



March 5, 2019

Mr. Nicholas Ciarimboli  
Town of Yarmouth  
200 Main Street  
Yarmouth, ME 04096

Re: Shoreland Zoning Permit on behalf of John S. and Shelly Linscott, 112 Seaborne Drive,  
Yarmouth, Maine.

Dear Mr. Ciarimboli,

As part of a previous Shoreland Zoning Permit approval, the Applicant was required to submit a separate Shoreland Zoning Permit application for the vegetation removal that occurred as part of a sewer line connection. Atlantic Environmental, LLC (AE) is pleased to submit this application and relevant materials to demonstrate the Applicant proposes to comply with Chapter 701, Section R(7)(k) and Section R(7)(n).

As stated in the previous application materials for the sewer line connection, the Applicant removed six (6) trees in order to install the sewer line connection. Four (4) of these trees were located within seventy-five (75) feet of the Highest Annual Tide (HAT) line and two (2) were located within two hundred and fifty (250) feet of the HAT as shown on the attached plan sheet. Some additional trees were removed from between seventy-five (75) feet and two hundred and fifty (250) feet in order to install the sewer line from the pump station to the connection at the road; however, an exact number of trees or the size (dbh) could not be determined. In looking at the undisturbed adjacent forested land, it is evident that however many trees were removed, they could not have exceeded the 40% volume limitation or result in a cleared opening greater than 25% of the lot area within the Shoreland Overlay District (SOD). The removal of the trees within the seventy-five (75) foot setback did violate the point system as stated in Chapter 701, Section R(7)(k)(1)(b).

The area of disturbance includes disturbance to the woody vegetation and vegetation three (3) feet in height and under as well as to the ground cover. As part of the re-vegetation plan and in order to account for the necessary points, the Applicant proposes to replace the six (6) trees that were removed in the same general location from which they were removed. Given that more than three trees were removed, the Applicant proposes to replant at least three (3) different tree species. The replaced trees will include native tree species that may include but not be limited to Red Maple, Red Oak, and Apple and will be approximately one (1) to two (2) dbh. The re-vegetation plan includes woody vegetation three (3) feet in height and under and ground vegetation with a minimum

of three (3) different species for each type of vegetation. Species may include Bayberry, Juniper, and Virginia Rose.

The Applicant has submitted a separate Shoreland Zone Permit application to stabilize portions of the shoreline and the Applicant intends to replant in conjunction with the proposed stabilization in the Spring/Summer of 2019. AE will monitor the site and ensure a survival rate of at least eighty (80) percent of the plant species over a five-year period.

Thank you in advance for your consideration of this Application. If you require any additional information or clarifications, please feel free to contact me at 207 - 837 - 2199 or by email at [tim@atlanticenviromaine.com](mailto:tim@atlanticenviromaine.com).

Sincerely,  
Atlantic Environmental LLC.

A handwritten signature in black ink, reading "Timothy A. Forrester". The signature is fluid and cursive, with the first name "Timothy" being more prominent.

Timothy A. Forrester, Owner

# TOWN OF YARMOUTH

200 Main Street

Yarmouth, Maine 04096

(207)846-2401

WWW.YARMOUTH.ME.US

Fax: (207)846-2438

## SHORELAND ZONING PERMIT APPLICATION

PERMIT # 19-12 ISSUE DATE \_\_\_\_\_ FEE AMOUNT 156.00

Date: 3/5/2019 Zoning District LDR/SZO Map 23 Lot 15 Ext \_\_\_\_\_

APPLICANT NAME: Atlantic Environmental, LLC c/o Tim Forrester PHONE NO: (207) 837 - 2199

MAILING

ADDRESS: 135 River Road Woolwich, ME 04579 e-mail tim@atlanticenviromaine.com

OWNER (other than applicant)

NAME: John S. Linscott IV and Shelly Linscott PHONE NO: (207) 799 -8514

MAILING

ADDRESS: 112 Seaborne Drive Yarmouth, ME 04096 e-mail scotty@hbfleming.com

CONTRACTOR

NAME: TBD PHONE NO: \_\_\_\_\_

MAILING

ADDRESS: \_\_\_\_\_ e-mail \_\_\_\_\_

PROPERTY

LOCATION: 112 Seaborne Drive

***Applicant must also include a narrative of the project including a description of all proposed construction, (E.G. Land clearing, road building, septic systems and wells – Please note: A site plan sketch is required on a separate sheet of paper no less than 11" x 17" or greater than 24"x36"***

**Please note: Plan set must be bound (not rolled) with a cover sheet and index.**

Proposed use of project: Residential

Estimated cost of construction \$3,000.00

Lot area (sq. ft.) 46609.2 sq. ft.

