

# Exhibit 1

Approved: 1/13/21

will be heard. No action or recommendation will be taken until the public hearing to be scheduled at a subsequent meeting.

Ed Libby, Developer gave an overview of the application. The split of the MDR lot reinforces the Comp Plan's mission of creating affordable housing. He presented a second lot configuration with the driveway entering onto Portland St. and not on Astilbe Lane. He requested guidance from the Town in how to ensure the work force housing stayed as affordable housing whenever it is sold.

Chair Colby-George opened to public comment

John Veilleux, 19 Astilbe Lane

Concerned about Contract Zoning in general. This lot is not a Village lot where higher density is common. Having 1 house does not solve the affordable housing problem in Yarmouth. The Comp Plan's intent was to create subdivisions of affordable housing; not by 1 lot at a time.

Ed Ashley, 20 Spartina Point

Supports the project since it supports the Comp Plan.

Tom Marjerison, 27 East Elm St.

Does not support Contract Zoning. They create a lack of predictability and creates conflict in zoning. Agrees one house does not create affordable housing in Yarmouth.

recording @ 3:44:40

Gene Miller, 59 Astilbe Lane

Concerned about setting precedent through Contract Zoning. The proposal is out of character with the neighborhood and it is not reasonable to divide an already undersized lot.

Peter Senger, 54 Astilbe Lane

Concerned about Contract Zoning and how it will impact the Town long term.

Michael Devine – Attorney with Norman Hanson DeTroy

Contract zoning creates legal issues by making a non-conforming lot more non-conforming. The purpose of zoning is to abolish non-conforming issues. It is not consistent with the Comp Plan which is to advance goals and purposes of the district. With the 2 lots straddling Cumberland and Yarmouth may trigger State Subdivision Law.

Public comment closed

The Board is concerned about the location of the lot and whether a split of such a small lot outside the Village makes sense. All of Astilbe Lane is opposed to the application. One house lot does not sufficiently address affordable housing in Yarmouth. Affordable housing in Yarmouth was tried before on John Howland



### **Goals**

The Arena is owned and managed by Casco Bay Arena, Inc., a non-profit 501(c)(3) corporation whose mission is to:

- o Meet the demand for ice time by the Casco Bay Hockey Association, non-profit youth hockey programs, and girls and boys school hockey programs at an affordable price.
- o Expand youth hockey opportunities for girls and boys in the local area.
- o Ensure that youth hockey is available and accessible to all by strengthening and supporting non-profit hockey programs.

The Directors and Officers of Casco Bay Arena, Inc. are:

- o John Veilleux, President
- o Thomas Marjerison, Vice-President
- o Dayton Benway, Treasurer
- o Marco Giancotti, Secretary
- o Kevin Kaserman
- o Wes McCauley
- o Fran Norris
- o Mark Tracy

### **Green Initiative**

Our players and their families are committed to energy efficiency and environmental sustainability. Casco Bay Arena will have LED lighting and a 72kW solar photovoltaic energy system to provide an estimated 85,104 kW hours of electricity per year for the Arena. Due to the lack of active conditioning of the rink area, our arena will be the most energy-efficient ice arena in the State of Maine

## Attorney Profile

Tom Marjerison represents clients in civil and criminal matters in state and federal courts. In 2020, Tom was inducted as a Fellow of the American College of Trial Lawyers. Mark Lavoie, Jonathan Brogan, and the late Peter DeTroy were previous inductees from the firm.

Tom's cases have ranged from the acquittal of a physician charged in federal court with multiple counts of unlawful distribution of controlled substances in *United States v. Hoffman* to the Maine Law Court's adoption of the implied co-insured doctrine in *North River Insurance Co. v. Snyder*. He has also successfully obtained defense verdicts in a number of high-value and high-profile trials.

Tom earned a B.A. from Connecticut College, and a J.D. from the University of Maine School of Law, where he was an Associate Editor of the Maine Law Review. Following graduation, Tom served as an Assistant Attorney General for the State of Maine where he prosecuted felony cases and was a frequent instructor at the Maine State Police Academy and Maine Criminal Justice Academy.

In 1998, Tom was appointed to serve as a Legal Specialist to the International Criminal Tribunal for the former Yugoslavia in The Hague. At the International Criminal Tribunal, he advised the Office of the Prosecutor on the prosecution of war criminals in the national courts of Bosnia-Herzegovina.

