement of any part or the whole septic system is needed, the property owner may be required to abandon the existing septic system and connect to the available public sewer at that time.

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

Staff Comment: The existing foundation will be reused.

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

Staff Comment: No tree removal has been proposed within the 75' buffer zone at this time. If any trees are to be removed within the Shoreland Zone, the applicant shall indicate this along with the existing and proposed cleared areas and basal area removal calculation as appropriate. It would appear that any activity beyond what is currently proposed within the buildable area of the site may impact additional vegetation.

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.

Staff Comment: The existing structure was built in 1966, and continues to maintain that existing footprint. The scope of work related to the portion of the existing house that is nonconforming mainly consists of interior renovations, fenestration replacement, and new siding. As a matter of course we may assume that this scope exceeds the 50% threshold and therefore have performed a relocation analysis. The applicant has not provided any specific information in this regard, but it would appear that relocating the existing nonconforming footprint to a location with greater conformance would have a much greater adverse impact on the site likely including removal of trees.

VIII. 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. It is assumed the house will reuse the existing public water connection. Because the renovated structure may require a sprinkler system per CH. 317 Town of Yarmouth Fire Sprinkler Ordinance, additional coordination with the Yarmouth Water District may be required to determine how to address the flow capacity for the sprinkler system. If applicable, 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: The Public Works Director noted that Erosion & Sediment Control BMPs shall be installed prior to the disturbance of vegetation. This is recommended as a condition of approval.

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

Staff Comment: The applicant has not provided information in this regard, but will also be required in conjunction with the Building Permit Application.

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

Staff Comment: Although the site appears to be adjacent to Tidal Waterfowl and Wading Bird Habitat per the Maine DEP interactive map, the proposal should have limited if any impact in this regard.

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: There are no changes proposed to the landscape that would affect visual or actual points of access. The proposed development does not impact any existing easements.

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 shall 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 have no other comments and finds that the proposal is in conformance with the SOD standards.

IX. STAFF RECOMMENDATION

The staff recommend that the proposed project be approved. The applicant may have additional testimony presented at the hearing, which the Planning Board can consider in addition to the staff recommendation.

The applicant is also informed that the Town of Yarmouth posts a 23,000-pound weight limit for certain roads between February and April. Contractors will not be able to access the site with vehicles registered more than 23,000 pounds during this time. Permits are weather dependent, so the contractor is advised to plan accordingly.

X. PROPOSED MOTION

The following motions are recommended for the Planning Board:

- A. On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Staff Memo dated February 28, 2023 regarding the application of Laura and Sam Rigby, Applicants, 797 Princes Point Rd., Map 24 Lot 62, regarding Chapter 701 Article IV.R.a.(3) and (4), Reconstruction or Replacement, and Relocation Assessment, the Planning Board finds 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.

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

- B. On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Staff Memo dated February 28, 2023 regarding the application of Laura and Sam Rigby, Applicants, 797 Princes Point Rd., Map 24 Lot 62, regarding Shoreland Permit Review Chapter 701 Article IV.R.11 a & b, the Planning Board finds 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 conditions 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. The applicant shall coordinate with the Yarmouth Water District to determine the water service size to support domestic water service if a sprinkler system is required per CH 317. Town of Yarmouth Fire Sprinkler Ordinance.
3. The applicant shall comply with the requirements of the Fire Chief as outlined in his memorandum dated February 27, 2023.
4. All erosion and sedimentation controls (ESC) best management practices (BMPs) shall be installed prior to the disturbance of site soils and vegetation. This includes preventing any track out from the site into the public right-of-way through daily cleanings. 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.
5. All tree protection measures shall be installed prior to the disturbance of site soils and vegetation. During construction, the applicant and their construction manager/contractor shall ensure that tree protection measures are maintained in good condition. 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 to operate near the existing and protected trees.
6. Prior to the issuance of a building permit, if any trees are to be removed outside the 75' shoreland buffer zone, the applicant shall provide the cleared area and basal area removal calculations as required and in accordance with the standards of CH. 701, Art. IV.R.7.k. This may be reviewed and approved by the Code Enforcement Officer.

7. Prior to the issuance of a building permit, the applicant shall provide additional detail regarding the existing septic system including a report verifying the system is in good working order, and have the system and components location identified on the plot plan. If replacement of any part or the whole septic system is needed, the property owner may be required to abandon the existing septic system and connect to the available public sewer at that time.