Frontage on Road (FT) +/- 100 ft.

SQ. FT. of lot to be covered by non-vegetated surfaces No Change

Elevation above 100 YR Flood Plain N/A

Frontage on water body (FT.) +/- 240 ft.

Height of proposed structure N/A

Existing use of property Residential

Proposed use of property Residential

*Note: NEXT Questions apply only to expansions of portions of existing structures that are less than the required setback.*

- A) Total building footprint area of portion of structure that is less than required setback as of 1/1/89: N/A SQ.FT.
- B) Actual shore setback of existing structure proposed for expansion (measured as required in SOD, e.g.: Highest Annual Tide; Upland Edge of Coastal Wetland; Top of Bank (RP); Normal High Water Line of rivers and streams; as applicable): N/A
- C) Building footprint area of expansions of portion of structure that is less than required setback from 1/1/89 to present: N/A SQ.FT.
- D) Building footprint area of proposed expansion of portion of structure that is less than required setback: N/A SQ.FT.
- E) % Increase of building footprint of previous and proposed expansions of portion of structure that is less than required setback since 1/1/89: % increase =  $((C+D) \times 100) / A =$   
N/A %
- F) Floor Area and Market Value of Structure prior to improvements: (a) Area: N/A  
Value:. Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) Area: Value:. If the floor area or market value of (b) exceeds 50% of the area or value of (a), then the Relocation provisions of Article IV.R.5.a.(3) and (4) shall apply. **Note:** A value appraisal may be required or submitted in close cases where the applicant asserts that that 50% trigger and relocation assessment provision is not met. **Any plan revisions after initial approvals to replace rather than renovate building components (foundations, framing, etc.) shall be required to re-calculate the extent of removal, damage or destruction relative to retained structure.**
- ☒ Please provide a site plan to include lot lines, area to be cleared of trees and other vegetation; the exact position of proposed structures, including decks, porches, and out buildings with accurate setback distances from the shoreline, side and rear property lines; the location of proposed wells, septic systems, and driveways; and areas and amounts to be filled or graded. If the proposal is for the expansion of an existing structure, please distinguish between the existing structure and the proposed expansion.
- ☒ Note: For all projects involving filling, grading, or other soil disturbance you must provide a soil erosion control plan describing the measures to be taken to stabilize disturbed areas before, during and after construction.
- ☒ Draw a simple sketch showing both the existing and proposed structures with dimensions.

## SHORELAND ZONING PERMIT CHECKLIST

Please note that this checklist is intended to help applicants identify major submittal components but it is the applicant's responsibility to review the SOD/RP provisions outlined in Chapter 701 of the Yarmouth Code and provide all required information as well as conform to all design components. Copies of Chapter 701 are available at the Yarmouth Town Hall or can be downloaded on the Town website which is [www.yarmouth.me.us](http://www.yarmouth.me.us).

