



**STAFF REPORT  
YARMOUTH, MAINE**

Subdivision Amendment

17 Spinnaker Lane

Seaborne of Yarmouth Association, Applicant

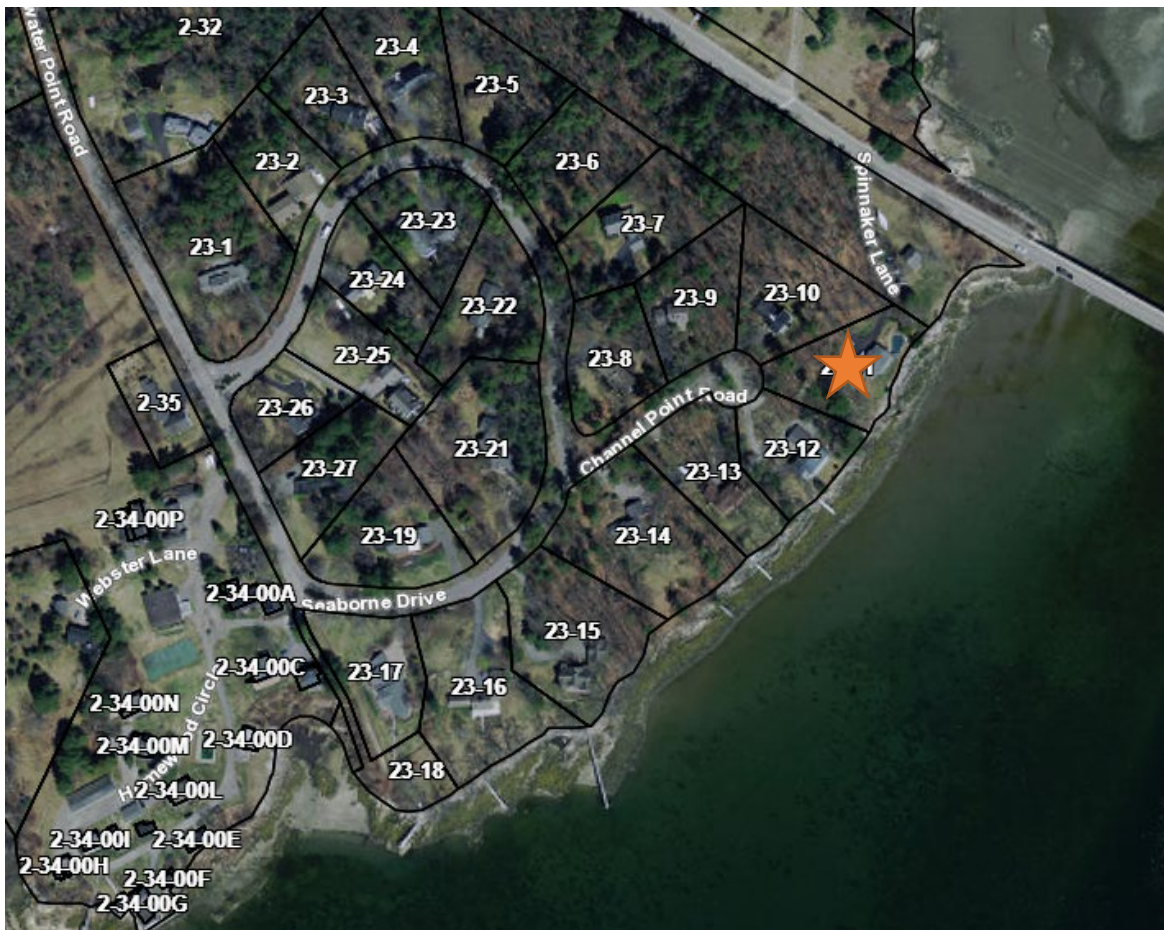
Map 23, Lot 11

Prepared by: Erin Zwirko, Director of Planning & Development

Report Date: September 22, 2021

**I. INTRODUCTION AND PROJECT DESCRIPTION**

The Seaborne Association of Yarmouth and the owner of 17 Spinnaker Lane, Christa Kelley, have requested that the property known as 17 Spinnaker Lane be removed from the subdivision. The use of 17 Spinnaker Lane as a rental property is not consistent with the rules of the homeowner's association, and the Seaborne Association of Yarmouth and Ms. Kelley have agreed to remove the property from the subdivision and any rights conferred to Ms. Kelley as being a part of the subdivision.



Aerial View of Subdivision Vicinity; Star indicates the property in question

The original subdivision plan entitled “Plan of Seaborne of Yarmouth for Drinkwater Shores, Yarmouth, Maine” was approved in 1967, including Lot 1, which is known as 17 Spinnaker Lane.



