

TOWN OF YARMOUTH
Department of Planning and Development
200 Main Street, Yarmouth, Maine 04096

(207) 846-2401

www.yarmouth.me.us

Fax: (207) 846-2438

SPECIAL EXCEPTION APPEAL APPLICATION

(Reference: ARTICLE VII, B.2.b.)

General Board of Appeals

Application forms, materials and applicable fees must be submitted to the Code Enforcement Office at least twenty-one (21) days before the GBA meeting.

MAP 41 LOT 69

DATE 16 SEP 2021

I, CHRISTOPHER & ELIZABETH WARREN, owner (or owner's duly authorized representative)

of property at 65 W. ELM STREET, and located in the MOR District,

respectfully request a Special Exception in accordance with the Town of Yarmouth's Zoning Ordinance:

Zoning Ordinance Reference: Article VII, Section(s) B. 2. b. (1) .

Article IV, Section(s) 14, _____, _____, _____

Article _____, Section(s) _____, _____, _____, _____

Please describe the special exception. Add supporting exhibits, documents, sketches, photographs, maps and other relevant material to be made a part of this application that will help support your request.

PLEASE SEE ATTACHED SHEETS

1. Please explain how the special exception will conform to each of the following:

1. The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design operation.

☐ HHE 200 – septic system permit (if applicable)

SEE ATTACHED SHEETS

2. The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity.

SEE ATTACHED SHEETS

3. The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree of Municipal fire or police protection than existing uses in the neighborhood.

SEE ATTACHED SHEETS

4. The proposed use will not result in unreasonable sedimentation or erosion, or have an adverse effect on water supplies.

☐ Erosion and sedimentation control plan

☐ Drainage plan

SEE ATTACHED SHEETS

5. The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, proximity to other structures and density of development.

- ☐ Plot plan including setbacks
- ☐ Building elevations
- ☐ Topographical information
- ☐ Proposed building location
- ☐ Site plan application

SEE ATTACHED SHEETS

6. If located in a Resource Protection District or Shoreland Zone, the proposed use
- (1) will not result in damage in spawning grounds, fish, aquatic life, bird and other wildlife habitat; (2) will conserve shoreland vegetation; (3) will conserve visual points or access to water as viewed from public facilities; (4) will conserve actual points of access to waters; (5) will conserve natural beauty; (6) will avoid problems associated with flood plain development and use; and (7) will comply with the performance standards of Article II of this Ordinance.

NOT APPLICABLE

7. The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.

- ☒ Copy of deed option or purchase and sale agreement (SEE ATTACHED)

8. The applicant has the technical and financial ability to meet the standards of this Section and to comply with any condition imposed by the Board of Appeals pursuant to Article VII., B.2.b.(1)(e) of this Section.
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Other information deemed pertinent to the application:

- ☐ Noise
- ☐ Cubic yardage to be removed
- ☐ Hours and days of operation
- ☐ Number and types of animals

Six (6) HENS

Please Note: The Board may require additional information not listed here.

- ☒ I have paid the one hundred dollars (\$100) application fee.
- ☐ I have included evidence of my legal interest in the property under consideration or authorization to act for the property owner.

Applicant's / Representative's Signature



printed: CHRISTOPHER M. WAALER

Mailing Address: 65 W. Elm Street

Telephone No.: 207-837-4054

Email: cmwaaler@gmail.com

WARRANTY DEED
Maine Statutory Short Form

Know all Persons by these Presents,

That I, Roger W. Comstock, of Yarmouth, State of Maine, for consideration paid, grant to:

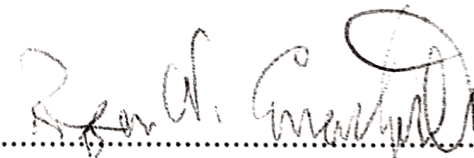
Christopher M. Waaler and Elizabeth D. Waaler

of Yarmouth, State of Maine, whose mailing address is: 65 West Elm Street, Yarmouth, Maine 04096, with **warranty covenants, as joint tenants**, the land 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 our hands and seals this 13th day of July, 2011.

Signed, Sealed and Delivered
in the presence of

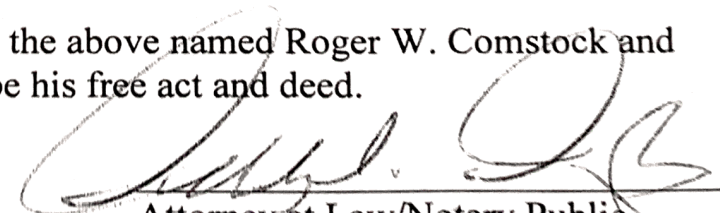

.....
Roger W. Comstock

State of Maine
County of Cumberland

ss

July 13, 2011

Then personally appeared before me the above named Roger W. Comstock and acknowledged the foregoing instrument to be his free act and deed.


.....
Attorney at Law/Notary Public

Printed Name: Donnelly S. D.

