



Nicholas J. Ciarimboli
Code Enforcement Officer/ Planning Assistant
E-mail: nciarimboli@yarmouth.me.com

Tel: 207-846-2401
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TOWN OF YARMOUTH
200 Main Street, Yarmouth, Maine 04096
www.yarmouth.me.us

MEMORANDUM

To: General Board of Appeals
From: Nicholas J. Ciarimboli (Code Enforcement Officer)
Subject: Board of Appeals Case # - 20-BOA-0002 of June 1, 2020
Date: May 21, 2020

Please review the enclosed documents for information regarding the above-mentioned Board of Appeals case.

- 1.) Special Exception Standards Findings and Decision Form
- 2.) Zoning Excerpts
 - a. Definitions (Ch. 701, Article I., D);
 - i. Special Exception, Farm Animals for Personal Use
 - b. MDR Zone
- 3.) Comments
- 4.) Application Package
- 5.) Site Photos, Aerials, Town GIS w/ Zones
- 6.) Applicant Supplemental Information (submitted May 27, 2020)

If you have any questions or require additional information, please let me know.
Thank you for your time.

Very Respectfully,

Nicholas J. Ciarimboli

"Our Latchstring Always Out"

YARMOUTH GENERAL BOARD of APPEALS

Special Exception Standards, Findings, & Decision General Board of Appeals Meeting of June 1, 2020

Applicant/Project Description

Marielle Scammell owner of property at 83 Bayview Street, Map 34- Lot 09,
requests a Special Exception to allow for Farm Animals for Personal Use (2 Nigerian Dwarf Goats) on the premises of less than two acres within the Medium Density Residential (MDR) district.

Reference: Chapter 701, Article IV, Section H. (MDR District), and Article VII, Section B., Subsection 2.b. (Special Exceptions) of the Town's Zoning Ordinance.

Chapter 701, Zoning, Article VII.2.b(2)(d) Standards for Special Exceptions

(d.) **Standards for Special Exceptions.** Before it issues a Special Exception permit, the Board of Appeals shall find, as a matter of fact, that the proposed use meets the following criteria:

- i.) 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.

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and
voted ____ in favor, ____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

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

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and
voted ____ in favor, ____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

- iii.) 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.

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

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

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

- v.) 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.

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

vi.) 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; (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.

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

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

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

viii.) The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the General Board of Appeals pursuant to Article VII.B.2.b.(1)(e) of this Section.

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

- (e.) Conditions of Special Exceptions. Upon consideration of the standards listed in Article VII.B.2.b.(1)(b) 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.

Conditions of Approval:

1. _____
2. _____
3. _____
4. _____
5. _____

Motion to Approve: Based on the findings of fact and conclusions as voted above, and subject to the conditions of approval as stated above, the Yarmouth General Board of Appeals hereby finds that approval of the Farm Animals for Personal Use on Lots of less than two (2) Acres **[does/does not]** achieve the spirit and intent of the MDR, and therefore **[approves/denies]** Special Exception application for Marielle Scammell owner of property at 83 Bayview Street, Map 34 Lot 09.

Findings and conclusion moved by _____, **seconded by** _____, **and voted** ____ **in favor,** ____ **opposed,** _____.
(note members voting in opposition, abstained, recused, or absent, if any).

Voted by the Town of Yarmouth General Board of Appeals on
_____.

Signed by:

Jennifer Peters, Chair, General Board of Appeals

Date

Zoning Excerpts

CH. 701, Article I., D. Definitions

Animal, Farm for Personal Use: The keeping of bovines, horses, birds, goats, sheep, pigs and other related animals for personal pleasure and/or consumption.

Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, areas, location, or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions, if specific provision for such special exception is made in this Zoning Ordinance.

CH.701, Article IV., H. “MDR” - Medium Density Residential

H. “MDR” – MEDIUM DENSITY RESIDENTIAL

The medium density residential district is expected to provide public sewer and water in all areas of the district. The purpose of this District is to provide a wholesome living environment readily accessible to the Town center.