- ☒ Complete Shoreland Zoning Permit application including signatures of property owners and agents.
- ☒ Appropriate fee.
- ☐ Square footage of lot area within the 250' SOD
- ☐ Square footage and % of lot covered by non-vegetated surfaces within the SOD
- ☐ Square footage and % of cleared area within lot area within the SOD
- ☐ Delineation of 75' setback from upland edge of the coastal wetland
- ☐ Delineation of 250' SOD line from upland edge of the coastal wetland.
- ☐ Delineation of Resource Protection District
- ☐ Height of any proposed structures as measured between the mean original grade at the downhill side of the structure and the highest point of the structure
- ☐ Building elevations of any proposed structures as viewed from side and rear lot lines
- ☐ % Increase of expansions of portion of structure which is less than the required setback (if applicable)
- ☐ Floor Area and Market Value of Structure prior to improvements: (a) Area: \_\_\_\_\_ Value: \_\_\_\_\_. Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) Area: \_\_\_\_\_ Value: \_\_\_\_\_.
- ☐ Elevation of lowest finished floor to 100 year flood elevation
- ☐ Evidence of submission of the application to the Maine Historic Preservation Commission (MHPC) at least twenty (20) days prior to the Planning Board meeting as required in Article IV.R.O
- ☐ Copy of additional permit(s) if applicable:
  - Planning Board (e.g. Subdivision, Site Plan Review)
  - Board of Appeals
  - Flood Hazard
  - Exterior plumbing permit (Approved HHE 200 Application Form)
  - Interior plumbing permit
  - DEP permit (Site Location, Natural Resources Protection Act)
  - Army Corps of Engineers Permit (e.g. Sec. 404 of Clean Waters Act)
- ☐ Please circle all habitat types, marine organisms and shoreline elements present:  
(Sand beach) (boulder/cobble beach) (sand flat) (mixed coarse & fines) (salt marsh)  
(ledge) (rocky shore) (mudflat) (sediment depth if known) (Bluff/bank) (Mussels) (clams)  
(marine worms) (rockweed) (eelgrass) (lobsters) (other \_\_\_\_\_)
- ☐ Signs of intertidal erosion? (Yes) (no)
- ☐ Energy: (protected) (semi-protected) (partially exposed) (exposed)
- ☐ Copy of deed
- ☐ Soil erosion control plan
- ☐ Photographs
- ☒ Plan view

NOTE: Applicant is advised to consult with the CEO and appropriate state and federal agencies to determine whether additional permits, approvals, and reviews are required.

## CONDITIONS OF APPROVAL

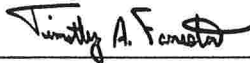
The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

I certify that all information given in this application is accurate. All proposed uses shall be in conformance with this application and the Town of Yarmouth Shoreland Regulations in the Zoning Ordinance. I agree to future inspections by the Code Enforcement Officer / Planning Director / Planning Board members (as applicable) at reasonable hours and with advance notice.

"I authorize appropriate staff within the Yarmouth Planning Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to collect facts pertaining to my application."

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Agent Signature  \_\_\_\_\_  
(if applicable)

Date 3/5/2019

-----  
Code Enforcement Officer \_\_\_\_\_

DATE OF APPROVAL / DENIAL OF APPLICATION \_\_\_\_\_  
(by either staff or planning board)



135 River Road • Woolwich, ME 04579  
207-837-2199 • tim@atlanticenviromaine.com  
www.atlanticenviromaine.com

September 26, 2018

To whom it may concern:

By this letter, I authorize Atlantic Environmental LLC to act on my behalf as my Agent for the preparation and submission of all federal, state, and local town or city permit applications and relevant documents and correspondence related to the construction of a pump station and associated soil disturbance located at 112 Seaborne Drive in Yarmouth, Maine. This authorization includes attending meetings and site visits, appearing before all boards, commissions, and/or committees, and providing other services as required for completing the aforementioned tasks.

Thank you for the opportunity to work with you on this project. Should you have any additional questions, please do not hesitate to contact me at 207-837-2199 or via email at tim@atlanticenviromaine.com.

