



TOWN OF YARMOUTH
200 Main Street, Yarmouth, Maine 04096
www.yarmouth.me.us

**PLANNING BOARD REPORT
YARMOUTH, MAINE**

111 Madeleine Point Road, Yarmouth, Maine
Shoreland Zone Permit
Chapter 701 Article IV. Section R.
Andrea and Peter Cooper, Applicants
Map 53 Lot 21; LDR/SOD/RP

Prepared by: Erin Zwirko, Director of Planning & Development
Report Date: June 22, 2023; Planning Board Meeting: June 28, 2023

I. INTRODUCTION

The applicants, Andrea and Peter Cooper, propose to demolish a seasonal cottage and build a year-round single-family residence at 111 Madeleine Point Road (Map 53 Lot 21). The property is located in the Low-Density Residential district (LDR), the Shoreland Overlay District (SOD), and the Resource Protection District (RP). The lot is non-conforming at 0.53 acres in the LDR zone, which has a 2-acre minimum lot size, with approximately 427 feet of ocean frontage, which is significantly more than the 150 ft minimum shore frontage for a Tidal Area.



Aerial Photo of Project Area; Site Identified with a Star

The property is entirely located within the 250-foot shoreland zone and the existing structure is within the 75-foot setback from Casco Bay. The entire lot is designated as having an unstable coastal bluff at the shoreline. Pursuant to the Town's Zoning Ordinance (Ch. 701, Art. IV.R.7.c(1)(c.)), the 75 foot shoreland setback should be measured from the top of the adjacent Coastal Bluff when identified as "highly unstable" or "unstable." At its closest, the existing structure is located 32 feet 8 inches from the top of bank. The existing structure is therefore considered non-conforming. The proposed structure is not located any closer to the top of bank.