Permitted Uses:

Single Family Detached Dwelling	Multiplex
Two Family Detached Dwelling	Storage Buildings
Cluster Development (see Article II.M)	Churches
Accessory Uses and Buildings	Family Day Care Home
Farm Animals for Personal Use on lots of two Acres or more	
Manufactured Housing	Essential Services
Municipal Uses and Buildings	Home Occupations
Antenna array on Alternative Tower Structure, except no microwave dish antennas are permitted	
Wireless communication facility (see Article II.Z & Ch. 702, Site Plan Review Ordinance), except no microwave dish antennas are permitted	
Accessory Dwelling Units	

Special Exception

- Public Utilities
- Funeral Homes
- Hospitals
- Schools
- Private Clubs
- Group Day Care Home
- Day Care Facility within Churches and Community Buildings (require site plan review)
- Conversion of a residential Structure, in existence prior to March 12, 1973, to a Two-family Detached Dwelling. No conversion shall result in a total of more than two (2) dwelling units per lot.
- Farm Animals for Personal Use on Lots of less than two (2) Acres.
- Expansion of existing Commercial
- Greenhouse to no more than 30% of the floor area in existence at the date of this Ordinance

Medium Density Residential Minimum Dimensional Requirements ^d

(May be modified in accordance with the Ordinance)

	Single Family and other uses	Two Family Detached	Multiplex
Area	1 Acres	2 Acres	10
Acres/unit ^a			1
Lot Width ^c	130 feet	130 feet	
Front Yard	15 feet	15 feet	
Side Yard	10 feet	10 feet	
Rear Yard	15 feet	15 feet	

- a- must be served by sewer
- b- width must be maintained from the front lot line to the minimum front yard set back
- d- adopted 2/16/95: Lot size, setback, lot coverage, and frontage requirements waived for “essential services”

1. MDR Backlot (RR back Lot provisions shall apply, subject to the dimensional requirements of the MDR zone.)

Steven S. Johnson, P.E., LEED AP, Town Engineer
E-Mail: sjohnson@yarmouth.me.us

Tel: 207-846-2401
Fax: 207-846-2438



TOWN OF YARMOUTH
INTERNAL MEMORANDUM

TO: Nicholas Ciarimboli, Code Enforcement Officer
FROM: Steven S. Johnson, Town Engineer
DATE: May 5, 2020
RE: Board of Appeals Special Exception Application: 83 Bayview Street

Nick:

I have reviewed the subject application submitted by Marielle Scammell, owner of the property at 83 Bayview Street dated April 21, 2020. The applicant is requesting an exception to allow keeping of two (2) male Nigerian dwarf goats. The property is zoned MDR and is 0.82 acres. I have the following comments:

I would respectfully request that the applicant provide a brief narrative and protocol for managing the manure generated by the exception. The applicant's parcel drains southeasterly toward I-295 and the runoff is then conveyed along the highway ditch line to a culvert system that crosses both the mainline travel ways and then Old Shipyard Road ultimately to the Royal River. A quick (and unscientific) internet search revealed that there is the potential that the goats could generate almost two pounds of manure a day. This could potentially cause a significant stormwater impact as well as an odor nuisance.

I agree with the applicant that goat manure can provide an excellent fertilizer and I would suggest that maybe the applicant consider composting the waste for reuse or periodically use the waste as a soil amendment to ensure no runoff or odor impacts. In any event, I recommend that a plan be submitted by the applicant that adequately addresses this issue as well as how the waste will be managed in the winter.

From: Erik Street <EStreet@Yarmouth.me.us>

Sent: Friday, May 1, 2020 6:34 AM

To: Wendy Simmons <WSimmons@yarmouth.me.us>; andrewsgabrielson@gmail.com; Bob MacKinnon <ywdbob@maine.rr.com>; Dan Gallant <DGallant@Yarmouth.me.us>; dostrye@gmail.com; Eric Gagnon <egagnon@yarmouthwaterdistrict.org>; Erik Donohoe <edonohoe@yarmouth.me.us>; Karyn MacNeill <kmacneill@yarmouth.me.us>; Mike Robitaille <MRobitaille@Yarmouth.me.us>; Nat Tupper <ntupper@Yarmouth.me.us>; Scott LaFlamme <slaflamme@yarmouth.me.us>; Zachary Stoler <zstoler@yarmouth.me.us>

Cc: Nicholas Ciarimboli <NCiarimboli@yarmouth.me.us>; Alex Jaegerman <AJaegerman@yarmouth.me.us>

Subject: Re: Request for Comment - 83 Bayview St. - DUE 5/12/20

Couple comments / questions. Where are these being kept? I have no issues as long as they do not impact the road right of way - so no fencing, feeders, shelters, manure piles in that area.

