

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 # _____ ISSUE DATE _____ FEE AMOUNT _____

Date: _____ Zoning District _____ Map _____ Lot _____ Ext _____

APPLICANT NAME: **Thomas/Leandra Fremont-Smith** PHONE NO: **207-504-6848**

MAILING ADDRESS: **60 Browns Point Road Yarmouth 04096** e-mail: **tfsmith@winterstick.com**

OWNER (other than applicant)

NAME: _____ PHONE NO: _____

MAILING ADDRESS: _____ e-mail: _____

CONTRACTOR NAME: **Falls Point Marine** PHONE NO: **207-865-4567**

MAILING ADDRESS: **PO Box 61** e-mail: **kathy@fallspoint.com**

PROPERTY LOCATION: **60 Browns Point Road Yarmouth**

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: **Safe water access**

Estimated cost of construction **50 K**

Lot area (sq. ft.) **4.2 acres**

Frontage on Road (FT) **N/A**

SQ. FT. of lot to be covered by non-vegetated surfaces **N/A**

Elevation above 100 YR Flood Plain **0**

Frontage on water body (FT.) **170'**

Height of proposed structure **42" handrails, 7' gallows frame**

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): _____
- 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: _____ 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. **N/A. No soil disturbance.**
- ☐ Draw a simple sketch showing both the existing and proposed structures with dimensions.

see attached

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.

- √ ☐ 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.

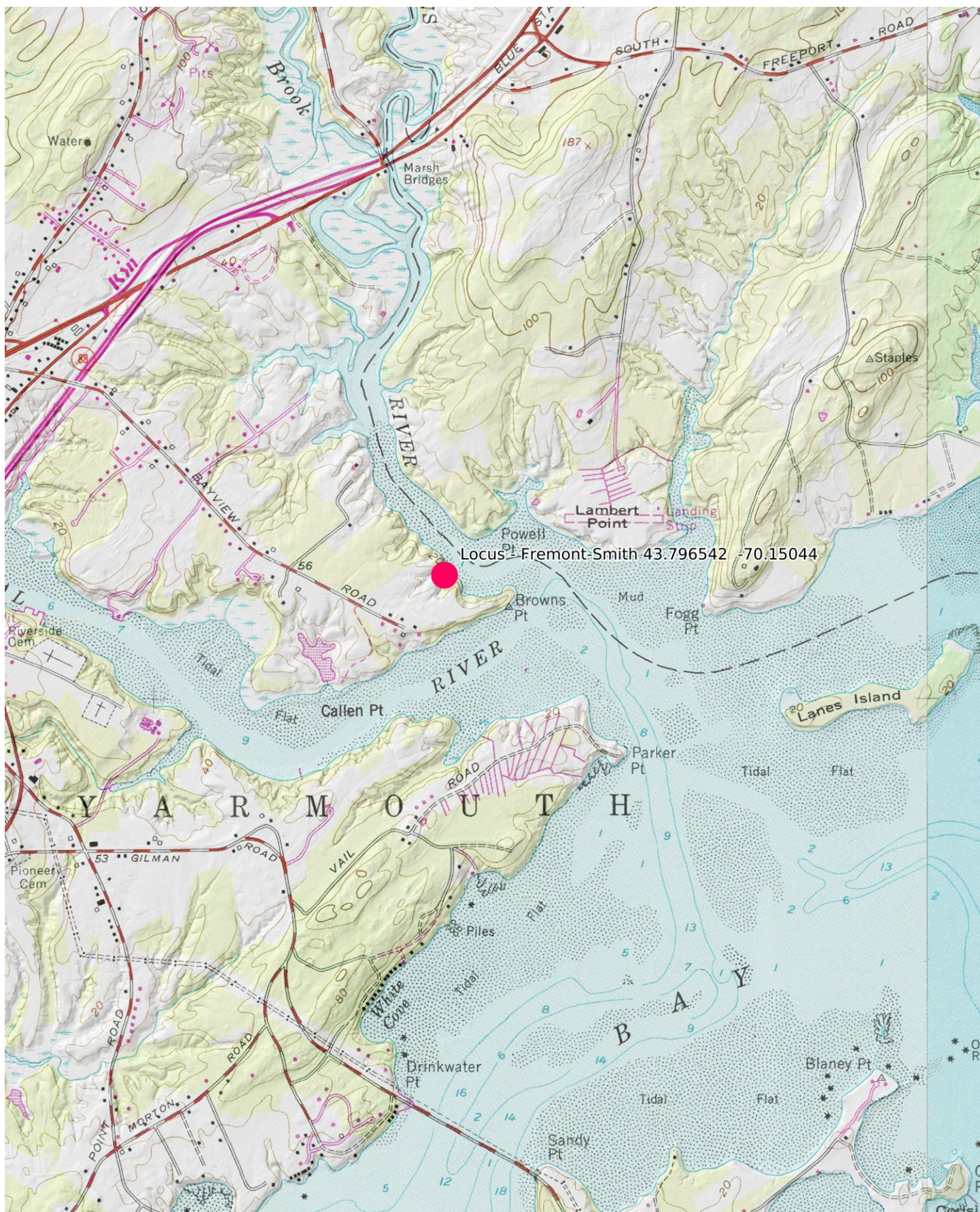
“I authorize appropriate staff within the Yarmouth Planning Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to collect facts pertaining to my application.”