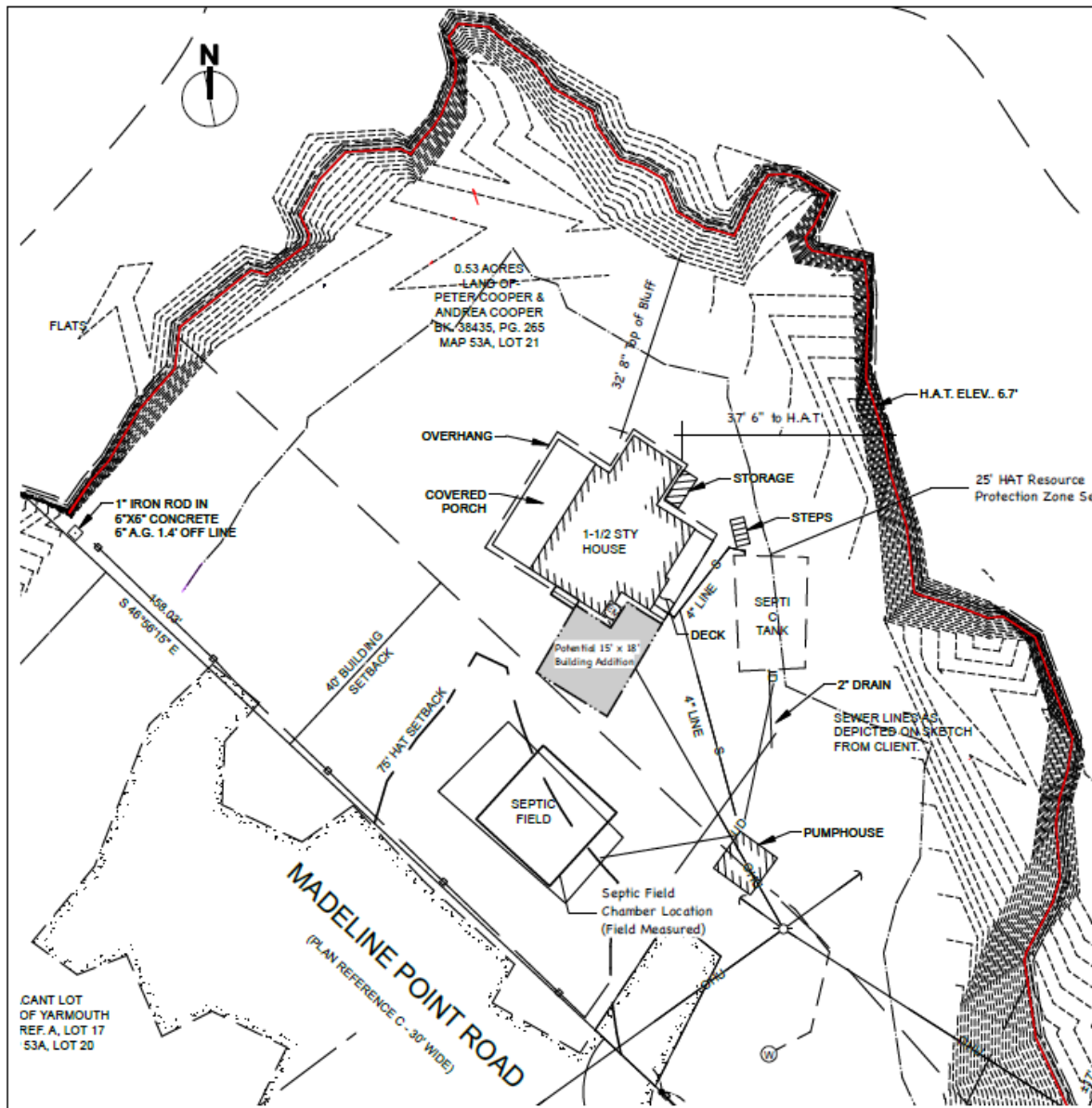


Coastal Bluff Delineation over Aerial Photo; Yellow is Unstable Coastal Bluff, Green is Stable Coastal Bluff

The applicants and project team have had numerous meetings with the Code Enforcement Officer to discuss the project goals and the limitations of the site. Due to the constraints of the existing structure, the proposal is to replace the existing seasonal structure with a year-round structure. The current setbacks from the shoreline in addition to the zoning setbacks of 40 feet from Madeleine Point Road and the required setbacks from the existing septic system result in a very small building envelope. As such, the proposed structure will be located within the footprint of the existing structure, with a first-floor bedroom addition located to the south of the proposed structure outside of the 40-foot zoning setback. The existing architectural style will be used, with expanded second floor dormers, and the proposed structure will match the height of the existing structure at 17 feet 6 inches.

The footprint of the existing structure is 902 square feet. The footprint of the proposed structure is 1,172 square feet. The ordinance allows for an expansion of 1,000 square feet or 30 percent, whichever is greater, and the proposed expansion is 29%.

The lot complies with the lot coverage requirements. Pursuant to Ch. 701, Article IV.R.7.c(4), *"With the exception of General Development Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds, and Commercial Fisheries/Maritime Activities Districts, nonvegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone."* The overall impervious area coverage increases from 5.6% to 6.8%



Site Conditions Table

Lot Size: .53 acres/ 23,086 sf

Impervious Area Calculations

Driveway	332 sf
Pumphouse	68 sf
House	902 sf
	1,302 sf

Maximum Impervious Area 20% 4,617 sf

Allowable Additional Impervious Area 3,315 sf

Building Expansion (footprint 970 sf): For structures located less than 75' from normal high-water line. The maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 sf or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

Maximum size of an expansion: 291 sf (approx.) (16' x 18')

Coastal Bluff Setbacks:

32' 8" Closet Point to Top of Bluff

Andrea and Peter Cooper

111 Madeline Point Road
Yarmouth, Maine 04096

Conceptual Maximum Development

Site Plan

Scale: 1" = 20'

May 12, 2023

Barry J. Hosmer - Landscape Architect

Site Plan



① 3D - SOUTH WEST



⑤ 3D - SOUTH EAST



② 3D - NORTH EAST



③ 3D - NORTH WEST

Proposed Elevations

To support the proposed construction, two hazard trees have already been removed and two additional trees will be removed. The site contains a mix of coniferous and deciduous trees with approximately 76 trees at 4 inches dbh or greater resulting in a total basal area of 849 inches. The total basal area of trees removed is approximately 47 inches or 5.5% of the total basal area. Forty percent clearing over a ten-year period is allowed by ordinance, and the proposed tree removal is within that limit. The total cleared area before construction is 4,390 square feet; after construction it will be 4,580 square feet.