1967 Subdivision Plan

The property contains a single-family home and a guest house, both of which can be rented either together or separately through Ms. Kelley’s agency. The main house is primarily accessed by Spinnaker Lane and the guest house is primarily accessed by Channel Point Road.



Driveway from Channel Point Road; Roof of Main House in background





Stairs down to Guest House; Main House to the Left



Spinnaker Lane at intersection with Gilman Road; CMP cottage in background (not associated with 17 Spinnaker Lane)

The Association and Ms. Kelley have come to an agreement regarding the restrictions laid out in Ms. Kelley's deed and governed by the Association. As part of the agreement, the Association and Ms. Kelley agrees to add plantings for beautification and bank stabilization (as necessary) and boulders to block ingress and egress to and from Channel Point Road. The stairs are allowed to remain in place.

Although this agreement is a private matter as the Town is not a party to the Homeowner's Association rules and regulations, due to the changing nature of access to the lot, it was found to be appropriate to review the plan under Chapter 601, Article III.D.2:

## **2. Plan Revisions after Approval**

- a. *The planning authority may approve alterations to an approved recording plat when all of the following conditions are met; otherwise, a new subdivision plat must be submitted to the Planning Board:*
  1. *The rearrangement of lot lines does not increase the number of lots within a block or subdivision unit or area;*
  2. *The alteration will not substantially affect any street, alley, utility easement or drainage easement;*
  3. *The alteration meets all of the minimum requirements of this Chapter, Chapter 701 (Zoning) of this code and other applicable state and local codes;*
  4. *The alteration is approved by the Public Works Director, the Fire Chief, Town Engineer and Planning Director.*

*Such approved alterations shall be properly recorded in the registry within thirty (30) days thereof or they shall*

*be null and void. Recording of approved alterations also shall be in accordance with the requirements of 30-A M.R.S.A. Section 4407.*

Uses in Vicinity: The surrounding area consists of primarily single-family homes on large lots around the area of Casco Bay between mainland Yarmouth and Cousins Island adjacent to the Cousins Island Bridge.

Notices were sent to 13 property owners within 500 feet of the subject parcel. As of the writing of this staff report, we have not received any comment letters.

#### **DEVELOPMENT REVIEW – SUBDIVISION REVISIONS AFTER APPROVAL (Chapter 601)**

**1 The rearrangement of lot lines does not increase the number of lots within a block or subdivision unit or area;**

There is no change to the arrangement of the lot lines. There is no increase in the number of lots within a block or subdivision unit or area.

**2 The alteration will not substantially affect any street, alley, utility easement or drainage easement;**

The alteration will not affect any street, alley, utility easement or drainage easement. All existing easements will remain in place and in effect.

**3 The alteration meets all of the minimum requirements of this Chapter, Chapter 701 (Zoning) of this code and other applicable state and local codes;**

The alteration continues to meet all of the minimum requirements of Chapter 601, Chapter 701, and all other applicable state and local codes.

**4 The alteration is approved by the Public Works Director, the Fire Chief, Town Engineer and Planning Director.**

The Public Works Director, Fire Chief, Town Engineer, and Planning Director reviewed the proposal and recommended the following conditions to ensure safe emergency access to the main house and guest house at 17 Spinnaker Lane. First, the guest house, which is currently addressed as 29 Channel Point Road, and main house will need to be re-addressed per the E-911 standards to indicated access is from Spinnaker Lane. The recommendation is that the main house be addressed as 17A Spinnaker Way and the guest house be addressed as 17B Spinnaker Lane. Both structures will need to have 4-inch, contrasting letters A and B placed on the structures. A walkway from the driveway and parking area around the main house must be provided to the guest house. Finally, some low hanging vegetation over Spinnaker Lane will need to be trimmed back in consultation with the Fire Chief in order to not impede fire truck access and with the Code Enforcement Officer in order to be in compliance with the Shoreland Overlay Zone.

## **II. RECOMMENDATION**

Due to being consistent with Chapter 601, Article III.D.2, the Planning Authority (the Department of Planning and Development) may approve the amendment subject to the following conditions:

1. The main house and guest house shall be re-addressed to 17A and 17B Spinnaker Lane consistent with the E-911 standards. This includes placing contrasting 4-inch tall letters on each structure designating the structures 17A and 17B.
2. A walkway from the driveway and parking area to the guest house shall be permitted and installed in compliance with Chapter 701, Article IV.R, Shoreland Overlay District.
3. Low-hanging vegetation removal along Spinnaker Lane shall be completed in consultation with the Fire Chief and the Code Enforcement Officer.