Thank you

Erik

From: Mike Robitaille <MRobitaille@Yarmouth.me.us>

Sent: Thursday, April 30, 2020 5:49 PM

To: Wendy Simmons <WSimmons@yarmouth.me.us>; andrewsgabrielson@gmail.com; Bob MacKinnon <ywdbob@maine.rr.com>; Dan Gallant <DGallant@Yarmouth.me.us>; dostrye@gmail.com; Eric Gagnon <egagnon@yarmouthwaterdistrict.org>; Erik Donohoe <edonohoe@yarmouth.me.us>; Karyn MacNeill <kmacneill@yarmouth.me.us>; Nat Tupper <ntupper@Yarmouth.me.us>; Scott LaFlamme <slaflamme@yarmouth.me.us>; Zachary Stoler <zstoler@yarmouth.me.us>

Cc: Nicholas Ciarimboli <NCiarimboli@yarmouth.me.us>; Alex Jaegerman <AJaegerman@yarmouth.me.us>; Erik Street <EStreet@Yarmouth.me.us>

Subject: Re: Request for Comment - 83 Bayview St. - DUE 5/12/20

I have no comments to bring to the Planning Board regarding this request. There are no Life Safety concerns

Chief Robitaille

MEMO



To: Nick Ciarimboli
From: Chief Daniel Gallant
Date: 30 April 2020
RE: 83 Bayview Street – General Board of Appeals Special Exception

I have reviewed the General Board of Appeals – Special Exception request for 83 Bayview Street dated 15 April 2020. My only comment or concern would be related to what if any noise (volume and duration/consistency) is made by these specific animals, and if it may cause issues for others in the area.

I have no other concerns or comments regarding this application.

Please let me know if I can be of any further assistance in this matter.

From: Eric Gagnon <egagnon@yarmouthwaterdistrict.org>
Sent: Thursday, April 30, 2020 3:29 PM
To: Wendy Simmons <WSimmons@yarmouth.me.us>; Nicholas Ciarimboli <NCiarimboli@yarmouth.me.us>
Cc: Bob MacKinnon <ywdbob@maine.rr.com>
Subject: Re: Request for Comment - 83 Bayview St. - DUE 5/12/20

Nothing here for us at YWD

Eric Gagnon
Assistant Superintendent
Yarmouth Water District
207.846.5821 phone
207.846.1240 fax
<http://yarmouthwaterdistrict.org/>

From: Zachary Stoler <zstoler@yarmouth.me.us>
Sent: Thursday, April 30, 2020 2:24 PM
To: Wendy Simmons <WSimmons@yarmouth.me.us>
Cc: Nicholas Ciarimboli <NCiarimboli@yarmouth.me.us>
Subject: RE: Request for Comment - 83 Bayview St. - DUE 5/12/20

Dear Wendy,

The permit application accurately states that their lot is lower than the two acre requirement (0.82 acres), correctly indicating that a special exception is needed for these animals. I do not have any further comments, and would let the board use their judgment on whether or not to allow this.

Best,

Zachary Stoler

Fire Inspector and Assistant Code Enforcement Officer
Master Electrician, CFI-I

From: Dan Ostrye <dostrye@gmail.com>

Sent: Friday, May 1, 2020 1:13 PM

To: Erik Street <EStreet@Yarmouth.me.us>; Zachary Stoler <zstoler@yarmouth.me.us>; Wendy Simmons <WSimmons@yarmouth.me.us>; andrewsgabrielson@gmail.com; Bob McKinnon McKinnon <ywdbob@maine.rr.com>; Dan Gallant <DGallant@Yarmouth.me.us>; Eric Gagnon <egagnon@yarmouthwaterdistrict.org>; Erik Donohoe <edonohoe@yarmouth.me.us>; Karyn MacNeill <kmacneill@yarmouth.me.us>; Mike Robitaille <MRobitaille@Yarmouth.me.us>; Nat Tupper <ntupper@Yarmouth.me.us>; Scott LaFlamme <slaflamme@yarmouth.me.us>; Nicholas Ciarimboli <NCiarimboli@yarmouth.me.us>; Alex Jaegerman <AJaegerman@yarmouth.me.us>

Subject: Re: Request for Comment - 83 Bayview St. - DUE 5/12/20

Hi Alex,

Don't see any bike ped/complete street issues here. But I would make the observation that goats in pens will accumulate manure that has to be managed and there is the potential for generation of fugitive emissions (odors) and flies that could bother neighbors. So it would depend on how close they are to neighbors and how those folks feel about it or what their options would be if this became a problem. We have a rooster in our neighborhood (which are not allowed under the noise ordinance) that is far enough to not bother us but it gets difficult for a closer neighbor to complain about it, especially if they move in to the neighborhood. I know of a couple cases where this has happened.

Guess I'm saying the ordinances were developed for reasons and would think the bar for a variance should be pretty high.