II. REQUIRED REVIEWS

<i>Applicant's Proposal</i>	<i>Applicable Standards</i>
Newly constructed and expanded non-conforming Single-Family Residence	Shoreland Overlay District Permit Review Chapter 701 Article IV.R.5.a.(1).c.i, Expansion
Removal and rebuilding of an existing residence, resulting in a removal of greater than 50% of the market value of the structure prior to the rebuilding.	Shoreland Overlay District Permit Review, Chapter 701 Article IV. R. a (3) and (4) Reconstruction or Replacement, Relocation Assessment

Nine notices were sent to property owners within 500 feet of the subject parcel. A notice also appeared in the June 22, 2023 edition of *The Forecaster*. No written comments were received from the public as of this writing.

III. PROJECT DATA

<i>SUBJECT</i>	<i>DATA</i>
Existing Zoning	LDR/Shoreland Overlay District
Existing Use	Seasonal Single Family Residence
Proposed Use	Year-round Single Family Residence
Parcel Size	0.53 acres
Property shoreline	427 feet
Estimated cost of the project	\$397,000

Uses in Vicinity: Permanent and seasonal Single-Family Homes; Town facilities at Madeleine Point

IV. PROPOSED DEVELOPMENT

As a nonconforming structure, the development is subject to the requirements of Shoreland regulations including Chapter 701, Zoning, Article IV.R.5.a.(1).c.i, which allows such structures to be expanded to 1,000 sf or 30% larger than the footprint that existed as of January 1, 1989, and up to a height of 20 feet or the height of the existing structure, whichever is greater. The existing seasonal structure was built in 1920s and has a footprint of 970 square feet. The current impervious coverage is 1,302 square feet or 5.6%. The proposed year-round structure will have a footprint of 1,172 square feet, and expansion of 29%. The impervious coverage increases to 6.8%. The height of the proposed structure will match that of the existing structure at 17 feet 6 inches.

Additionally, Chapter 701, Article IV.R.a.(3) and (4) requires replacement of nonconforming structures that exceed 50% of the value of the existing structure to demonstrate that the new structure has been relocated to meet required setbacks to the greatest practical extent. Replacement structures cannot reduce setbacks from the water below the existing nonconforming distance from the water, although expansion that equals the nonconforming setback is allowed. In this case, the existing structure is nonconforming to setbacks nearly entirely, so the new structure cannot be closer to the water than the closest legally existing portion of the existing structure on either side. The proposed structure will be located within the footprint of the existing structure and will not be any closer to the water than it is now at 32 feet 8 inches to the top of bank. The expansion is located away from the water to the south and does not encroach on the 40-foot zoning setback.

The existing septic system and private well will be reused.

V. PUBLIC COMMENT

No public comments have been received to date.

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

a. Right, Title, and Interest

Although the applicant did not provide their deed to the property, it was obtained in the Registry at Book 38435 Page 265.

b. Financial and Technical Capacity

The estimated cost of the project is \$397,000. The application materials did not identify a contractor.

VII. ZONING ASSESSMENT

Shoreland Zoning Chapter 701 Article IV.R.5.a.(1).c.i, Expansion

(1) Expansion

All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream or ARTICLE IV CHAPTER 701 wetland setback requirement contained in Article IV R. 7 (c) (1) . A non-conforming Structure may be added to or expanded after obtaining a permit from the Permitting Authority, if the standards of this subsection are met, and if such Addition or expansion does not increase the non-conformity of the Structure.

(a.) Expansion of any portion of a structure within 25 ft of the normal high-water line of a water body, tributary stream or upland edge of a wetland is prohibited, even if the expansion will not increase non-conformity with the water body, tributary stream, or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.

Staff Comment: The existing structure is not located within 25 feet from the top of bank. This standard is not applicable.

(b.) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 ft from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Article IV.R, 5 (a).

Staff Comment: The existing structure is not entirely located within 25 feet from the top of bank. This standard is not applicable.

(c.) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Article IV .R. 5 (a) or Article IV. R. 5.(a) (1), above.

