

Marielle F. Scammell
83 Bayview Street
Yarmouth, ME 04096
207-607-9866
marielle.scammell@yahoo.com

15 April 2020

Dear members of the Planning Board,

I am sending you a Special Exception Appeal regarding having two Nigerian Dwarf Goats on our property at 83 Bayview Street. Please find enclosed all the documentation that is required for our appeal. I am submitting these by the April 22 deadline in the hope that they can be reviewed before your meeting of May 13.

If you have any questions, please do not hesitate to contact me. Thank you very much for your time and consideration.

Best regards,

A handwritten signature in black ink, appearing to read 'HSC', written in a cursive style.

Marielle F. Scammell

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 34 LOT 9

DATE April 15, 2020

I, Marielle Flinterman Scammell, owner (or owner's duly authorized representative) of property at 83 Bayview Street, and located in the MDR 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) H, _____, _____, _____

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 the attached sheets

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.

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

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.


Other information deemed pertinent to the application:

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

2 neutered male Nigerian Dwarf Goats

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: Marielle F. Scammell

Mailing Address: 83 Bayview Street, Yarmouth, ME

04096
Telephone No.: 207-607-9866

Email: marielle.scammell@yahoo.com

STANDARDS FOR SPECIAL EXCEPTIONS

Reference: ARTICLE VII, B.2.b (1) (d)

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 or operation.
2. The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity.
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.
4. The proposed use will not result in unreasonable sedimentation or erosion or have an adverse effect on water supplies.
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.
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 actual points of access to waters; (4) will conserve natural beauty; (5) will avoid problems associated with flood plain development and use; and (6) will comply with the performance standards of Article II of this Ordinance.
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.
8. The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the Board of Appeals pursuant to Article VII, B.2.b (1) (e) of this Section.

Conditions of Special Exceptions. Upon consideration of the standards listed in Article VII, B.2.b (1) (d) of this Section, the General Board of Appeals may attach such conditions, in addition to those required by other provisions of this Ordinance, as it finds necessary to insure compliance with those standards and all other applicable requirements of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance. such conditions may include, but are not limited to, specifications for: type of vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, landscaping and planting screens, hours of operation, operational controls, professional inspection and maintenance, sureties, location of piers, docks, parking and signs, and types of construction.

TOWN OF YARMOUTH
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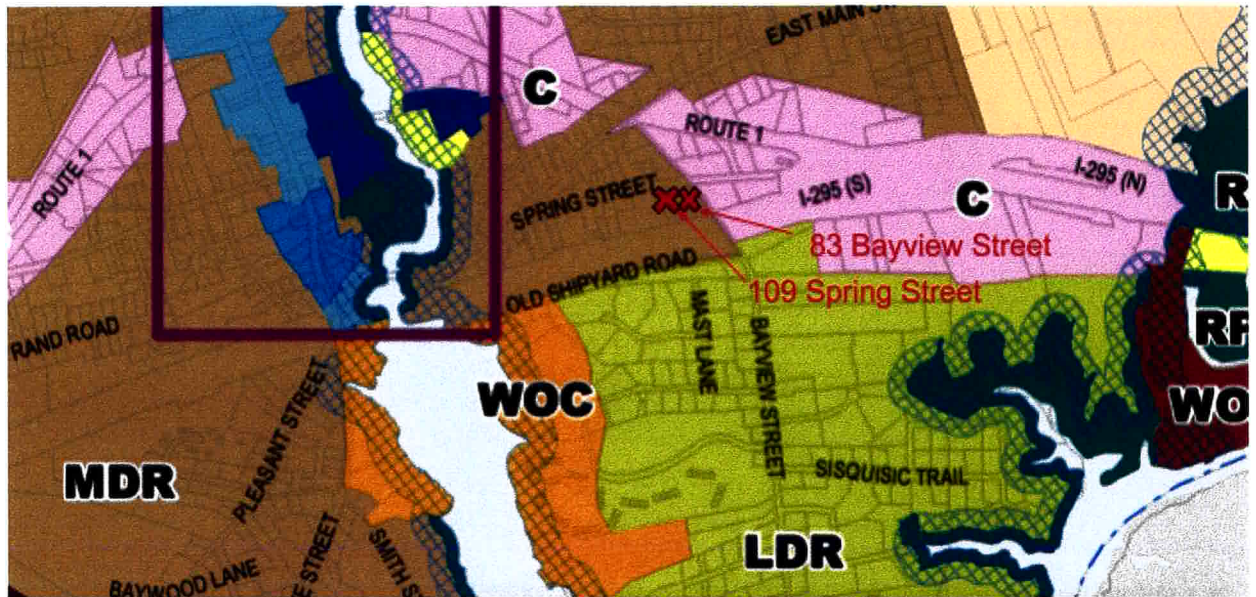
SPECIAL EXCEPTION APPEAL

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.

