



TOWN OF YARMOUTH  
Department of Planning & Development  
200 Main Street Yarmouth, Maine 04096  
WWW.YARMOUTH.ME.US

Fax: (207)846-2438

**MINOR SITE PLAN APPLICATION FORM  
ACCESSORY DWELLING UNITS**

Date: 8/27/21 Zoning District MDR Map 45 Lot 72 Ext.      Fee Paid 100<sup>00</sup>

Name of Owner/Applicant NICHOLAS BEMIS

Mailing Address 10 BURNELL DR. YARMOUTH, ME 04096

Phone 401-487-7597 Fax      Email BEMIS.NICHOLAS@GMAIL.COM

Street Address 10 BURNELL DR.

Proposed Use GARAGE with 2 BEDROOM ACCESSORY DWELLING UNIT

The Department of Planning and Development shall send notices to all property owners at a minimum of 500 feet including a description of the proposal. Letters will be at a cost of \$5/letter to the applicant.

1300 13

**Fee: \$100.00**

The Owner (or Applicant representing the Owner) hereby authorizes representatives of the Yarmouth Department of Planning and Development to enter upon and into the property for which this application has been made during normal business hours to make required inspections and observations appropriate to evaluating the site and processing this application.

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

Signature of Applicant

(If signed by Applicant's agent, provide written documentation of authority to act on behalf of Applicant)

Print or type name and title of signer NICHOLAS BEMIS

Surface Water and Groundwater: No owner of a lot, his agents or successors in interest shall alter the natural course of surface water on any lot in a way which would alter the natural flow of such water across any other parcel, unless such alteration is approved by the owners of all parcels affected. No owner of a lot, his agents or successors in interest shall use blasting chemicals that generate perhlorates.

## MINOR SITE PLAN APPLICATION

### PROJECT DESCRIPTION

A. Describe the overall project and proposed uses of property.

BUILDING A TWO CAR GARAGE (36'X36') DETACHED WITH A  
TWO BEDROOM ACCESSORY DWELLING UNIT

B. Project details

1. Name and approval date of any subdivision for this site:

N/A

Subdivision lot numbers (if applicable) N/A

2. Assessor's Map number(s) 45 Lot number(s) 72

3. Existing zone(s) of the site \_\_\_\_\_

Shoreland Overlay District \_\_\_\_\_ Yes ☒ No

Affordable Housing District \_\_\_\_\_ Yes ☒ No

Mobile Home Park Overlay \_\_\_\_\_ Yes ☒ No

4. a. Total land area of site: .69 ACRE  
b. Total floor area proposed building in square feet (all floors): 1,968  
c. Footprint of proposed building in square feet: 1,032  
d. Height of proposed building: 23 feet 2 stories  
e. Total number of proposed parking spaces: 2  
f. Number of proposed handicap parking spaces: 0

C. Include a plot/site plan showing the following existing and proposed conditions:

- Lot boundaries' and dimensions at scale
- Zoning district
- Date of plan
- Property owner with deed reference
- Lot area
- Location and setback of all buildings
- Date of construction of single-family dwelling
- Separate floor layout of all finished levels
- All plumbing facilities, kind and location
- Use of all rooms
- All entrances/exits
- All partitions, temporary or permanent
- Location and type of all appliances

- n. Rights of way, public and private
- o. All easements
- p. Street names
- q. Sewerage facilities
- r. Off-street parking spaces

In permitting an ADU, the Planning Director and/or CEO shall find that:

- a. Exterior design of the accessory unit is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
- b. The exterior design is in harmony with, and maintains the scale of the neighborhood.
- c. The accessory unit does not result in excessive noise, traffic or parking congestion.
- d. The property fronts on a public water main and public sewer line each with the capacity to serve the additional accessory unit.
- e. Major access stairs, deck entry doors, and major windows will generally be limited to the walls facing the primary residence. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory unit shall relate to the design of the primary residence and shall not visually dominate it or the surrounding properties.
- f. The orientation and location of the buildings, structures, open spaces and other features of the site plan are such that they maintain natural resources including heritage or significant trees and shrubs to the extent feasible and minimize alteration of natural land forms.
- g. Building profiles, location and orientation relate to natural land forms.
- h. One parking space shall be provided on-site for each a studio and or one bedroom accessory unit. Two parking spaces shall be provided on site for each a two bedroom accessory unit. Parking of the accessory unit is in addition to the required parking for the primary residence. Required parking spaces for the primary residence and the accessory dwelling unit may be provided in tandem on a driveway. A tandem arrangement consists of one car behind the other. No more than two cars in tandem may be counted towards meeting the parking requirement.
- i. A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory unit. Only one ADU is permitted per lot.
- j. Accessory dwelling units are not eligible for variances to setbacks.
- k. Before obtaining a building permit for an ADU the property owner shall file with the registry of deeds a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
  - a. The accessory unit shall not be sold separately.
  - b. The unit is restricted to the approved size.
  - c. The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence.
  - d. The above declarations are binding upon any successor in ownership of the property;
  - e. The deed restrictions shall lapse upon removal of the accessory unit.
- l. Units within an Accessory Structure shall not exceed 900 square feet. If an ADU occupies an entire single floor, the Planning Department may allow for an increase in the allowed size of the ADU in order to efficiently use all of the floor area, so long as all other standards of this section are met.