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, No Comments dated 2/21/23
2. Daniel Gallant, Police Chief, No Comments dated 2/9/2023
3. Mike Robitaille, Fire Chief, Memo dated 2/27/23
4. Erik Street, DPW Director, Memo dated 2/23/23

Submit Comments to Nick Ciarimboli by 2/24/23**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.: 2/8/2023

Agenda Date: 3/8/2023

Project Description: Shoreland Permit

Project Location: 797 Princes Point Road

Applicant: Laura and Sam Rigby

Agent/Contact: Sam Day - sday@briburn.com

Project Description:

Renovations of single family detached dwelling

*No Concerns**2-21-2023*

- ☐ 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:

2/8/232/9/232/9/23XXXXXXXXXXXXXXXXX

- ☐
- Notice Letters Created/Sent

- ☐
- Agenda To PB

- ☐
- Agenda Posting:

1. Forecaster

2. Website

3. Bulletin Board

- ☐
- Copy Of Findings And Decision In File

Attachment 2

From: [Dan Gallant](#)
To: [Wendy Simmons](#)
Subject: RE: Request for Comment - 797 Princes Point Road & 5 High St. - DUE 2/24
Date: Thursday, February 9, 2023 4:04:51 PM

Wendy,

I don't have any comments for these two projects.

Thanks,

Dan

Daniel A. Gallant
Chief of Police
Yarmouth Police Department
178 North Road
Yarmouth, ME 04096
207-846-3333 (O)
207-846-2433 (F)



From: Wendy Simmons <WSimmons@yarmouth.me.us>
Sent: Thursday, February 9, 2023 11:56 AM
To: Andrew Dolloff <andrew_dolloff@yarmouthschools.org>; Dan Gallant <DGallant@Yarmouth.me.us>; Eric Gagnon <egagnon@yarmouthwaterdistrict.org>; Erik Donohoe <edonohoe@yarmouth.me.us>; Karyn MacNeill <kmacneill@yarmouth.me.us>; Mike Robitaille <MRobitaille@Yarmouth.me.us>; Nat Tupper <ntupper@Yarmouth.me.us>; Scott LaFlamme <slaflamme@yarmouth.me.us>; Bruce Butler
Subject: Request for Comment - 797 Princes Point Road & 5 High St. - DUE 2/24

For your review:

https://yarmouth.me.us/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=316D901F-29A8-492B-A4EB-75A0F840CF7E&Type=B_BASIC

Thanks. W

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

2.1

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



***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: 797 Princess Point Road

On February 27, 2023, I reviewed the application submitted by Samuel Day for the Shoreland Zoning Permit plan for a Single Family Detached Dwelling Unit located at 797 Princess Point Road, 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.
- Gas Detectors for the purpose of detecting natural gas, propane, fuel, or any liquified petroleum gas will be required in any room that has appliances supported by these fuels.

Title 25, Chapter 317, Section 2469

- 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

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: 2/22/2023

Re: 797 Prince's Point Rd -Shoreland Permit

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1. **General:** Applicant is proposing to renovate the existing house.
 2. **Rights, Title:** No Concerns
 3. **Easements:** NA
 4. **Homeowner Associations / Road Maintenance Agreements.** NA
 5. **Financial Capacity:** No Concerns
 6. **Technical Ability:** No Concerns
 7. **Solid Waste:** Home is eligible to use the Yarmouth Transfer Station or private curbside collection service.
 8. **Water:** No Concerns
 9. **Traffic / Parking:** No concerns. Construction vehicles should be reminded this is a residential neighborhood and need to obey the speed limit.
 10. **Storm Drains:** No Concerns
 11. **Drainage, Stormwater Management:** No Concerns
 12. **Sewers:** No Concerns
 13. **Erosion and Sediment Control:** Erosion & Sed BMPs are required on this project. Excavation Contractor needs to be certified by MEDEP in Erosion & Sed Control in order

to work within the Shoreland zone. Track out from construction vehicles will not be allowed into Prince's Point Rd.

- 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:** No Concerns
- 20. **Other Comments:** Prince's Point Rd is posted with a 23,000-poung registered weight restriction from Mid-February through May. The exact time frame will depend on the weather. During this time, vehicles registered for more than 23000-pounds will not be allowed to travel over Prince's Point Rd without a special permit. Permits have restrictions and will only be issued when conditions allow.

If you have any questions, please let me know.