Thanks,
Dan

From: janflinterman@aol.com <janflinterman@aol.com>
Sent: Tuesday, May 12, 2020 3:25 PM
To: Wendy Simmons <WSimmons@yarmouth.me.us>
Cc: marielle.scammell@yahoo.com
Subject: Special exception - 83 Bayview Street

Dear Wendy,

As the owners of the property located at 109 Spring Street, adjacent to Marielle's property located at 83 Bayview Street, we have no problem with, and fully support, her request to keep 2 goats. For full disclosure, we want you to know that Marielle is our daughter. She, and her two children, age 11 and 13, love animals and they have always shown to be very responsible for all of them.

Thank you,

Jan and Adriana Flinterman
108 Pasture Road
Phippsburg, ME 04562

207 389 2898

From: Jay Soule <jsoule@yarmouthinsurance.com>
Sent: Friday, May 8, 2020 12:39 PM
To: Wendy Simmons <WSimmons@yarmouth.me.us>
Cc: marielle.scammell@yahoo.com
Subject: Special exception - 83 Bayview St.

Hi Wendy and Nicholas,
Per the attached notice I received, I have reviewed the application on the town website. As an abutter (across the street on Bayview street) I have no problem with Marielle's request to keep 2 goats.

Thank you,

Jeffery W Soule Jr.
Spring & Bayview, LLC
141 Spring St
Yarmouth, ME 04096

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', is written over the printed name.

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

[illegible]

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
 Department of Planning and Development
 200 Main Street, Yarmouth, Maine 04096
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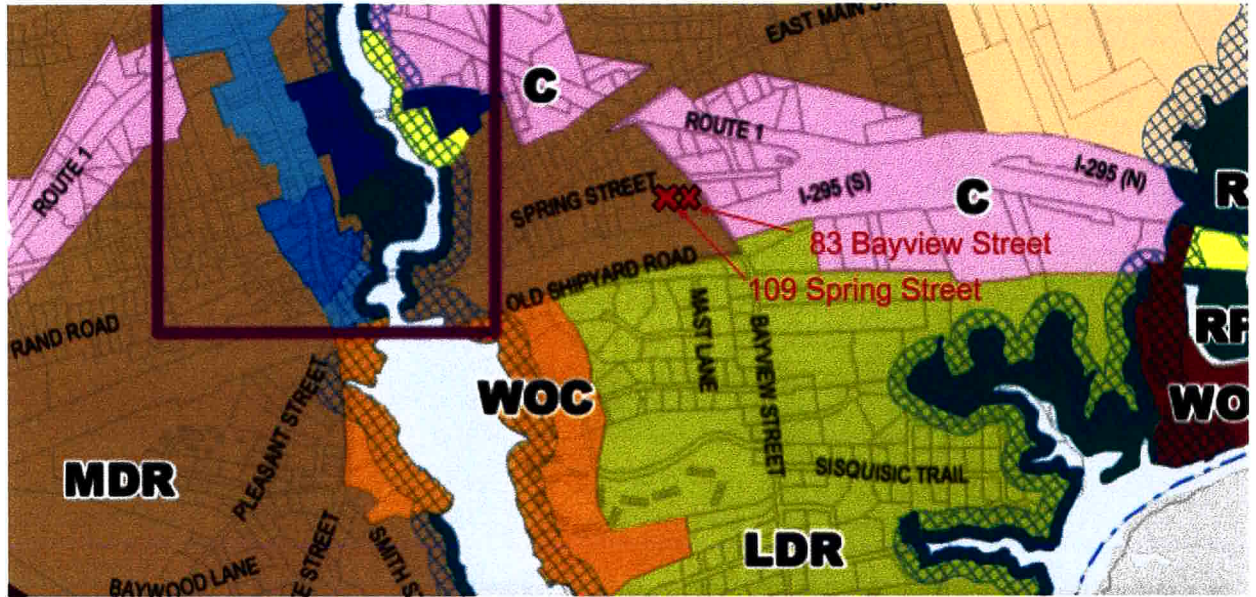
SPECIAL EXCEPTION APPEAL

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.