- m. An ADU may have no more than two (2) bedrooms.
- n. The water and sewage facilities shall meet all existing laws and codes.
- o. Approval of an accessory apartment shall be conditional on obtaining applicable building, plumbing, electrical and any other necessary municipal permits.
- p. The Fire Chief must review and sign off on the application.
- q. Unless part of the design of an existing single family dwelling the dwelling(s) shall have only one (1) front entrance and all other entrances shall be on the side or in the rear of the dwelling. A front entrance leading to a foyer with entrances leading from the foyer to the two (2) dwelling units is permitted. Outside stairways (either open or enclosed), that service an Accessory Dwelling Units on upper stories are not permitted.
- r. For an ADU located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single family dwelling, but any exterior modifications should be consistent with the architectural style of that structure unless the building is upgraded per the requirement of new structures or unless the new structure is designed in a traditional New England form such as a barn.
- s. An existing single family dwelling that is nonconforming solely due to lot size, lot width, lot frontage, lot coverage, height or setback requirements may be expanded to incorporate an Accessory Apartment subject to the requirements of Chapter 701 of the Yarmouth Code Article III for the expansion of other non-conforming single family dwellings.
- t. ADU's may be permitted on back lots.
- u. ADU's are not permitted on a lot with a non-conforming use.
- v. ADU's are not permitted on a lot with mixed uses.
- w. When an owner wishes to eliminate the accessory apartment proof of the removal of the second kitchen and the restoration of the apartment to its status before the conversion shall be submitted to the satisfaction of the Planning Department. The owner shall record a Release of the Declaration of Restrictions on the Land after inspection and confirmation by the Code Enforcement Officer.

#### MINOR SITE PLAN REVIEW PROCESS AND PROCEDURES

For minor site plan applications, the Department will mail such notice as detailed above within 7 days of determination of completeness of a complete application, as determined by the Director. The Director of Planning and Development shall not make a decision on the proposal for a period of ten (10) days after the mailing of abutter notification to provide an opportunity for public comment.

#### 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.





SELLER: LEONARD D. TITCOMB, JR.

APPARENT R/W

202'

199'

130'

NORTH ROAD

3RD PARKING SPOT

36' GARAGE

SHED

DECK

2 STORY WOOD HOUSE ON CONCRETE FOUNDATION

BIT. DRIVE

DRIVEWAY

APPARENT R/W

BURNELL DRIVE

20'

This plan was not made from an instrument survey. The certifications are for mortgage purposes only. This plan applies only to conditions existing as of the date shown hereon. This plan is not for recording.

Date 4/8/85 Scale 1"=30'

Robert P. Titcomb, Inc. Falmouth, Maine

**A** . Exterior design of the accessory unit is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.

- THE BUILDING STYLE, HEIGHT, SIDING MATERIALS, WINDOWS AND ROOFING WILL EITHER MATCH OR COMPLIMENT THE EXISTING HOUSE. I'M PLANNING TO USE THE SAME, CEDAR SHAKE SIDING FOR THE TOP SHED DORMER PORTION OF SIDING TO TIE INTO THE EXISTING HOUSE AND REGULAR CLAP BOARD SIDING FOR THE BOTTOM. THE COLOR OF THE REST OF THE SIDING WILL BE WHITE OR GREY. THE ROOFING WILL MATCH THE HOUSE (PEWTER GREY)

**B** . The exterior design is in harmony with, and maintains the scale of the neighborhood.

- YES; SOME HOME AROUND ME ARE LARGER AND HAVE GARAGES.

**C** . The accessory unit does not result in excessive noise, traffic or parking congestion.

- NO IT'S MAIN PURPOSE IS FOR FAMILY AND GUESTS WHO VISIT. THERE IS PLENTY OF OFF STREET PARKING IN THE DRIVEWAY AND GARAGE.

**D**. The property fronts on a public water main and public sewer line each with the capacity to serve the additional accessory unit.

- YES - WATER WILL BE CONNECTED TO EXISTING HOUSE AND SEWER WILL BE CONNECTED ON BURNELL DRIVE.