JOHN LINSCOTT "Scouty"  
Print Name

[Signature]  
Signature

9/26/18  
Date

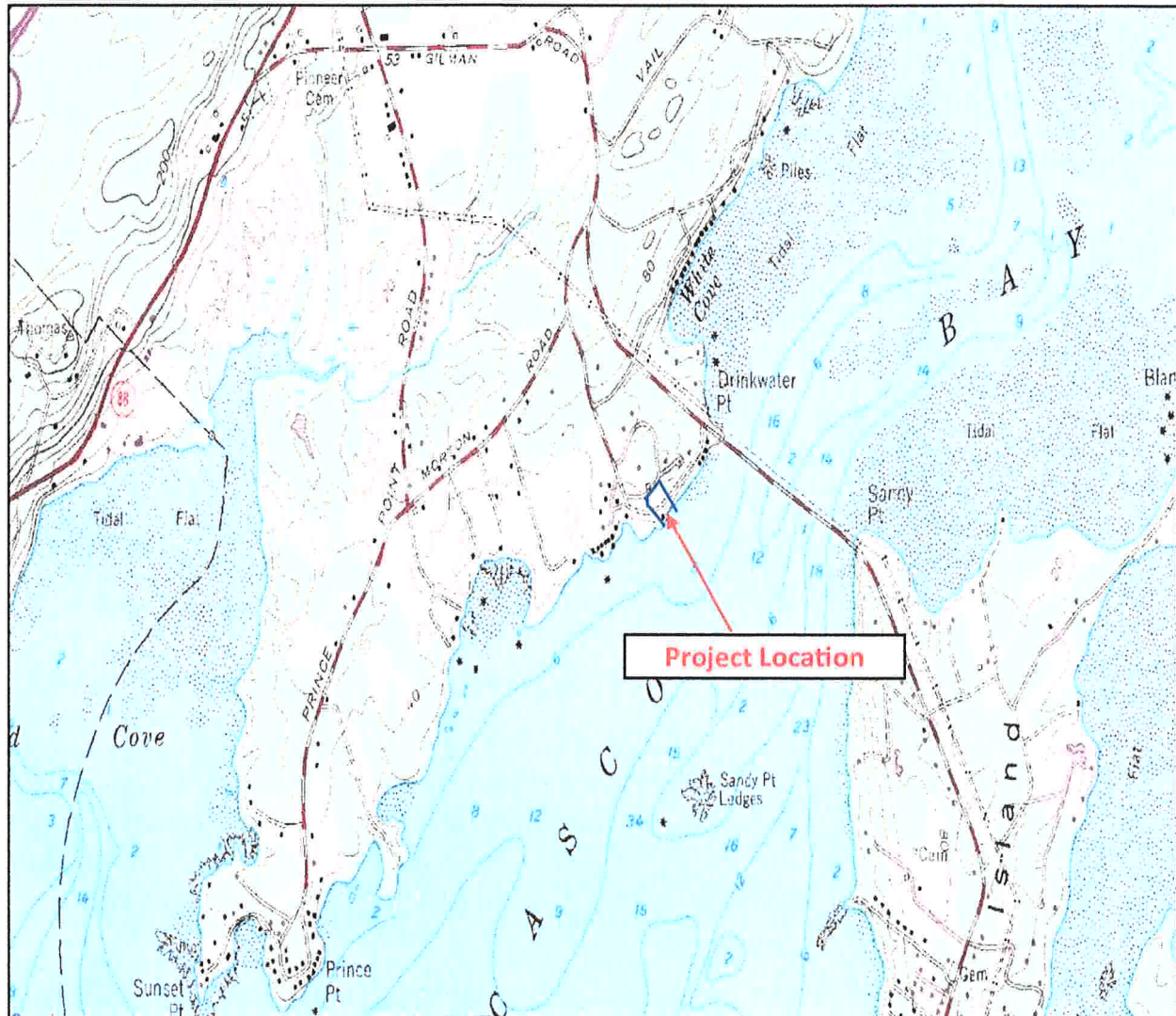
Sincerely,  
Atlantic Environmental LLC.

[Signature]

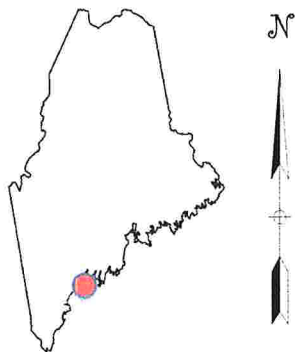
Timothy A. Forrester, Owner

## LOCATION MAP

John S. Linscott IV and Shelley Linscott, 112 Seaborne Drive, Yarmouth, Maine



**Directions:** From downtown Brunswick, follow Route 123 south. Follow for approximately 12.2 miles and then turn left on Stovers Cove Road. Turn left onto McKinney Road and project site will be on the left.