From 2018-2021, Tom served as an Adjunct Professor at the University of Maine School of Law where he taught Trial Practice. He previously taught Criminal Procedure-Investigations in 2010. Tom is a former Chairman of the Criminal Law Section of the Maine State Bar Association and was a member of the Advisory Committee on the Maine Rules of Criminal Procedure from 1999-2009.

In 2014, Tom and John Veilleux founded and built Casco Bay Arena, a non-profit hockey rink in Falmouth. Tom was the first President of Casco Bay Arena, and was succeeded by John. Both Tom and John continue to be heavily involved in the Arena to ensure that youth hockey is available to all by providing accessible and affordable ice time. Tom also coached youth hockey for over 10 years.

In addition to being a Fellow of the American College of Trial Lawyer, Martindale-Hubbell gave Tom its highest rating of AV-Preeminent for both legal ability and ethical standards based upon opinions of the Bar and Judiciary. He has also been recognized in Best Lawyers' in America, Super Lawyers, and Benchmark Litigation.

Tom and his family live in Yarmouth where he serves on the Yarmouth Board of General Appeals. In his spare time, Tom enjoys whitewater kayaking, fly-fishing, and hiking with his family.

Exhibit 2

Revised  
CK 43108

Town of Yarmouth  
200 Main St., Yarmouth, ME 04096  
Phone: 207-846-2401  
Public Works Department

## OFFICE USE ONLY

Permit #: ST-21-034Received: 7/24/2021 7/28/2021Fee \$: 25.00

## APPLICATION FOR STREET OPENING

Applicant: Ed LibbyContractor Performing Work: Storey BrothersApplicant Address: 374 Route One Suite 8Contractor Address: 215 Middle Rd CumberlandApplicant Phone #: 846-6380Contractor Phone #: 829-4282Applicant E-Mail: ed-libby@msn.comContractor E-Mail: rob@storeybro.com ✓Property Owner: Ed Libby (Two Towns Property LLC)Owner Phone #: same

Owner Address: \_\_\_\_\_

Owner E-Mail: \_\_\_\_\_

Contact Person If Different From Applicant: same

Contact Person Phone #: \_\_\_\_\_

Contact Person E-Mail: \_\_\_\_\_

Location of Excavation: MAstilbe Ln. (538 Portland St. = ~~MAstilbe Ln.~~) (E2)MAP/LOT: 30/14Purpose of Work: Driveway and sewer connectionStart Date: 8/15 Proposed End Date: 9/15 Dig Safe Ticket #: 20212812890**EXCEPT IN AN EMERGENCY, NO EXCAVATION IS PERMITTED FROM NOVEMBER 1st to APRIL 1st.**

Describe proposed opening in box below AND attach sketch or plan to Application. Show distance of opening from curb or pavement edge; width, depth and length of opening; nearest intersecting street; street numbers and abutting properties; existing utilities; proposed locations of barricades, warning signs, detour signs and detour routes.

Sewer connection permit and entrance permit also submitted. Request for water service has been made to YWD. All three to service new building shown on attached plan. Driveway and sewer by Storey Brothers. Sewer line appears to be located in grass strip south of pavement mid-curb. perimeter foundation drain to street under drain by Storey Bros. (E2)

**NOTICE TO APPLICANT:** (1) This form is an application only and NO excavation work is to commence until the Street Opening Permit has been issued. (2) No excavation work is to commence until DIG SAFE and all underground facility operators have been duly notified of the work 3 business days in advance in accordance with the current State of Maine statutory requirements. (3) All work must conform to the requirements of the Street Opening Permit and the current copy of the "Rules and Regulations" as issued by the Town. (4) Make checks payable to "The Town of Yarmouth". (5) Contractor to submit Certificate of Liability Insurance. (6) Final inspections required - see details on reverse.

**Statement of Agreement:** I am duly authorized to execute this application, and have reviewed and will comply with the above. I further agree to comply with all requirements of the Street Opening Permit and agree to pay any subsequent charges which may become due as a result of my failure to comply with any of the permit requirements of the ROW Ordinance.