EXHIBIT A
65 West Elm Street, Yarmouth, Maine

A certain lot or parcel of land, with the buildings thereon, situated on the westerly side of West Elm Street in the Town of Yarmouth, County of Cumberland and State of Maine, bounded as follows:

Beginning at the southeasterly corner of the Universalist Chapel lot on the westerly side of the Portland Road, formerly called Elm Street and now called West Elm Street; thence westerly by said Chapel lot and land formerly of Lovell about fifteen (15) rods to Baker Street; thence southerly by Baker Street about sixty-six (66) feet to land now or formerly of the heirs of Leonard Williams; thence easterly by land of said heirs about fifteen (15) rods to said Elm Street; thence northerly by said Elm Street sixty-six (66) feet to the point of beginning.

Also a certain lot or parcel of land ten (10) feet in width bordering the above described premises on the east, from the so called Universalist Chapel lot and extending the depth of the Chapel lot.

Being the same premises conveyed by warranty deed from Andrew F. Tonks and Patricia Hart, formerly known as Patricia Hart Tonks, to Roger W. Comstock and Faith H. Comstock dated July 31, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13231, Page 49. Further reference is made to warranty deed from Roger W. Comstock and Faith H. Comstock to Roger W. Comstock dated March 12, 2002 and recorded in said Registry of Deeds in Book 17565, Page 335.

INSPECTION OF PREMISES

I HEREBY CERTIFY TO Douglas Title Co.
Wells Fargo Bank, N.A. and its Title Insurer

The monumentation is ~~not~~ in harmony with
current deed description.

The building setbacks are ~~not~~ in conformity
with town zoning requirements. *Grandfathered*

The dwelling does not ~~appear to~~ fall within the
special flood hazard zone as delineated by the
Federal Emergency Management Agency.

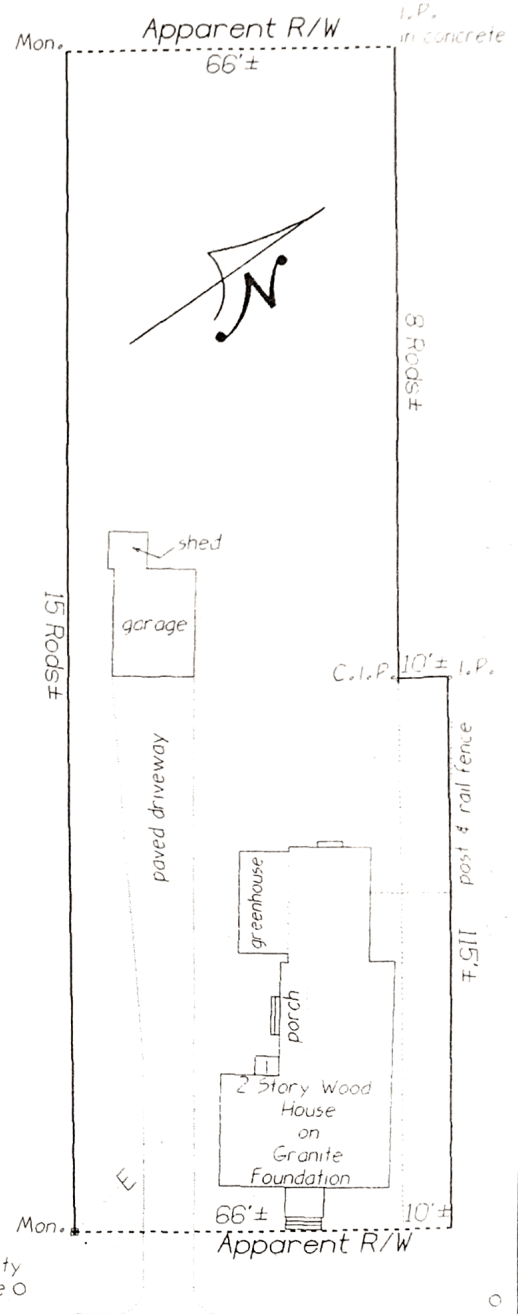
The land does not ~~appear to~~ fall within the
special flood hazard zone as indicated on
community-panel # 230055 0005 B.

65 West Elm Street
Yarmouth, Maine

Job Number: 413-07
Inspection Date: 06-20-11
Scale: 1" = 40'

Baker Street
(bituminous)

BUYER: Christopher M. &
Elizabeth D. Waaler
SELLER: Roger W. Comstock



THIS PROPERTY IS SUBJECT TO ALL
RIGHTS AND EASEMENTS OF RECORD
THOSE THAT ARE EVIDENT ARE SHOWN.
THIS PLAN MIGHT NOT REVEAL
CONFLICTS WITH ABUTTING DEEDS.

Bruce R. Bowman
INCORPORATED
184 John Small Road
Chebeague Island, Maine 04017
Phone: (207) 846-1663
Fax: (207) 846-1664



PLAN BOOK PAGE LOT
DEED BOOK 17565 PAGE 335 COUNTY Cumberland

THIS PLAN IS NOT FOR RECORDING Drawn by: BCW