



Erin Zwirko, AICP, LEED AP  
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**TOWN OF YARMOUTH**  
200 Main Street, Yarmouth, Maine 04096  
[www.yarmouth.me.us](http://www.yarmouth.me.us)

January 13, 2023

Keith and Rachel Case  
44 Radcliffe Road, Unit 1  
Somerville, MA 02145

Dear Mr. and Mrs. Case,

On January 11, 2023, the Yarmouth Planning Board reviewed the proposed project at 100 Bates Street per Chapter 701, Article IX, and per the Dunn Corner Subdivision Contract Zone Agreement, dated November 14, 2019. The Planning Board determined that the proposed substantial modification retains and respects the significant character defining features of the Building of Value at 100 Bates Street, and therefore is not required to undergo a delay, with the following motion and vote:

On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Staff Memo dated January 5, 2023 regarding the application of Chapter 701 Article IX, Historic Building Alterations and Demolitions, for the substantial modifications to 100 Bates Street, Map 44 Lot 108, Rachel and Keith Case, Applicant, the Planning Board finds that the proposed design retains and respects the significant character defining features of the building, and therefore waives the delay period, and allows that the substantial modifications proceed subject to Town Planning Authority approval with the following conditions:

1. The applicant shall coordinate with the Yarmouth Water District to determine the water service size to support domestic water service and a sprinkler system, if needed, per the Yarmouth Water District's comments dated December 29, 2022.
2. The applicant shall comply with the requirements of the Fire Chief as outlined in his memorandum dated December 29, 2022.
3. The applicant shall comply with the November 14, 2019, Contract Zone Agreement, and ensure that any fence erected, such as the +/-42-inch high fence and gate shown in the application, maintains open views of the Josie Dunn House from Bates Street, that existing and similar compatible landscape materials (such as street trees and screening of side property lines) may be maintained or installed which do not impede enjoyment of the view from the public rights-of-way, nor impede access to maintenance of drainage facilities and utilities within the drainage easement, per the 2019 Grading, Drainage and Erosion Control Plan.

*"Our Latchstring Always Out"*

4. The Armstrong Maple street tree recently planted to the west of the structure at 100 Bates Street shall be protected in coordination with the Yarmouth Tree Warden prior to any disturbance of site soils or 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 protected tree.
5. The applicant and their construction manager/contractor are prohibited from blocking Bates Street and the sidewalk during site preparation and construction.

**Such motion moved by Hildy Ginsberg, seconded by Mary Lynn Engel, and voted 6 members in favor, 0 members opposed.**

Please note that this approval does not constitute a Building Permit. You must receive a Building Permit prior to beginning the proposed renovations and alterations at 100 Bates Street. Nicholas Ciarimboli, the Code Enforcement Officer, will be in touch regarding your Building Permit submission.

Thank you for your active engagement with the Historic Preservation Committee and the Department of Planning & Development in advance of your submittal to the Planning Board. Please do not hesitate to contact me if you have any need to follow up on this approval.

Sincerely,



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

CC:

Chair and Members of the Yarmouth Town Council  
Yarmouth Historical Society, Executive Director  
Chair and Members of the Yarmouth Planning Board  
Chair and Members of the Historic Preservation Committee  
Nathaniel J. Tupper, Town Manager  
Steven S. Johnson, Town Engineer  
Erik S. Street, Director of Public Works  
Karyn MacNeill, Community Services Director  
Daniel Gallant, Police Chief  
Michael Robitaille, Fire Chief  
Scott LaFlamme, Economic Development Director  
Nicholas Ciarimboli, Code Enforcement Officer  
Scott Couture, Tree Warden  
Project File