Applicant Signature see attached Date _____

Agent Signature KMK Date 3/15/21
(if applicable)

Code Enforcement Officer _____

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



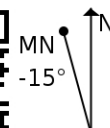
Mercator Projection

WGS84

USNG Zone 19TDJ



Attachment #3

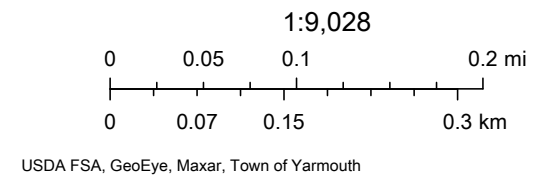


Town of Yarmouth Public Map Viewer



1/22/2021, 1:36:17 PM

- Parcel ID's
- Town Boundary (USGS, MEGIS)
- Parcels
- Shoreland Overlay District
- Zoning
- Low Density Residential
- Water Oriented Commercial
- Resource Protection
- Parcels Mailing Labels





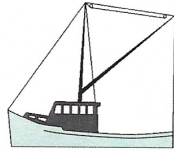
FallsPointMarine

Waterfront Resources for Casco Bay & Beyond

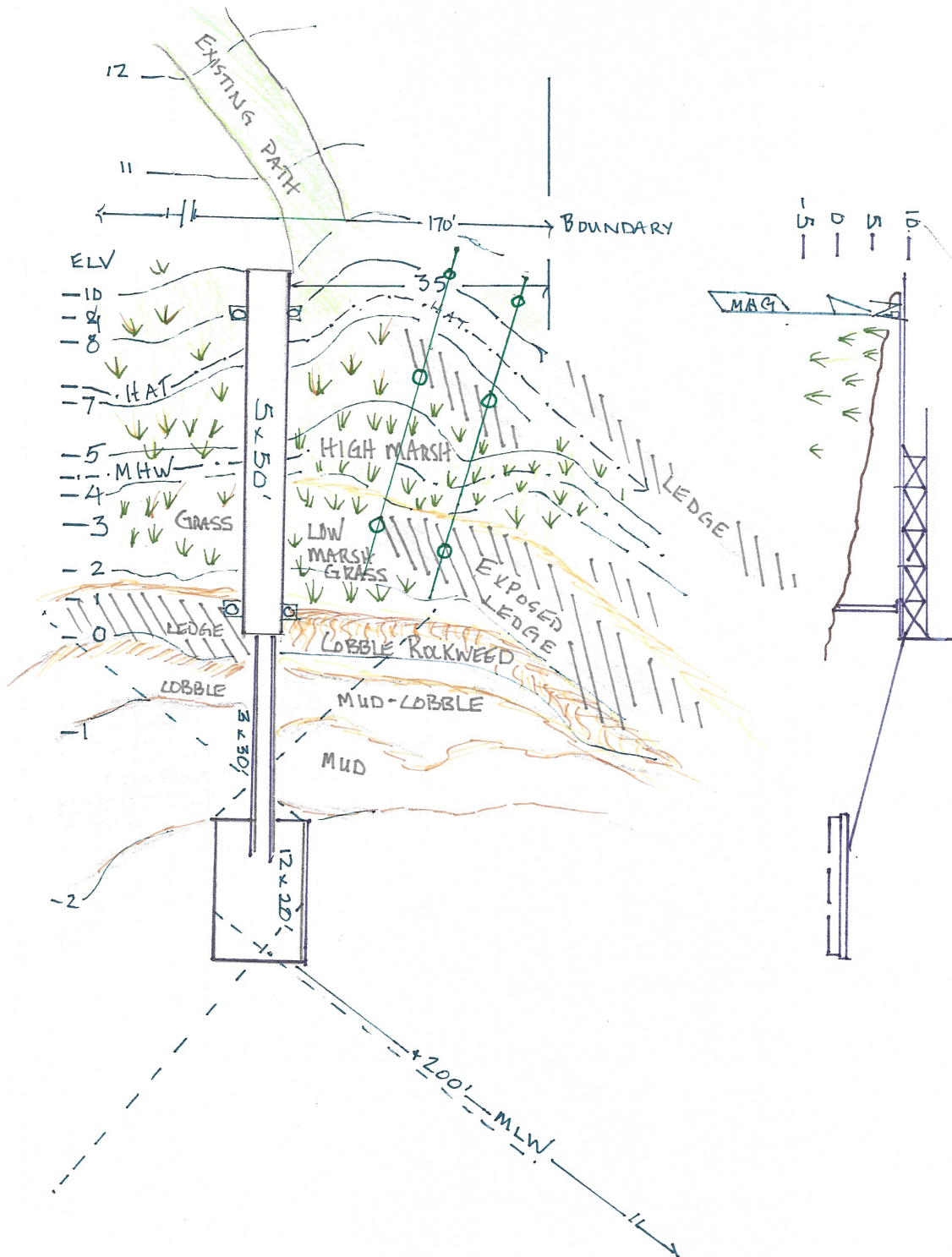


Attachment #4
March 2021
Fremont-Smith
60 Browns Point Rd
Yarmouth

PO Box 61 South Freeport, Me 04078



FallsPointMarine



FREMONT-4MTH
60 BROWN POINT RD.
YARMOUTH
MAY 6 LOT 4
MARCH 2021
SCALE 1" = 20'

Fremont-Smith
60 Browns Point Road
March 2021

BASIC ATTACHMENTS FOR TIER 3 NRPA INDIVIDUAL PERMIT

☐ Attachment 1, Activity Description

The project proposes a 5x50' pier attached to a seasonal 3x30' gangway and 12x20' float. The project is on the Cousins River. This pier will be constructed with an aluminum frame and wood decking. It will be supported by (2) driven structural pile bents. These bents are constructed with 2.5 CCA marine grade timber.

The seasonal portion consists of a 3x30' aluminum gangway landing on a 12x20' timber float with anchoring in four directions. In the winter, the gangway will be stowed on the pier head with the assistance of the gallows frame and the float will be stored above HAT on a float storage skid way pinned to ledge to the north of the dock..

	Structure	Size	Footprint
Permanent:	<ul style="list-style-type: none"> Pier head Skidways 	<ul style="list-style-type: none"> 5x50' pier=250 110 sq ft 	360 ft ²
Seasonal:	<ul style="list-style-type: none"> Gangway Float 	<ul style="list-style-type: none"> 3x30'=90 12x20'=240 	330 ft ² Total Footprint 690 ft²
Direct impact	10 load bearing piles/ anchors/pins	1 sq ft ea	Direct impact - 10 ft²

☐ Attachment 2, Alternatives Analysis Report

All wharfs create some environmental impact. The intent is to minimize the cumulative impact on the marine environment, scenic character, and navigation. The purpose of the project is a safe and steady transition from an existing residence to the Cousins River with access to Casco Bay for recreational boating activities.