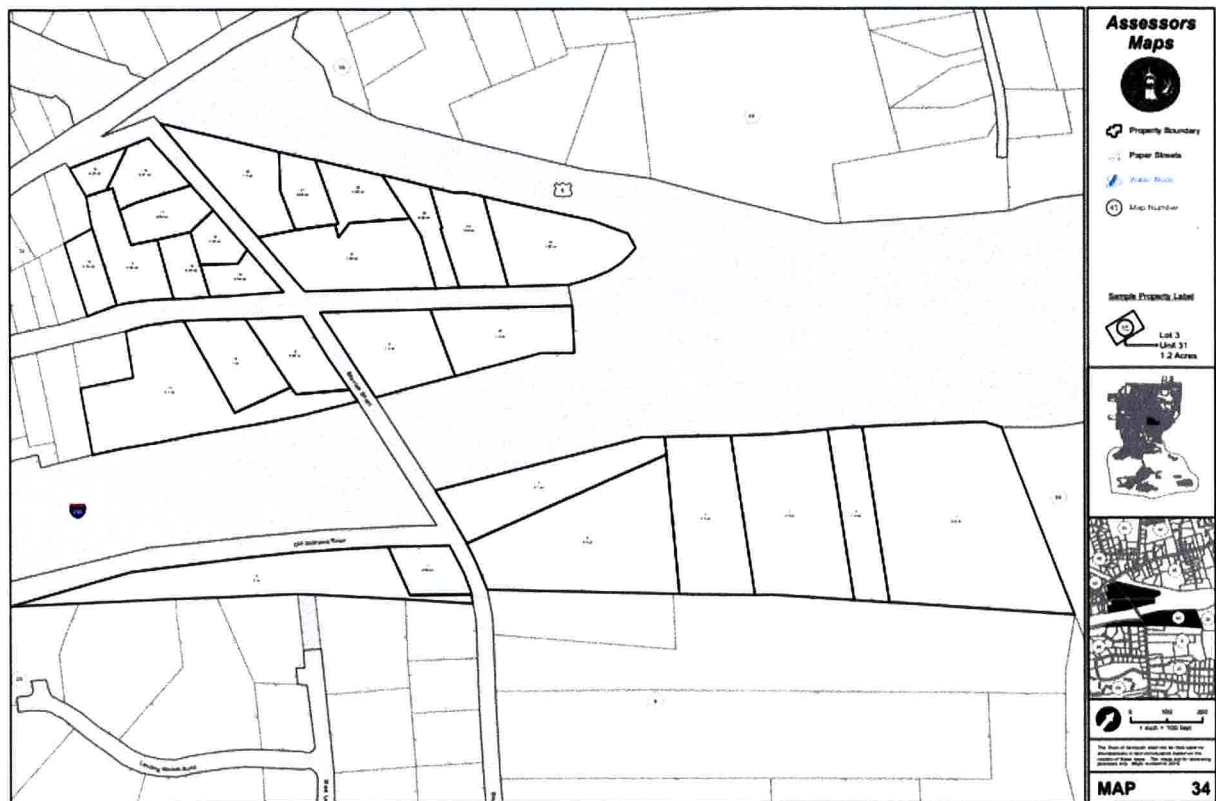
Our family would like to get two Nigerian Dwarf Goats as pets. The current code in Yarmouth states that within the MDR zone, it is necessary to have 2 acres of land to have farm animals. Our property at 83 Bayview Street is .82 acres and at the edge of the MDR zone. We are hoping the committee will allow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

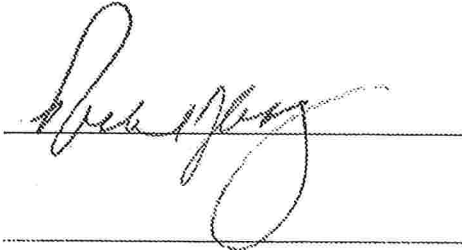
MAINE REAL ESTATE TAX-Paid

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:

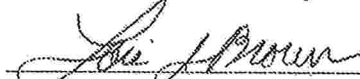
See Exhibit A attached hereto and made a part hereof.