Notes:	
Maine Atlas & Gazetteer Map 6 (Section D1) 43.774047 -70.155411	
	ATLANTIC ENVIRONMENTAL LLC. Environmental Consultants 135 River Road, Woolwich, ME 04579 (207) 837-2199 tim@atlanticenviromaine.com
	Date: 9/26/2018 DWG Name: Linscott Site Location

## PHOTOGRAPHS

The following photographs are taken from the site of the project and represent the existing conditions of the site located at 112 Seaborne Drive in the Town of Yarmouth, ME.



**Photograph One. Aerial View of Project Site. Red arrow indicates location of project. Source: Google Maps. Date: Unknown.**



**Photograph Two. Facing northerly - view of area of disturbance within 75 feet and proposed for re-vegetation prior to disturbance. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: September 24, 2018.**



**Photograph Three. Facing northerly - view of area of disturbance within 75 feet and proposed for re-vegetation. Note - no cleared opening to resource. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: February 25, 2019.**

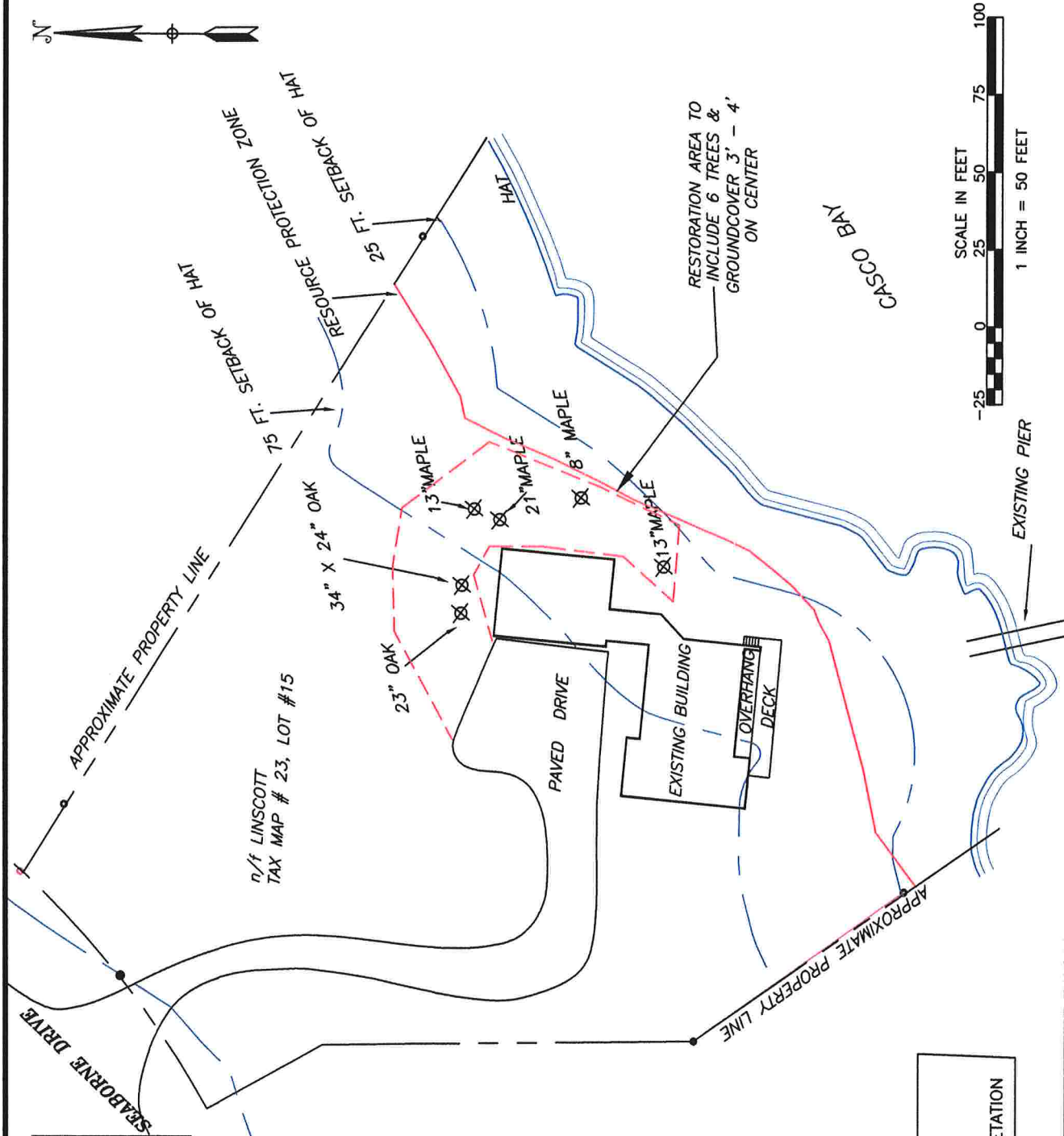


**Photograph Four. Facing westerly – additional view of area of disturbance within 75 feet and proposed for re-vegetation. Note - no cleared opening to resource. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: February 25, 2019.**



**Photograph Five. Facing southerly – additional view of area of disturbance within 75 feet and proposed for re-vegetation. Note - no cleared opening to resource. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: February 25, 2019.**

PLANT LIST		
QTY.	SCIENTIFIC NAME   COMMON NAME	SIZE
2	<i>Acer rubrum</i>   Red Maple	1" - 2" dbh
2	<i>Quercus rubra</i>   Red Oak	1" - 2" dbh
2	<i>Malus spp.</i>   Apple	1" - 2" dbh
5	<i>Juniperus horizontalis</i>   Juniper	#3
5	<i>Rosa virginiana</i>   Virginia Rose	#5
5	<i>Myrica pensylvanica</i>   Bayberry	#3
	New England Erosion Control Restoration Seed Mix	seed mix (25 bushels)



**LEGEND**

TREES THAT WERE REMOVED  
 AREA OF PROPOSED REVEGETATION



**ATLANTIC ENVIRONMENTAL LLC.**  
 Environmental Consultants  
 135 River Road, Woolwich, ME 04579  
 (207) 837-2199  
 tim@atlanticienviromaine.com

**Date:** 3/5/2019  
**Revised:**  
**Project:** Linscott, Yarmouth  
**Drafted By:** LCV

Existing Conditions and Proposed Re-Vegetation Plan for John S. Linscott IV and Shelley Linscott located at 112 Seaborne Drive in Yarmouth, Maine.