**E**. Major access stairs, deck entry doors, and major windows will generally be limited to the walls facing the primary residence. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory unit shall relate to the design of the primary residence and shall not visually dominate it or the surrounding properties.

- ALL ENTRANCES ARE FACING THE EXISTING HOUSE EXCEPT FOR ONE THAT GOES DIRECTLY TO THE STAIRS. THERE IS ONE WINDOW PLANNED TO BE IN EACH BEDROOM FACING AWAY FROM EXISTING HOUSE. THE ADU WILL COMPLIMENT THE EXISTING HOUSE AS HALF OF IT IS THE GARAGE FOR EXISTING HOUSE

**F**. The orientation and location of the buildings, structures, open spaces and other features of the site plan are such that they maintain natural resources including heritage or significant trees and shrubs to the extent feasible and minimize alteration of natural land forms.

- YES NO TREE WILL BE MOVED EXCEPT ONE APPLE TREE AND A FEW SHRUBS THAT I PLANTED LAST YEAR.

**G**. Building profiles, location and orientation relate to natural land forms.

- YES

**H**. One parking space shall be provided on-site for each a studio and or one bedroom accessory unit. Two parking spaces shall be provided on site for each a two bedroom accessory unit. Parking of the accessory unit is in addition to the required parking for the primary residence. Required parking spaces for the primary residence and the accessory dwelling unit may be provided in tandem on a driveway. A tandem arrangement consists of one car behind the other. No more than two cars in tandem may be counted towards meeting the parking requirement.

- YES THE GARAGE HAS 2 PARKING SPOTS AND THE THIRD IS DESIGNATED ON PROPOSED SITE PLAN.

**I**. A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory unit. Only one ADU is permitted per lot.

- THE ONLY DWELLING STRUCTURE IS THE ONE EXISTING HOUSE. THIS PROPOSED ADU WILL BE THE 2ND DWELLING STRUCTURE ON THE PROPERTY.



**J**. Accessory dwelling units are not eligible for variances to setbacks.

- I AM BETWEEN 40-80FT. IN ALL DIRECTIONS FROM PROPERTY LINES.

**K**. Before obtaining a building permit for an ADU the property owner shall file with the registry of deeds a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

- The accessory unit shall not be sold separately.
- The unit is restricted to the approved size.
- The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence.
- The above declarations are binding upon any successor in ownership of the property;
- The deed restrictions shall lapse upon removal of the accessory unit.
  - I HAVE ATTACHED THE COPY OF THE DOCUMENT THAT IS READY TO BE SUBMITTED ONCE WE GET THINGS MOVING. ONCE I HAVE THEE OK AND BEFORE THE BUILDING PERMIT

IS ISSUED I'LL HAVE IT NOTARIZED AND SENT  
IN TO THE REGISTRY OF DEEDS.

**L**. Units within an Accessory Structure shall not exceed 900 square feet. If an ADU occupies an entire single floor, the Planning Department may allow for an increase in the allowed size of the ADU in order to efficiently use all of the floor area, so long as all other standards of this section are met.

- THE TOTAL ADU SQUARE FOOTAGE IS 860 AND INCLUDES: FOYER/STAIRS, KITCHEN, DINNING LIVING ROOM COMDO, 2 BEDROOMS AND A FULL BATHROOM.

**M**. An ADU may have no more than two (2) bedrooms.

- IT HAS 2 BEDROOMS

**N**. The water and sewage facilities shall meet all existing laws and codes.

- CITY SEWER/WATER BEING APPROVED BY TOWN WATER DISTRICT AND TOWN SEWER DEPARTMENT. WATER WILL CONNECT THROUGH EXISTING HOUSE AND SEWER WILL CONNECT ON BURNELL DRIVE

**O**. Approval of an accessory apartment shall be conditional on obtaining applicable building, plumbing, electrical and any other necessary municipal permits.

- I AM HIRING SUB CONTRACTORS FOR PLUMBING, ELECTRICAL AND FOUNDATION/SITE WORK AND THEY WILL PULL ANY NEEDED PERMITTING.

**P** . The Fire Chief must review and sign off on the application.

- YES TOWN WILL SUBMIT THE APPLICATION AND SUPPORTING DOCUMENTS TO THE FIRE CHIEF.

**Q** . Unless part of the design of an existing single family dwelling the dwelling(s) shall have only one (1) front entrance and all other entrances shall be on the side or in the rear of the dwelling. A front entrance leading to a foyer with entrances leading from the foyer to the two (2) dwelling units is permitted. Outside stairways (either open or enclosed), that service an Accessory Dwelling Units on upper stories are not permitted.