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



83 Bayview Street

Studio 88 Salon

Google



U.S. Rte 1

Bayview St

Community House

Spring St

Maple's

83 Bayview Street

Studio 88 Salon

Old Shipyard Rd

Google

5.1

Google

Springs

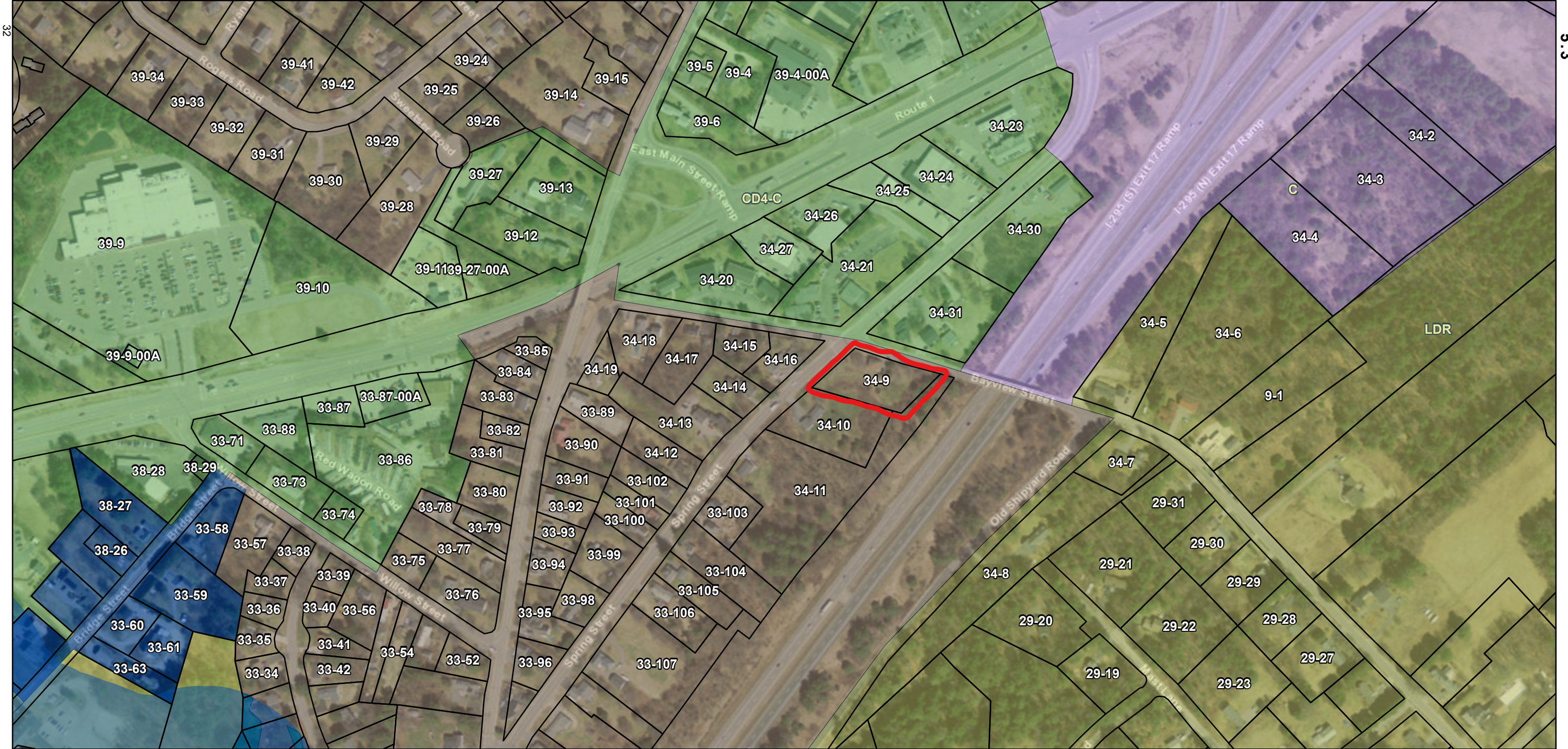


5.2

31



Town of Yarmouth Public Map Viewer



5/21/2020, 3:55:10 PM

Parcel ID's

Parcels

Shoreland Overlay District

Zoning

Route 1 Corridor

Village 3

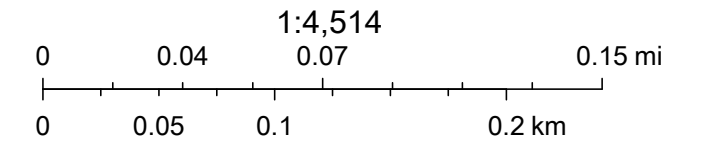
General Development

Low Density Residential

Medium Density Residential

Commercial

Resource Protection



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Town of Yarmouth

83 Bayview Street Appeal for Exception

Marielle Scammell

Overview

6.1

34

Our family would like to have two Nigerian Dwarf Goats as pets. These small goats (maximum 25 inches tall and average 75 pounds) have a gentle, loveable, and playful temperament which have made them increasingly popular to have as pets.



<https://www.thatsfarming.com/news/goats-nigerian-dwarf>



www.sunflowerfarm.info

Background Information

6.2

35

Accommodations/Shelter

Nigerian Dwarf Goats need a dry, shaded, well ventilated shelter to protect them from the elements and room to be active outside with a spot for sun and shade.

Two goats need:

- 20 square ft shelter (4'x5')
- 260 square feet of romping space outside (10'x13' per goat)
- A place to store feed and equipment



Fencing

Nigerian Dwarf Goats need to have proper fencing to keep them safe, both from getting out of the enclosure, but also to keep predators out.

Fencing needs to be:

- At least 4' high
- No spaces for them to get their head through.



Background Information

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Feeding

Nigerian Dwarf Goats eat between 3-5 lbs of hay per day. They also need minerals and supplements, and a constant supply of fresh water.