(i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

Staff Comment: The proposed structure will be located within the footprint of the existing structure, with a first-floor bedroom addition located to the south of the proposed structure outside of the 40-foot zoning setback. The existing architectural style will be used, with expanded second floor dormers, and the proposed structure will match the height of the existing structure at 17 feet 6 inches.

The footprint of the existing structure is 902 square feet. The footprint of the proposed structure is 1,172 square feet. The ordinance allows for an expansion of 1,000 square feet or 30 percent, whichever is greater, and the proposed expansion is 29%.

Shoreland Zoning Chapter 701 Article IV Section R.5.a(3), Relocation – Does Structure Meet Setback to the Greatest Practical Extent

(3.) Relocation

(a.) A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located, provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Permitting Authority, and that the relocation does not decrease the structure's setback from the Water Body, Tributary Stream, or Upland Edge of a Wetland.

Staff Comment: It appears that the proposed home meets all of the setback requirements to the greatest practical extent. The proposed structure will be constructed within the footprint of the existing structure maintaining the existing setbacks from the shoreline, with a first-floor bedroom addition located to the south of the proposed structure respecting the 40-foot zoning setback.

(b.) In determining whether the Structure relocation meets the setback requirements to the greatest practical extent the Permitting Authority shall consider:

i. the size of the lot;

Staff Comment: The lot is non-conforming for size per the LDR zoning requirements. The entirety of the lot is located within the Shoreland Overlay District, and only a small portion of the lot is located beyond the 75-foot setback from the top of bank. The proposed structure meets the zoning setbacks required but could not be placed outside of the 75-foot setback.

ii. the slope of the land;

Staff Comment: The property slopes toward the water and becomes quite steep at the top of the unstable coastal bank. The lot existing structure, driveway, and septic field are located on the flattest areas of the site with a slope ranging from 5 percent to 15 percent. The proposed structure will be constructed within the footprint of the existing structure.

iii. the potential for soil erosion;

Staff Comment: The proposed structure will be located within the footprint of the existing structure with a small expansion to the south. The current topography will be maintained and/or restored to existing grades after construction. During construction, a soil erosion berm or fence will be placed on all downhill sides of the site to prevent any soil erosion that might occur. The Town Engineer found the erosion and sedimentation control (ESC) plan to be adequate.

iv. the location of other structures on the property and on adjacent properties;

Staff Comment: A small pump house building also exists on the property and will remain.

- v. *the location of the septic system and other on-site soils suitable for septic systems, (provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules if a subsurface disposal system is being or is to be used;)*

Staff Comment: The property is served by a private septic system that was installed in 1996. The Town Engineer has requested that, as a condition of approval, the applicant have the existing system inspected by a licensed professional to ascertain its condition and suitability to serve the proposed structure. A report shall be submitted to the Town for review and approval prior to the issuance of a building permit.

- vi. *the physical condition and type of foundation present, if any;*

Staff Comment: The shallow piers that support the existing cottage will be removed. The proposed structure will have a frost wall/crawl space foundation under most of the structure. Frost walls with no crawl space will be constructed under the bedroom expansion and concrete piers will support the porches.

- vii. *and the type and amount of vegetation to be removed to accomplish the relocation.*

Staff Comment: To support the proposed construction, two hazard trees have already been removed and two additional trees will be removed. The site contains a mix of coniferous and deciduous trees with 76 trees at 4 inches dbh or greater resulting in a total basal area of 849 inches. The total basal area of trees removed is approximately 47 inches or 5.5% of the total basal area. Forty percent clearing over a ten-year period is allowed by ordinance, and the proposed tree removal is within that limit. The total cleared area before construction is 4,390 square feet; after construction it will be 4,580 square feet. The proposed project is in compliance with the ordinance.

In order to protect the existing trees that are not identified for removal, the applicant and their construction manager/contractor must install tree protection measures and maintain those in good condition. Although most of the existing trees are intended to be behind the erosion and sedimentation controls which create the perimeter of the work area, the applicant and their construction manager/contractor shall ensure that crane mats are utilized wherever heavy equipment is expected to operate near trees that will not be removed.