- THE ONLY MAIN ENTRANCE LEADING TO THE FOYER/ STAIRS IS ON ONE SIDE (NORTH ROAD) AND THE OTHER MAN DOORS ARE FACING THE EXISTING HOUSE.

**R** . For an ADU located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single family dwelling, but any exterior modifications should be consistent with the architectural style of that structure unless the building is upgraded per the requirement of new structures or unless the new structure is designed in a traditional New England form such as a barn.

- YES THE GARAGE ADU WILL BE CONSISTENT TO THE ARCHITECTURAL STYLE OF THE EXISTING HOUSE.

**S**. An existing single family dwelling that is nonconforming solely due to lot size, lot width, lot frontage, lot coverage, height or setback requirements may be expanded to incorporate an Accessory Apartment subject to the requirements of Chapter 701 of the Yarmouth Code Article III for the expansion of other non-conforming single family dwellings.

- N/A

**T**. ADU's may be permitted on back lots.

- N/A

**U**. ADU's are not permitted on a lot with a non-conforming use.

- N/A

**V**. ADU's are not permitted on a lot with mixed uses.

- N/A

**W**. When an owner wishes to eliminate the accessory apartment proof of the removal of the second kitchen and the restoration of the apartment to its status before the conversion shall be submitted to the satisfaction of the Planning Department. The owner shall record a Release of the Declaration of Restrictions on the Land after inspection and confirmation by the Code Enforcement Officer.



- **I UNDERSTAND THAT THERE IS A PROCESS TO REMOVE THE ADU.**

## DECLARATION OF RESTRICTIONS ON DEED

Owner: Nicholas Bemis and Amanda Bemis, 10 Burnell Drive, Yarmouth, Maine 04096.

August 10, 2021

Re: Accessory Dwelling Unit

1. The accessory unit shall not be sold separately.
2. The unit is restricted to the approved size.
3. The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence.
4. The above declarations are binding upon any successor in ownership of the property.
5. The deed restrictions shall lapse upon removal of the accessory unit.

State of Maine

Cumberland County ss.

\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

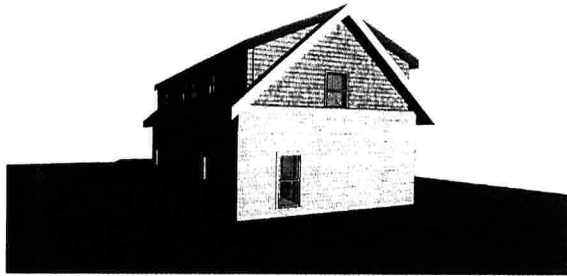
Personally appeared the above-named \_\_\_\_\_  
and acknowledged the foregoing instrument to be of his/her free act and deed.

Before me,

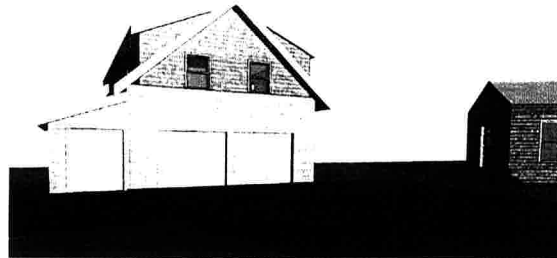
\_\_\_\_\_

Notary Public

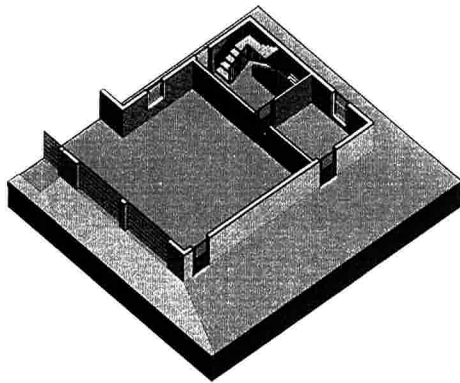
Commission Expiration Date: \_\_\_\_\_



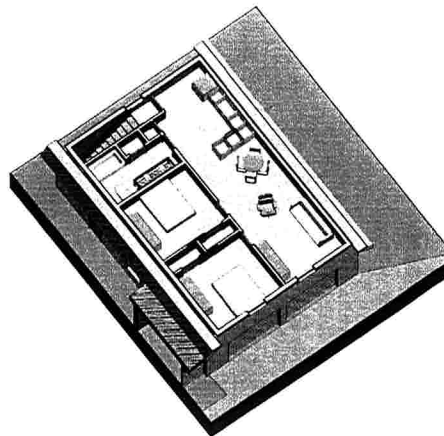
(1) Back



(2) Front



(3) Plan Cutaway 1st Floor



(4) Plan Cutaway 2nd Floor

# Bemis Addition 3D Views

Date 08/17/2021

A103

Scale