Attachments:

1. No Comments from Steve Johnson, Town Engineer, September 16, 2021
2. Email from Erik Street, Director of Public Works, September 20, 2021
3. Email from Michael Robitaille, Fire Department Chief, September 20, 2021
4. Email from Ben Thompson, Assessor, September 9, 2021



# MAP 23 LOT 11

**Submit Comments to Erin Zwirko by 9/20/21**

## 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.: 9/3/21

Agenda Date: N/A - Staff Approved

Project Description: Subdivision Alteration

Project Location: 17 Spinnaker Lane

Applicant: The Seaborne of Yarmouth Association

Agent/Contact: Horace Horton - 775-7341

#### **Project Description:**

Remove 17 Spinnaker Lane from the subdivision

*Alb Concess*  
*9-16-2021*

- ☐ 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 Warden (pdf)
12. Economic Development Director (pdf)
13. Planning Director (full size)
14. Assessor - Subdivision Only (pdf)
15. Bike & Ped Committee (pdf)
16. Assistant CEO/Fire Inspector (pdf)
17. Traffic Peer Review - TYLin (pdf)

Date Completed:

9/7/21

9/7/21

9/7/21

X

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☐ Abutters Notice Created/Sent

☐ Agenda To PB

☐ Agenda Posting:

1. Forecaster

2. Website

3. Bulletin Board

☐ Copy Of Findings And Decision In File

## Erin Zwirko

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**From:** Erik Street  
**Sent:** Monday, September 20, 2021 1:37 PM  
**To:** Erin Zwirko  
**Cc:** Wendy Simmons  
**Subject:** #17 Spinnaker Lane

Hi Erin,

I looked at this project and I have no comments or concerns with it.

Thank you

Erik S. Street  
Director of Public Works  
Town of Yarmouth  
207-846-2401

## Erin Zwirko

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**From:** Mike Robitaille  
**Sent:** Monday, September 20, 2021 4:30 PM  
**To:** Erin Zwirko; Steven Johnson; Erik Street  
**Subject:** RE: 17 Spinnaker - Subdivision Amendment

I think that it should all be Spinnaker Lane with access from that road. I am willing to sit down with everyone to discuss

*Michael S. Robitaille  
Chief of Department  
Yarmouth Fire Rescue*

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**From:** Erin Zwirko <EZwirko@yarmouth.me.us>  
**Sent:** Monday, September 20, 2021 3:28 PM  
**To:** Mike Robitaille <MRobitaille@Yarmouth.me.us>; Steven Johnson <SJohnson@yarmouth.me.us>; Erik Street <EStreet@Yarmouth.me.us>  
**Subject:** 17 Spinnaker - Subdivision Amendment

Hi Chief, Erik, Steve,

I want to follow up regarding this subdivision amendment that was circulated by Wendy with comments due today. One of the items in the package was an agreement between Ms. Kelley and the Seabourne Association that access from Channel Point Road will be blocked by plantings for beautification and bank stabilization and boulders. Boulders would impede access from Channel Point Road. Access to the property (main house and cottage) would be from Spinnaker Way. The curb cut would not be closed up as far as I can tell.

Attached are photos I took today. The house in the photo from Gilman is not 17 Spinnaker Way, it's a CMP cottage. Also note that the cottage has the address 29 Channel Point Road whereas the main house has the address 17 Spinnaker Way.

I wanted to redraw everyone's attention to this aspect of the request. I am happy to set up a conversation to discuss in more detail.

Thank you,  
Erin

Erin Zwirko, AICP, LEED AP  
Director of Planning & Development  
Town of Yarmouth  
200 Main Street  
Yarmouth, ME 04096  
Office: 207-846-2401  
[ezwirko@yarmouth.me.us](mailto:ezwirko@yarmouth.me.us)



**From:** [Ben Thompson](#)  
**To:** [Wendy Simmons](#)  
**Cc:** [Mike Robitaille](#); [Zachary Stoler](#)  
**Subject:** Re: Request for Comment - 17 Spinnaker Lane - DUE 9/20/21  
**Date:** Thursday, September 9, 2021 9:49:12 AM

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No comments

On Tue, Sep 7, 2021 at 3:53 PM Wendy Simmons <[WSimmons@yarmouth.me.us](mailto:WSimmons@yarmouth.me.us)> wrote:

For your review:

Thanks. Wendy

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

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](http://www.yarmouth.me.us)

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Ben Thompson,  
Certified Maine Assessor,  
Director, Cumberland County Regional Assessing  
25 Pearl St,  
Portland, Maine 04101



Notice: Under Maine law, documents - including e-mails - in the possession of public officials or employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.



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bthompson@cumberlandcounty.org

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