Sheet  
1  
of  
1

**DEED OF TRUSTEE**  
**Maine Statutory Short Form**

DLN: 1001840036756

Know all Persons by these Presents, that I, **Charles E. Garris, Trustee of the 112 Seaborne Drive Irrevocable Trust, under Agreement dated December 10, 2014**, of Vero Beach, Florida, by the power conferred by law, and every other power, for consideration paid, grant to:

**John S. Linscott, IV and Shelley S. Linscott**

whose mailing address is: 112 Seaborne Drive, Yarmouth, Maine 04096, as **joint tenants**, the land and buildings in Yarmouth, County of Cumberland, and State of Maine, described as follows:

A certain lot or parcel of land, together with any buildings and improvements thereon, situated in the Town of Yarmouth, County of Cumberland, and State of Maine being more particularly described in Exhibit A attached hereto and made a part hereof.

Witness my hand and seal this 23, day of August, 2018.

Signed, Sealed and Delivered  
 In the presence of

**112 Seaborne Drive Irrevocable Trust, under  
 Agreement dated December 10, 2014**

Diane M. Jones

By: [Signature]  
 Charles E. Garris, Trustee

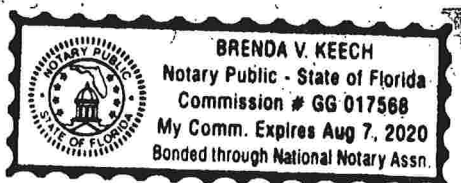
State of Florida

County of Dade

August 23, 2018

Then personally appeared before me the above-named Charles E. Garris and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Trust.

Before me,



Brenda V. Keech  
 Attorney at Law/ Notary Public  
 Printed Name: Brenda V. Keech

MAINE REAL ESTATE TAX PAID

**EXHIBIT A**  
**112 Seaborne Drive, Yarmouth, Maine**

The following described real property situated at 112 Seaborne Drive, Yarmouth, Cumberland, County Maine:

**PARCEL I**

A certain lot or parcel of land, with the buildings thereon, situated in the Town of Yarmouth, County of Cumberland, and State of Maine, being Lot No. 19 as shown on "Plan of Seaborne of Yarmouth for Drinkwater Shores, Inc., Yarmouth, Maine," dated November 7, 1967 by C. R. Storer, Inc. and recorded in the Cumberland County Registry of Deeds, Plan Book 76, Page 27, and as revised by a plan entitled "Plan of Revision to Plan of Seaborne of Yarmouth for Drinkwater. Shores, Inc., Yarmouth, Maine," recorded in said Registry in Plan Book 76, Page 26.