From Pinterest

<https://permies.com/t/61866/permaculture-goats>

Manure

The manure these goats produce are naturally dry pellets. The pellets don't typically attract insects and are virtually odorless. Goat pellets compost quickly due to allowing more airflow to enter compost piles. Additionally, goat pellets can be used fresh on soil and will not burn plant's leaves like other manure (i.e. cow manure).



www.shutterstock.com - 729895960

Appeal

37

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.

Nigerian Dwarf Goats as Pets

Nigerian Dwarf Goats make good pets because they are:

- Small (less than 2 feet high weigh 75 lbs max, much like a Golden Retriever)
- Easy to keep (need only a small shelter and outdoor space)
- Gentle temperament



83 Bayview Street Property

99

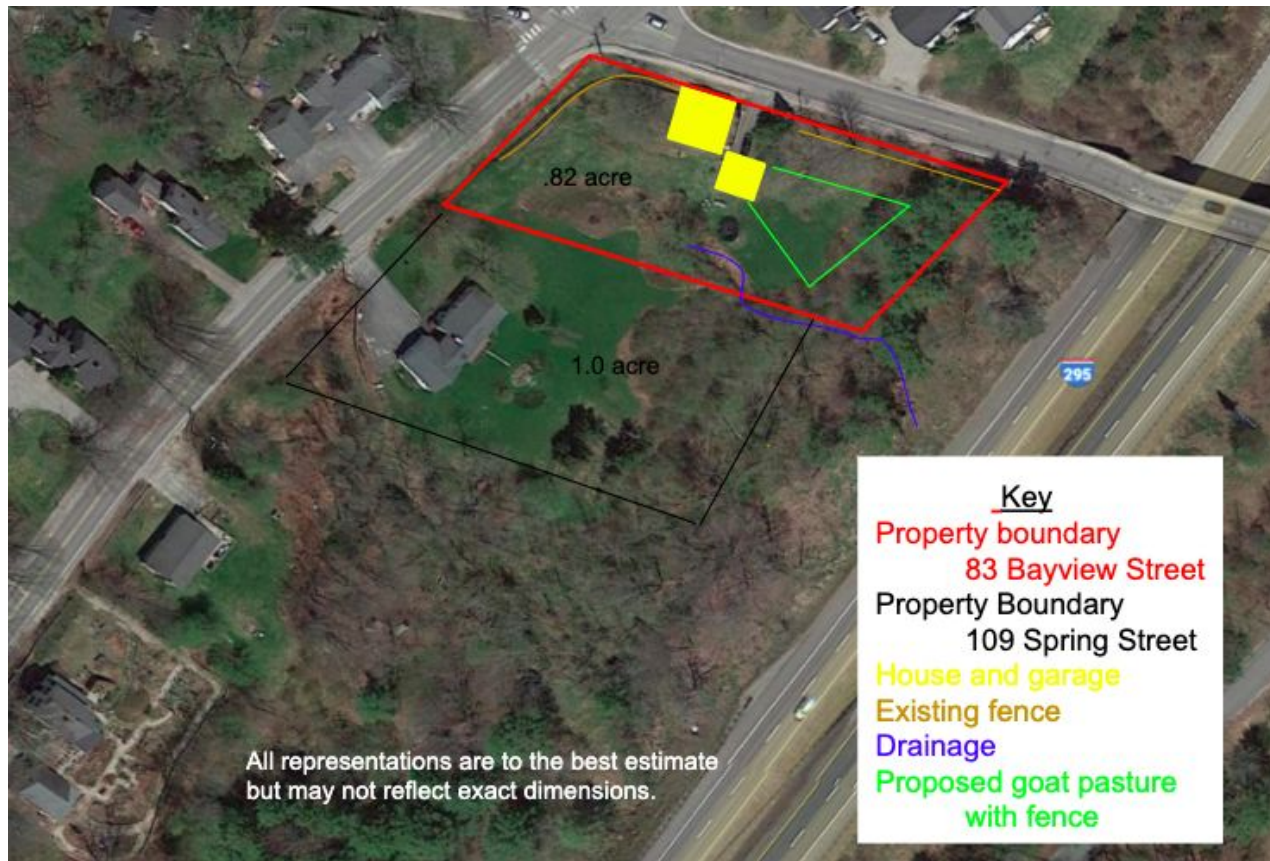
39

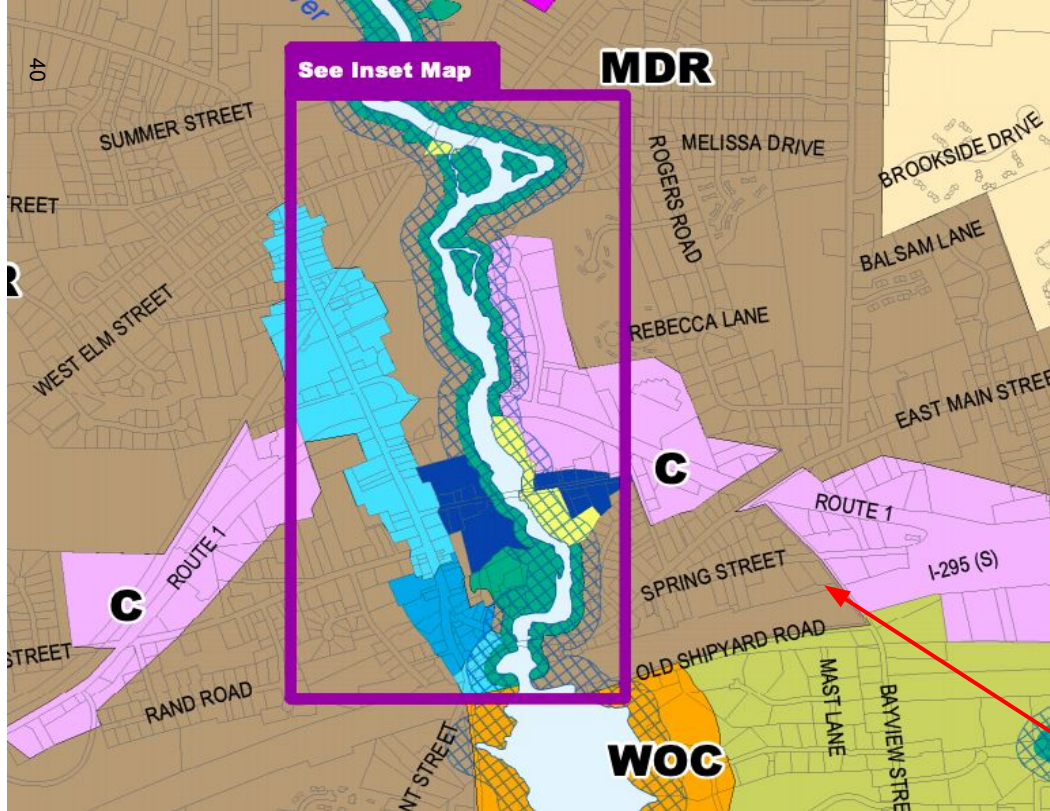
83 Bayview Street .82 acres

109 Spring Street
1.0 acres



Map 34 Yarmouth Tax Map





Edge of MDR zone

83 Bayview Street is right at the edge of the MDR zone.

Noise considerations

- neighbors are away from where the pasture will be.
- highway noise drowns out all other noise.

Goat accommodations

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Stall

Due to the small size of Nigerian Dwarf Goats, 2 goats could live in an oversized dog kennel. We plan to make a stall for them in our existing garage. We do not currently use the garage for our car.

Pasture

We plan to create a goat pasture on the side of our property closest to I295. Nigerian Dwarf Goats need about 10'x13' or romping space per goat so we would make a fenced in area that is at least 260 square feet, with fencing that is at a minimum 4' high. This would connect to the garage so that they can get from their stall to their pasture easily.