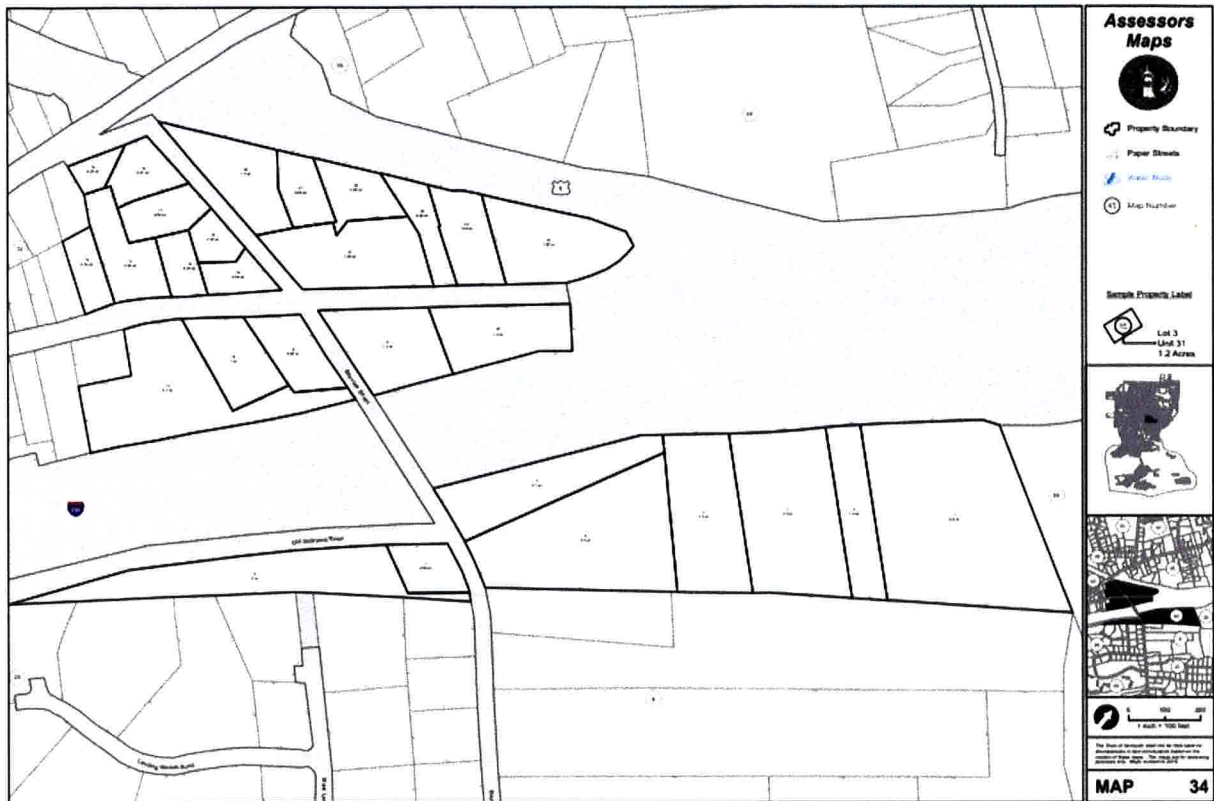
Our family would like to get two Nigerian Dwarf Goats as pets. The current code in Yarmouth states that within the MDR zone, it is necessary to have 2 acres of land to have farm animals. Our property at 83 Bayview Street is .82 acres and at the edge of the MDR zone. We are hoping the committee will allow a Special Exception in our case based on the following arguments.

