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December 13, 2023

Wendi Holden, Chair  
Planning Board  
Town of Yarmouth  
200 Main Street  
Yarmouth, ME 04096

Re: Minor Site Plan and Shoreland Application of Sea Meadow Marine Foundation:  
Response to Abutter Comments

Dear Chair Holden and members of the Planning Board:

I am writing in advance of the Planning Board's (Board) consideration of the bulkhead repair/reinforcement applications of Sea Meadow Marine Foundation (SMMF), to provide a response to comments submitted to the Board by Brandon Mazer, on behalf of Michael Mastronadi and Cousins River Marsh, LLC, an abutter to SMMF ("Abutter"). The Abutter's letter to the Board is dated December 12, 2023. Our comments are intended for inclusion in the Board's consideration of the application at its meeting this evening.

While the Abutter letter describes several unfounded concerns regarding the application, the letter also makes statements unrelated to the application that are without merit and should not distract the Board from its review. For instance, the Abutter casually describes that there has been an expansion of the commercial use of the property since SMMF acquired the property. To the contrary, the property has functioned as a 7-day per week commercial facility for many decades, and apparently long before the development of the Abutter's property. No expansion of the use is proposed in the applications before the Board.

Additionally, the Abutter comments on the transportation of construction equipment to the property over the private road and boldly suggests that the Board should require that SMMF fund road repair costs as part of its approval of the application. The private road accessing the property has been constructed to serve the commercial facility for many decades. Construction and other large service vehicles have successfully utilized the private road for many years without causing damage, and this project will be no different. The Abutter has made other attempts to force SMMF and their predecessors to repair and maintain the road, rather than having it function as a sharing of that responsibility by all lot owners on the road. The Abutter's comment and request is unrelated to the matter before the Board.

Regarding the Abutter's allegation that the SMMF applications is incomplete, this should be dismissed by the Board, with one exception. Our application acknowledges that the proposed

project will be conducted in two phases, largely driven by the financial capacity of SMMF. We have demonstrated that SMMF presently has funds to construct the first phase of the project, reinforcement of the primary face of the bulkhead, and this is not disputed. This portion of the structure is most vulnerable and at risk of failure, and constructing this phase of the project will substantially stabilize the overall structure. Phase 2 of the project will reinforce the lateral portions of the structure and that construction will occur once funding is secured. While the second phase is also necessary, it will not be as immediately critical once the primary face of the structure has been reinforced.

The Town's Staff Report to the Board regarding this project, dated December 7, 2023, recommends a condition of approval to address financial capacity for the second phase of the project. The proposed condition reasonably requires SMMF to submit evidence of sufficient funds to Town staff prior to initiating construction of phase 2. We agree with this condition and we feel that it should adequately address the Abutter's concern regarding financial capacity for the second phase of the project.

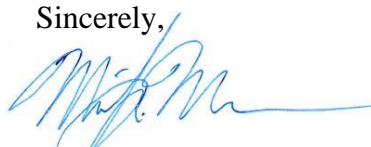
Otherwise, the Abutter raises concern regarding the plans submitted with the applications. We have provided a scaled survey plan in the applications. We have also provided plans depicting the proposed project detail that include relevant dimensions. When specific dimensions are provided for such a project, no additional measurement scale bar is necessary on the plans as the dimensions are explicit. Additionally, a grading plan is not applicable for this project as the proposed grading of the area will be unchanged. The project is intended to repair and reinforce the existing bulkhead structure and return the grade to the existing condition.

Also, the Abutter cites an unrelated ordinance provision (Ch. 701, Art.II, §R.3.j), suggesting that the Board should require construction of the project to occur via a barge. The section cited relates exclusively to alternative construction access when vegetation removal for a shoreline stabilization project is proposed along a naturally vegetated shoreline, which is not the case here. The provision cited was misrepresented and does not apply to this project.

Finally, construction of the proposed project is generally expected to occur during normal construction hours (7:00 a.m. to 5:00 p.m.) and certain components of the project will be restricted to mid- to lower tide cycles. While SMMF does not anticipate construction will occur outside of normal construction hours, restricting construction to 'banker's hours' as suggested by the Abutter is unreasonable and inflexible.

We hope that the above information will prove helpful to the Board in its review of the SMMF applications. I look forward to meeting with you this evening.

Sincerely,



Mike Morse

Cc: Sea Meadow Marine Foundation