<http://homesteadroots.blogspot.com/2010/04/our-backyard-goat-barn.html>



<https://www.betterhensandgardens.com/new-stronger-and-configurable-goat-pens/>



Plan for Manure

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Composting

Goat manure is naturally dry, doesn't attract insects, and almost odorless. Goat pellets can be put directly onto soil and do not burn the leaves of plants like cow or horse manure does. The small goat pellets allow oxygen to penetrate into the compost heap, making the heap compost faster.

We plan to build a compost bin to process the goat manure. We currently use Garbage to Garden to compost our kitchen scraps and typically have about 4 gallons of kitchen waste to compost. We plan to cancel our Garbage to Garden subscription so that we can compost the goat pellets with our kitchen scraps.



<https://www.michaelfickess.com/homestead/how-to-build-a-compost-bin-out-of-pallets>

Other Information

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We are on the waitlist for two Nigerian Dwarf Goats from Sunflower Farm Creamery, Cumberland.

Hope and Chris Hall of Sunflower Farm Creamery are willing to give a testimonial about the low ecological impact of goats, or to answer any other questions.

My daughter, Sophie, has done her 7th grade 10% Time Project about Nigerian Dwarf Goats. She has extensively researched them and has wanted to have some as pets for years.



6:10

Questions?

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Thank you for your time.