
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:

The applicant has met the finding of fact with the present design and location of compost structure, fencing and equipment storage. The structures meet setbacks and drainage in the area is sufficient.

Findings and conclusion moved by Tom Marjerison, seconded by Phil Ahrens, and voted 5 in favor, 0 opposed, Vote conducted by roll call.

- 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:

The applicant has met the finding of fact with the proposed fence height at 4' which is a reasonable height based on research of how high Nigerian Dwarf Goats can jump.

Findings and conclusion moved by Sam Carter, seconded by Tom Marjerison, and voted 5 in favor, 0 opposed, Vote conducted by roll call.

- 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:

The two neutered male goats will be kept as pets, will be fenced in and will not create unreasonable noise.

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

Findings of Fact:

The applicant has met the finding of fact by meeting Special Exception I. There will be no runoff from manure and there is no stream on the property.

Findings and conclusion moved by Craig Wolf, seconded by Phil Ahrens, and voted 5 in favor, 0 opposed, Vote conducted by roll call.

- 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:

The applicant has met the finding of fact by considering the goats as pets which will grow to be the size of 2 large dogs. Their property is bordered on 3 sides by I-295, Spring St. and Bayview St. The one direct abutter is in favor of the application.

Findings and conclusion moved by Tom Marjerison, seconded by Craig Wolf, and voted 5 in favor, 0 opposed, Vote conducted by roll call.

- 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:

Property not located in Resource Protection or Shoreland Zone.

- 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:

The applicant has met the finding of fact by providing her deed to the property.

Findings and conclusion moved by Tom Marjerison, seconded by Phil Ahrens, and voted 5 in favor, 0 opposed, Vote conducted by roll call.

- 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:

The applicant has met the finding of fact with their thorough research of their obligations and responsibilities.

Findings and conclusion moved by Sam Carter, seconded by Tom Marjerison, and voted 5 in favor, 0 opposed, Vote conducted by roll call.

- (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:

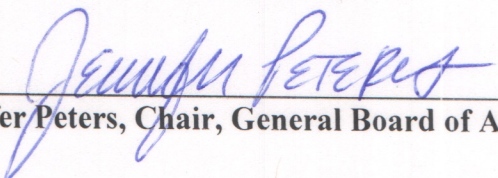
1. Approval of Variations from Plans: The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant, testimony during the public hearing, and the administrative record. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
2. Town staff to review and approve the pasture fence and compost structure before installation.

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** achieve the spirit and intent of the MDR, and therefore **approves** Special Exception application for Marielle Scammell owner of property at 83 Bayview Street, Map 34 Lot 09.

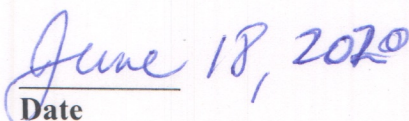
Findings and conclusion moved by Tom Marjerison, seconded by Phil Ahrens, and voted 5 in favor, 0 opposed, Vote conducted by roll call.

Voted by the Town of Yarmouth General Board of Appeals on June 1, 2020

Signed by:



Jennifer Peters, Chair, General Board of Appeals



Date