Shoreland Zoning Article IV Section R.5.a (4), Reconstruction or Replacement

(4.) Reconstruction or Replacement

(a.) Any non-conforming structure which is located less than the required setback from the Normal High-Water line of a Water Body, Tributary Stream or Upland Edge of a Wetland and which is wholly or partially removed, damaged or destroyed regardless of the cause, by more than 50% of the market value of the Structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit from the Planning Board is obtained within eighteen (18) months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with Article IV.R.5.a.(3) of this Ordinance. In no case shall a Structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement Structure is less than the required setback it shall not be any larger than the original Structure, except as allowed pursuant to Section IV.R.6.a(1) above, as determined by the non-conforming Footprint of the reconstructed or replaced Structure at its new location. If the total amount of Footprint of the original Structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed Structure shall be replaced or reconstructed at less than the setback requirement for a new Structure. When it is necessary to remove Vegetation in order to replace or reconstruct a Structure, Vegetation shall be replanted in accordance with section IV.R.5.a(3) of this Ordinance.

Staff Comment: The applicants and project team have had numerous meetings with the Code Enforcement Officer to discuss the project goals and the limitations of the site. Due to the constraints of the existing structure, the

proposal is to replace the existing seasonal structure with a year-round structure. The current setbacks from the shoreline in addition to the zoning setbacks of 40 feet from Madeleine Point Road and the required setbacks from the existing septic system result in a very small building envelope. As such, the proposed structure will be located within the footprint of the existing structure, with a first-floor bedroom addition located to the south of the proposed structure outside of the 40-foot zoning setback. The existing architectural style will be used, with expanded second floor dormers, and the proposed structure will match the height of the existing structure at 17 feet 6 inches.

The footprint of the existing structure is 902 square feet. The footprint of the proposed structure is 1,172 square feet. The ordinance allows for an expansion of 1,000 square feet or 30 percent, whichever is greater, and the proposed expansion is 29%.

The lot complies with the lot coverage requirements. Pursuant to Ch. 701, Article IV.R.7.c(4), "With the exception of General Development Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds, and Commercial Fisheries/Maritime Activities Districts, nonvegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone." The overall impervious area coverage increases from 5.6% to 6.8%

VIII. SHORELAND PERMIT REVIEW

If the Planning Board is the Permitting Authority, it shall hold a public hearing in accordance with Chapter 702 Article I.E. Notification, prior to the Planning Board rendering a decision the Permitting Authority shall consider the following criteria:

1. *Will maintain safe and healthful conditions;*

Staff Comment: The new home will maintain safe and healthful conditions and will be required to meet all building code requirements.

Because the new structure will require a sprinkler system, the proposed design will need to be reviewed by the State Fire Marshall.

2. *Will not result in water pollution, erosion, or sedimentation to surface waters;*

Staff Comment: Town Engineer Steve Johnson notes that the applicant has provided an adequate site-specific erosion and sedimentation control (ESC) plan for the project. All ESC BMPs must be installed prior to any disturbance of vegetation. This is recommended as a condition of approval.

3. *Will adequately provide for the disposal of all sewage and wastewater;*

Staff Comment: The Town Engineer has requested that, as a condition of approval, the applicant have the existing system inspected by a licensed professional to ascertain its condition and suitability to serve the proposed structure. A report shall be submitted to the Town for review and approval prior to the issuance of a building permit.

4. *Will not have an unreasonable adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;*

Staff Comment: No comments have been received from the Harbormaster on this application.

5. *Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters and other identified scenic resources;*

Staff Comment: There are no changes proposed to the landscape that would affect visual or actual points of access. The proposed development does not impact any existing easements.

6. *Will protect archaeological and historic resources as designated in the comprehensive plan;*

Staff Comment: The property is not within a local historic district, the demolition delay overlay zone, or specifically identified in the Comprehensive Plan or the Phase 1 Architectural Survey as being a future study area. A letter of no impact from Maine Historic Preservation Commission (MHPC) is recommended as a condition of approval.