Several alternatives were considered in determining the need and the placement of the proposed structures. Some factors considered when comparing alternatives were distance to navigable water, effect on other boaters/paddlers, effect on shellfish harvesters, seasonal service, shoreline characteristics, substrates, vegetation, tidal heights, identified protected resources and nearby facilities. The system is set in a natural cove.

When calculating and proposing the length and overall size of the structure we always choose the minimal distance to water in order to achieve the goal of safe access. For this project, the float is placed to span over the marsh, just far enough to reach a practical depth of water through half the tide cycle. An alternative to this configuration is a longer year round permanent pier head which we have avoided due to the visual impact and ice flow considerations.

The applicants own 170' of shore frontage. The site was chosen as it is the traditional

footpath water access point on the property. The structure is not near known eelgrass beds.

The project is in keeping with the neighborhood. Similar docks are on neighboring properties. This proposed site is 35' to the norther boundary line and ~130' from the southern boundary.

The project does not unreasonably interfere with traditional public access nor will it affect riparian owner access. The project does not pose hazard to navigational channels. This dock sits inside of a natural cove. It will not impede commercial or recreational navigation. The dock will not significantly impact fisheries or shellfish harvesting which is common in the area.

- ☐ [Attachment 3](#), See attached CalTopo Maps
- ☐ [Attachment 4](#), See attached Photos
- ☐ [Attachment 5](#), See attached overhead and side view plan
- ☐ [Attachment 6](#), Additional plans: lot plan

☐ [Attachment 7](#), Construction Plan

The system will be transported and installed via crane barge. The entire installation should span one to two weeks requiring minimal activity shoreside.

The new system will be transported by barge in the following sections:

- Pier head 5x50'
- Inner bent timbers and header
- Outer bent timbers and header
- Gallows frame
- Gangway 3x30'
- Float 12x20'
- Float Anchoring: 4 point helix anchoring system
- Skidway timbers and steel pins for ledge

All sections will be lowered and set via barge crane. The barge will enable the crew to work continually throughout the tidal cycle over multiple days with no tidal constraints.

The existing path leads to the dock. No landscaping will be necessary. Identification will be on all ramps (vinyl) and floats (branded).

☐ [Attachment 8](#), Erosion Control Plan.

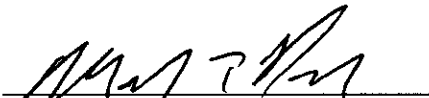
No vegetation or trees will be removed. The primary project site access is via barge. We refer to Maine DEP Best Management Practices for Erosion and Sedimentation Control.

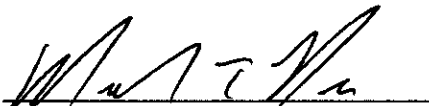
WARRANTY DEED

Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, that **FRANK R. BAZOS and SARAH L. BAZOS**, of Lexington, Massachusetts, for consideration paid, grant to **THOMAS P. FREMONT-SMITH AND LEANDRA FREMONT-SMITH**, with a mailing address of 15 Woodside Lane, Freeport, Maine, 04032 with **WARRANTY COVENANTS**, that certain real property located in **Yarmouth, Maine** more particularly described in Schedule A annexed hereto and incorporated by reference herein.

WITNESS my hand and seal this 8 day of May, 2007.


WITNESS


WITNESS


Frank R. Bazos

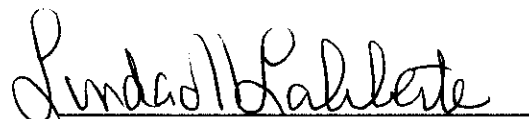

Sarah L. Bazos

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, SS

May 8, 2007

Personally appeared before me the above-named Frank R. Bazos and Sarah L. Bazos and acknowledged the foregoing to be their free act and deed.