APPROVED: Ed LibbyDATE: 7-24-21

K WITH CONDITIONS

\_\_\_\_ WITHOUT CONDITIONS

April 28, 2021



**Conditions of Approval for Street Opening Permit on Astilbe Lane**  
**Utilities and Entrance to Serve Accessory Structure**

**Date:** 7/29/21

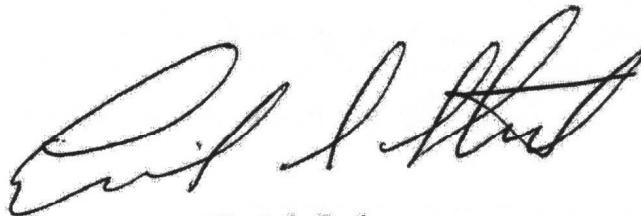
**Applicant:** Ed Libby

**Owner:** Same

**Project Map / Lot:** 30/14

**The Street Opening Permit for Astilbe Lane is approved with the following conditions.**

1. Contractor is responsible for all restoration and associated cost.
2. All disturbance within the right of way must be restored to Town specifications.
3. Sewer and drainage connections must be inspected prior to backfill.
4. MUTCD guidelines apply to all construction signage.
5. Astilbe Lane must remain open at all times – Adequate traffic control meeting MUTCD standards must be provided for vehicles and pedestrian traffic if necessary.
6. All erosion control BMP's must be in place prior to starting construction – includes CB protection in street. No track out from the site is allowed. Any sediment track out must be cleaned up daily or at the Towns request.



7-29-21

Revised

Town of Yarmouth  
200 Main St., Yarmouth, ME 04096  
Phone: 207-846-2401 Fax: 207-846-2438  
Public Works Department

OFFICE USE ONLY

Permit #: ENT-21-012  
Received: 7/12/2021 7/28/2021  
Fee \$: Not Applicable

APPLICATION FOR ENTRANCE

Applicant: Ed Libby Contractor Performing Work: Storey Brothers

Applicant Address: 374 Route One Yarmouth Contractor Address: 215

Applicant Phone #: 846-6380 Contractor Phone #: \_\_\_\_\_

Applicant E-Mail: ed-libby@msn.com Contractor E-Mail: \_\_\_\_\_

Property Owner: Two Towns Property LLC Owner Phone #: same

Owner Address: same Owner E-Mail: same

Contact Person If Different From Applicant: \_\_\_\_\_

Contact Person Phone #: \_\_\_\_\_ Contact Person E-Mail: \_\_\_\_\_

Location of Entrance: 011 Astilbe Lane (538 Portland Street)  
Street Address (or Name of Street and Lot Number if No Address)

Subdivision Name: \_\_\_\_\_ Subdivision Lot: \_\_\_\_\_

Dig Safe #: 20212812890 MAP/LOT: 30 1 14 1

Principle use of Property: ☒ Residential ☐ Commercial ☐ Other \_\_\_\_\_

Show proposed entrance locations, width and arrangement; distance between entrances; setback (from edge of traveled way) of buildings, gasoline pumps, etc.; location of existing culverts, pipes, catch basins or manholes, curbing, gutter, and sidewalks; and the location of proposed culverts, ditches, curbing, and sidewalks.

attached.

**NOTICE TO APPLICANT:** (1) This form is an application only and NO entrance work is to commence until the Entrance Permit has been issued. (2) No excavation work is to commence until DIG-SAFE and all underground facility operators have been duly notified of the work 3 business days in advance in accordance with the current State of Maine statutory requirements. (3) All work must conform to the requirements of the Entrance Permit and the current copy of the "Rules and Regulations" as issued by the Town. (4) Make checks payable to "The Town of Yarmouth".

**Statement of Agreement:** I am duly authorized to execute this application and have reviewed and will comply with the above. I further agree to comply with all requirements of the Entrance Permit and agree to pay any subsequent charges which may become due as a result of my failure to comply with any of the permit requirements of the ROW Ordinance.

Signature of Applicant

Date

APPROVED

DATE: 7-29-21

☒ WITH CONDITIONS

☐ WITHOUT CONDITIONS

☐ STREET OPENING PERMIT REQUIRED

## Conditions of Approval for Entrance

**Date:** 7/29/21

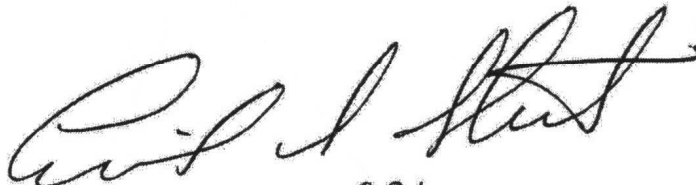
**Applicant:** Ed Libby

**Owner:** Same

**Project Map / Lot:** 30/14

**The Entrance Permit is approved with the following conditions.**

1. The apron portion within the Town right of way must be paved.
2. Curb must be cut on an angle – 4' taper.
3. The driveway must be at least 50' away from the intersection. Measurement starts where the radius ends.
4. Permit is good for 12 months from the date of approval
5. Entrance is being approved to service new accessory structure on the property.