1. Our goats would be pets, **not** used for farming.
 2. My parents own the land next to ours and the two properties combined come very close to the two acre limit.
 3. Our two properties combined are at the edge of the MDR zone and bordering the highway, thus minimally impacting the neighborhood.
-
1. Nigerian Dwarf Goats have become quite popular to keep as pets. We are interested in getting this breed as a pet, precisely because they are small (75 pounds maximum weight for an adult male) and friendly. Our goats would be companion animals much like a dog. Furthermore, we plan to get two neutered males (wethers). They will not be able to be milked nor bred. They would not be used as farm animals.
 2. Our property at 83 Bayview Street is .82 acres. On three sides we border 1295, Bayview Street, and Spring Street, respectively. On the fourth side, our property borders that of my parents (Jan and Adriana Flinterman, owners of 109 Spring Street) who are renting the house to my sister (Christine Flinterman Thomas). Their property is 1 acre. Both my parents and my sister have stated that they would be more than happy if we have pet goats on our property. Combining our two properties for the purpose of getting goats would give us 1.82 acres, together making it closer to the 2 acre minimum.
 3. Both 83 Bayview Street and 109 Spring Street are at the edge of the MDR zone. This large area of combined land, in addition to being at the edge of the MRD zone and bordered on one side by the highway, means that no neighbors would directly be impacted by the goats. We are not in the middle of the village. Furthermore, it has come

to my attention that a family living on Main Street in Yarmouth purchased Nigerian Dwarf Goats a few years ago, though I do not know particulars of the case.



Zoning Map - note the location at the edge of the MDR zone for both 83 Bayview Street and 109 Spring Street.



Map 34, Lot 9

Revised 2/26/2019 2 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) The Nigerian Dwarf Goats would be kept in a stall in our existing, free standing garage, and have an enclosed, fenced in area. Two goats would not create unsanitary or unhealthy conditions, in fact, their manure is often used as fertilizer.
2. The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity. The Nigerian Dwarf Goats will be kept on our property within a fenced area, and will not create unsafe vehicular or pedestrian traffic conditions.

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. The Nigerian Dwarf Goats will not create new or different public safety problems.

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

There will be no unreasonable sedimentation or erosion with two goats on the property. There will not be an adverse effect on water supplies.

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

Based on their small size, Nigerian Dwarf Goats do not need a big stall. We will keep them in a stall that we will build inside our existing garage. The proposed use will be compatible with existing uses in the neighborhood.

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.

N/A

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

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.

Other information deemed pertinent to the application:

☐ Noise

☐ Cubic yardage to be removed

☐ Hours and days of operation

☒ Number and types of animals 2 male, neutered Nigerian Dwarf Goats.

DLN: 1001640007078

**DEED OF SALE BY PERSONAL REPRESENTATIVE
(TESTATE)**

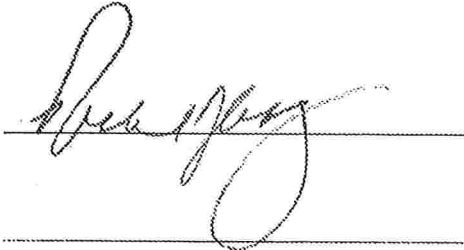
MAINE REAL ESTATE TAX-Paid

LOIS J. BROWN, of Old Orchard Beach, County of York, and State of Maine, and **FRANCES L. RIOUX**, of Yarmouth, County of Cumberland and State of Maine, duly appointed acting Co-Personal Representatives of the Estate of Marion Seabury Brown, deceased (testate) as shown by the probate records of Cumberland County, Maine, and not having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, such notice not being required under the terms of the decedent's will, Docket No. 2015-1751, by the powers conferred by the Probate Code, and every other power, for consideration grant to **MARIELLE FLINTERMAN SCAMMELL** of Yarmouth, County of Cumberland, and State of Maine, the following described land in Yarmouth, County of Cumberland, and State of Maine:


See Exhibit A attached hereto and made a part hereof.


IN WITNESS WHEREOF, we have set our hands and seals this 15th day of April, 2016.

WITNESS



Estate of Marion Seabury Brown


By: Lois J. Brown, Personal Representative

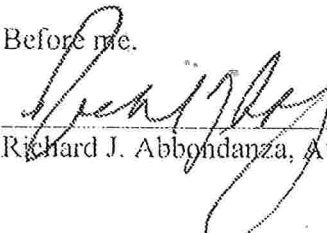

By: Frances L. Rioux, Personal Representative

STATE OF MAINE
CUMBERLAND, ss.

April 15, 2016

Then personally appeared the above names Louis J. Brown and Frances L. Rioux and acknowledged the foregoing instrument to be their free act and deed and their free act and deed in their said capacity as Personal Representative of the Estate of Marion Seabury Brown.

Before me.


Richard J. Abbondanza, Attorney at Law