SEAL



Notary Public

Printed Name: LINDA M. LALIBERTE

My commission expires: 12/8/2011

MAINE REAL ESTATE TAX PAID

SCHEDULE A
Legal Description Of Property Located At
60 Brown's Point Road, Yarmouth, Maine

A certain lot or parcel of land together with the buildings thereon located on Brown's Point, so-called, on the northeasterly side of Bayview Street in the Town of Yarmouth, County of Cumberland and State of Maine, being lot numbered three (3) in Brown's Point Subdivision, a plan of which was recorded on October 29, 1975 in the Cumberland County Registry of Deeds in Plan Book 110 at Page 7, subject however to the rights, benefits, restrictions and easements contained in a certain Homeowners Association Declaration recorded in the Cumberland County Registry of Deeds in Book 3774, Page 261 and the conditions contained in the "Site Location Order FINDINGS OF FACT AND ORDER" of the State of Maine Department of Environmental Protection dated September 10, 1975 and recorded in the Cumberland County Registry of Deeds in Book 3774, Page 259.

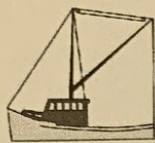
This conveyance is made SUBJECT to the restrictions as set forth in the deed from Cecil A. Ryder, et al. to Richard M. Levesque dated April 23, 1979 and recorded in the Cumberland County Registry of Deeds in Book 4410, Page 65.

This conveyance is further SUBJECT to a right held by Gertrude L. Blake, her heirs and assigns, to draw up to two (2) gallons per week from the spring located on the northerly side of Brown's point, and access to the spring for said purposes, provided that such drawing of water, and use of access shall not unreasonably interfere with the use of the premises herein conveyed.

Also, all right, title and interest in and to certain lot or parcel of land located on Brown's Point, so-called, on the northeasterly side of Bayview Street and northeasterly of Royall Point Road, in the Town of Yarmouth, County of Cumberland and State of Maine, being all of the land, flats and intertidal land contiguous to lot numbered three (3) extending from mean high water to the mean low water mark of the Cousins River as shown on the Plan of Brown's Point Subdivision recorded on October 29, 1975 in the Cumberland County Registry of Deeds in Plan Book 110, Page 7 subject to the rights of the public, if any, in and to the use of said flats.

Being the same premises conveyed to the Grantors herein by virtue of a warranty deed from Margaret H. Samuelson and Nord E. Samuelson dated December 3, 2004 and recorded in the Cumberland County Registry of Deeds in Book 22083 Page 284.

Received
Recorded Register of Deeds
May 10, 2007 10:39:09A
Cumberland County
Pamela E. Lovley



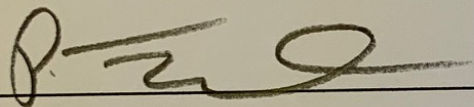
Falls Point Marine

Waterfront Resources for Casco Bay & Beyond

To Whom It May Concern,

Either Kathleen Keegan and/or Carter Becker of Falls Point Marine, Inc. are authorized to apply for and obtain such permits as necessary from all permitting authorities (local, state and federal) related to the construction of a dock at 60 Browns Point Road in Yarmouth, Maine Tax Map 6 Lot 4

Print Name: Thomas P. Fremont-Smith

Signed: 

Date: 3-11-21

Mailing Address 60 Browns Point Rd

Yarmouth, ME 04096

Email tfsmith@winterstick.com

3/10/2021

To Whom It May Concern:

At the request of the US Dept of the Army, Falls Point Marine, Inc. is forwarding information regarding a proposal for a residential dock. This installation is for Thomas P and Leandra Fremont-Smith at 60 Browns Point Road in Yarmouth, Maine Tax Map 6 Lot 4.

Enclosed you will find a map and a drawing of the project.

There are no shipwrecks in the area. There are no historic properties mapped with the Town in the vicinity. We hope that this project meets with your approval.

Please do not hesitate to call if you require any further information.

Sincerely,

Kathleen Keegan

Falls Point Marine, Inc.
PO Box 61
So. Freeport, Me 04078
207-865-4567
kathy@fallspoint.com

cc:

Aroostook Band of Micmacs
Passamaquoddy Tribe of Indians
Houlton Band of Maliseet Indians
Penobscot Indian Nation
MHPC