**PARCEL II**

Another certain lot or parcel of land located in said Yarmouth, bounded and described as follows:

Beginning at an iron marker on the southerly side line of Seaborne Drive locating the most northeasterly corner of Lot No. 19 as shown on "Plan of Seaborne of Yarmouth for Drinkwater Shores, Inc., Yarmouth, Maine," dated November 2, 1967 by C. R. Storer, Inc. and recorded in the Cumberland County Registry of Deeds, Plan Book 76, Page 27, and as revised by a plan entitled "Plan of Revision to Plan of Seaborne of Yarmouth for Drinkwater Shores, Inc., Yarmouth, Maine," recorded in said Registry in Plan Book 76, Page 26; thence S 23° 11½' E by said Lot No. 19, 42.63 feet to an iron rod; thence S 32° 02½' E by said Lot No. 19, 100.0 feet to an iron rod; thence S 44° 45½' E by said Lot No. 19, 80.40 feet to an iron rod; thence N 72° 03½' E 84.60 feet to an iron rod on Lot No. 20 as shown on the aforesaid plan; thence N 42° 51' W, more or less, 241.88 feet, more or less, to an iron rod on the southerly side line of Seaborne Drive, the last mentioned iron rod being N 62° 13½' E, more or less, from and 47.95 feet from the point of beginning; thence southwesterly by the southerly side line of Seaborne Drive 48.00 feet, more or less, to the point of beginning.

**PARCEL III**

Another certain lot or parcel of land located in said Yarmouth, bounded and described as follows:

Beginning at the iron rod on the northeasterly side line of said Lot No. 19 locating the most southerly corner of the aforesaid Parcel II; thence N 72° 03½' E by said Parcel II, 84.60' feet to an iron rod at the most easterly corner of said Parcel II; thence S 42° 51' E, more or less, on an extension of the northeasterly side line of said Parcel II to Casco Bay; thence westerly by Casco Bay to Lot No. 19; thence N 44° 45½' W by Lot No. 19 to the point of beginning.

Parcel II and Parcel III are contiguous portions of Lot No. 20 as shown on the aforesaid plans.

Also conveying the right to use in common with Drinkwater Shores, Inc., its successors and

assigns, Lots No. 17, A, B and D as shown on the aforesaid "Plan of Seaborne of Yarmouth for Drinkwater Shores, Inc., Yarmouth, Maine," recorded in the Cumberland County Registry of Deeds in Plan Book 76, Page 27, in the manner and subject to the restrictions and covenants set forth in a deed from Drinkwater Shores, Inc. to Seaborne of Yarmouth Association dated July 5, 1968, recorded in said Registry of Deeds in Book 3047, Page 701.

The property hereby conveyed is conveyed subject to the restrictions and covenants recited in a deed from Drinkwater Shores, Inc. to Leslie R. Fenderson, Sr., et al. dated July 5, 1968, recorded in said Registry of Deeds in Book 3047, Page 705.

The Grantees herein accept membership in Seaborne of Yarmouth Association, and in consideration thereof, bind themselves to the covenants and conditions as set forth in the aforesaid deed from Drinkwater Shores, Inc. to Leslie R. Fenderson, Sr., et al.

Being the same premises conveyed to the Grantor herein by Quitclaim Deed with Covenant from Roberta Evelyn Larsson to Charles E. Garriss, Trustee of the 112 Seaborne Drive Irrevocable Trust, under Agreement dated December 10, 2014, said deed dated December 31, 2014 and recorded in the Cumberland County Registry of Deeds in Book 32037, Page 235.

Received  
Recorded Register of Deeds  
Aug 29, 2018 09:52:20A  
Cumberland County  
Nancy A. Lane