7. *Will not adversely affect existing commercial, fishing, or maritime activities in the Commercial, WOC I, WOC III, GD, or Industrial Districts,*

Staff Comment: The project is not located in any of the districts listed above and will have no impact on existing commercial, fishing, or maritime activities located in such districts. However, the property is located adjacent to the Town's Madeleine Point facility. The applicant must coordinate with the Harbormaster to ensure that contractor parking does not interfere with the use and enjoyment of that Town-owned facility. A condition of approval contractor parking should be limited to the site and not along Madeleine Point Road.

8. *Will avoid problems associated with floodplain development and use, and*

Staff Comment: A portion of the parcel is located within the 100-Year Flood Plain, but the existing building improvements are not located within the Flood Plain area. The lowest floor of all buildings are elevated at least 1-foot above the 100-year flood level.

9. *Has been designed in conformance with the land use standards of the SOD.*

Staff Comment: The staff have no other comments and finds that the proposal is in conformance with the SOD standards.

IX. STAFF RECOMMENDATION

The staff recommend that the proposed project be approved. The applicant may have additional testimony presented at the hearing, which the Planning Board can consider in addition to the staff recommendation.

The applicant is also informed that the Town of Yarmouth posts a 23,000-pound weight limit for certain roads between February and April. Contractors will not be able to access the site with vehicles registered more than 23,000 pounds during this time. Permits are weather dependent, so the contractor is advised to plan accordingly.

X. PROPOSED MOTION

The following motions are recommended for the Planning Board:

- A. On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Staff Memo dated June 22, 2023 regarding the application of Andrea and Peter Cooper, Applicants, 111 Madeleine Point Road, Map 53 Lot 21, regarding Chapter 701 Article IV.R.a.(3) and (4), Reconstruction or Replacement, and Relocation Assessment, the Planning Board finds that the plan **[is / is not]** set back from the shore edge to the greatest practical extent according to the standards for relocation contained in Article IV.R.a(3), and **[is / is not]** approved as to location.

Such motion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.

(note members voting in opposition, abstained, recused, or absent, if any).

B. On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Staff Memo dated June 22, 2023 regarding the application of Andrea and Peter Cooper, Applicants, 111 Madeleine Point Road, Map 53 Lot 21, regarding Shoreland Permit Review Chapter 701 Article IV.R.11 a & b, the Planning Board finds that the plan **[is / is not]** in conformance with the standards for review of this section, and **[is / is not]** approved subject to the following conditions of approval:

1. Prior to the issuance of a building permit, the applicant shall submit a letter of no impact from the Maine Historic Preservation Commission.
2. The applicant shall have the existing system inspected by a licensed professional to ascertain its condition and suitability to serve the proposed structure. A report shall be submitted to the Town for review and approval prior to the issuance of a building permit.
3. The applicant shall comply with the requirements of the Fire Chief as outlined in his memorandum dated June 1, 2023.
4. All erosion and sedimentation controls (ESC) best management practices (BMPs) shall be installed prior to the disturbance of site soils and vegetation. This includes preventing any track out from the site into the public right-of-way. During construction, the applicant and their construction manager/contractor shall perform the required inspections and enforcement of the ESC plan per MDEP requirements, including weekly inspections and documentation of all inspection work. In addition, the Town will be performing site inspections and will be reviewing the inspection records per the Town's NPDES MS4 General Permit.
5. Tree protection measures shall be installed prior to the disturbance of site soils and vegetation. During construction, the applicant and their construction manager/contractor shall ensure that tree protection measures are maintained in good condition. The use of machinery, heavy foot traffic, storage of building materials, washing equipment, use of chemicals, and similar hazards should be avoided. The applicant and their construction manager/contractor shall ensure that crane mats are utilized wherever heavy equipment is expected to operate near the existing and protected trees.
6. The applicant and their construction manager/contractor are prohibited from blocking and/or parking on Madeleine Point Road and within the Madeleine Point parking lot during site preparation and construction. The applicant and their construction manager/contractor shall limit parking to the project site or identify other arrangements to accommodate vehicles during site preparation and construction.