7-29-21

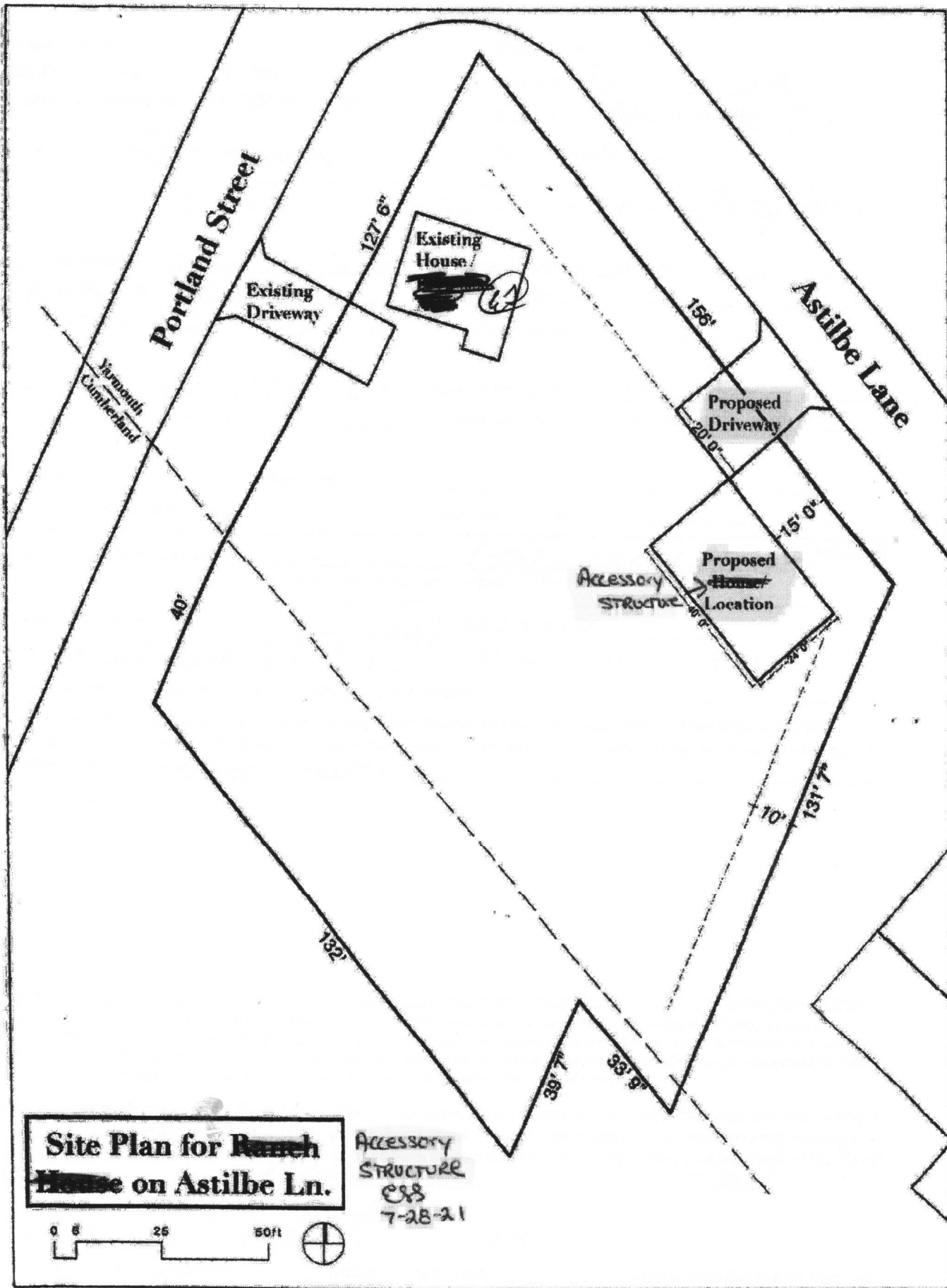




Exhibit #3

Lounge Area  
former kitchen