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

Attachments:

1. Steven Johnson, Town Engineer, Memo dated 6/12/2023
2. Mike Robitaille, Fire Chief, Memo dated 6/1/2023
3. Tree Advisory Committee Memo dated 6/16/2023

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, P.E., Town Engineer
DATE: June 12, 2023
RE: Shoreland Zone Review Application: 111 Madeleine Point Road

Nick:

I have reviewed the subject application submitted by Barry Hosmer, ASLA, of Barry J. Hosmer Landscape Architect on behalf of Andrea and Peter Cooper for a proposed replacement of an existing structure on the parcel located at 111 Madeleine Point Road, Map 53, Lot 21, dated May 15, 2023. I have the following technical comments:

The applicant is proposing to demolish an existing cottage on the property and construct a two-story residential structure in its place. The existing structure is non-conforming, and the proposed structure will remain so and will be expanded by 270 Square Feet (SF) or 28%. The finish floor elevation of the basement crawl space for the proposed new structure will be one (1) foot higher than the 100-year flood elevation. The parcel is located in the Low Density Residential (LDR) zone.

I noticed in the application package that a deed reflecting the ownership of Entwistle's was provided for the Right, Title, and Interest portion of the submittal. A copy of the deed conveying the property to the Coopers should be submitted.

The applicant is proposing that the new structure will be served by an existing potable well and sub-surface wastewater disposal system. The wastewater system was re-constructed in 1996 and has been in service since. As a condition of approval, the applicant should have the existing system inspected by a licensed professional to ascertain its condition and suitability to serve the new structure as proposed. A report should be submitted to the Town for review and approval prior to the issuance of a building permit.

The applicant has submitted an acceptable erosion and sedimentation control (ESC) plan. Prior to the disturbance of soil on the site, the applicant shall ensure that all ESC BMP's have been installed per the MDEP standards and that they are maintained during construction and until the site is revegetated.

During construction activities, the applicant shall coordinate with the Yarmouth Harbor Master to ensure that construction vehicles and equipment do not impact the parking facilities at the Madeleine Point pier facility.

Please see me with questions.



MICHAEL ROBITAILLE
CHIEF OF DEPARTMENT

Town of Yarmouth,
Maine
Incorporated 1849
YARMOUTH FIRE RESCUE
178 NORTH ROAD (PO BOX 964)
YARMOUTH, MAINE 04096



BILL GODDARD
DEPUTY CHIEF

To: Erin Zwirko, Town Planner
From: Michael Robitaille, Fire Rescue Chief
Date: June 1, 2023
RE: 111 Madeline Point Road

I have reviewed the Application submitted by Barry J. Hosmer on behalf of Andrea and Peter Cooper for 111 Madeline Point Road. The following is required.

- Interconnect smoke detectors are required
- Carbon Monoxide detectors are required to be installed
- In accordance with Chapter 317 of the Yarmouth Ordinance, a sprinkler system, will be required to be installed. Plans are required to be submitted to the State Fire Marshalls Office for approval. This is noted on the designs.
- House numbers are required and must be visible from the road if within 50 feet of road. If the home is greater than 50 feet, the applicant will be required to have 4" numbers at the entryway of the road.
- All access roads leading to the residence will need to be maintained for a twenty foot width and a 13'-6" vertical clearance.

Yarmouth Tree Advisory Committee

TO: Planning Board Members
Erin Zwirko, Planning Director

COPY: Karyn MacNeill, Scott Couture, David Craig

DATE: June 16, 2023

FROM: Rebecca Rundquist, Chair
Michael Brandimarte, Aaron Kaufman, Susan Prescott, Stephen Ryan, Lisa Small,
Lisa Wilson

RE: Application for review: 233 US Route One and 111 Madeleine Point

The Yarmouth Tree Advisory Committee has reviewed the application for your meeting on 6/28/23 and has the following comments.

Regarding [233 US Route 1](#), this seems to be a significant improvement over the current conditions. We fully support the reduction in impervious surface, the addition of sidewalks and, most important, the street trees. The applicant referenced the credit union nearby as an example. We would suggest to the Landscape Architect that the street trees selected be native species from the preferred tree list that have a more full canopy, as opposed to the columnar form of those at the credit union.

As for the Madeleine Point application, the tree removal information is written in such a way that it's hard to know how many trees the applicant proposes to remove. We would request a complete tree inventory of the site and a clear statement identifying which trees must be taken down to accommodate the construction. In addition, a detailed plan to protect the trees that will remain on the site should be required.