



March 1, 2024

Adam Mitchell
531 Cousins Street
Yarmouth, ME 04096

Dear Mr. Mitchell:

On February 28, 2024, the Yarmouth Planning Board voted to approve the Shoreland Zoning Permit to demolish and rebuild the seasonal single-family structure at 53 Benjamin's Way with the following motions and votes:

Reconstruction or Replacement and Relocation Assessment

On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Staff Memos dated February 22 and February 28, 2024, regarding the application of Adam Mitchell, Applicant, 53 Benjamin's Way, Map 53 Lot 16, regarding Chapter 701 Article IV.R.a.(3) and (4), Reconstruction or Replacement, and Relocation Assessment, the Planning Board finds that the plan is 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 approved as to location.

Such motion moved by Matt Schumacher, seconded by Mary Lynn Engel, and voted 6 members in favor, 0 members opposed (Holden absent).

Shoreland Zoning Permit

On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Staff Memo dated February 22 and February 28, 2024, regarding the application of Adam Mitchell, Applicant, 53 Benjamin's Way, Map 53 Lot 16, regarding Shoreland Permit Review Chapter 701 Article IV.R.11 a & b, the Planning Board finds that the plan is in conformance with the standards for review of this section, and is approved subject to the following conditions of approval:

Such motion moved by Matt Schumacher, seconded by Mary Lynn Engel, and voted 6 members in favor, 0 members opposed (Holden absent).

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. Prior to the issuance of a building permit, the site plan shall be updated to include the extent of the Resource Protection District.

Erin Zwirko, AICP, LEED AP | Director of Planning & Development
207-846-2401 | ezwirko@yarmouth.me.us | yarmouth.me.us
200 Main Street, Yarmouth, ME 04096

3. Prior to the issuance of a building permit, the applicant shall submit a revegetation plan for the area where the existing steps and pathway are removed that will prevent further erosion in the Resource Protection District due to runoff from the new structures.
4. The applicant shall comply with the requirements of the Fire Chief as outlined in his memorandum dated February 12, 2024.
5. All erosion and sedimentation controls (ESC) best management practices (BMPs) shall be installed prior to the disturbance of site soils and vegetation. 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.
6. 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.
7. The applicant and their construction manager/contractor are prohibited from blocking and/or parking on Madeleine Point Road and Benjamin's Way 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.

Standard Conditions of Approval:

Please note the following standard conditions of approval and requirements for all approved site plans.

1. Develop Site According to Plan: The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority.
2. Separate Building Permits Are Required: This approval does not constitute approval of building plans, which must be reviewed and approved by Yarmouth Code Enforcement Officer.
3. Permit Expiration: The permit shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the date of issuance of the permit, the applicant shall have one additional year to complete the project at which time the permit shall expire.
4. Preconstruction Meeting: The Town representatives may require a preconstruction meeting with the contractor to review the approved plans and conditions of approval prior to start of construction. At least two weeks prior to the release of a building permit or start of site construction, a construction schedule shall be provided by the owner, agent, or contractor to the Town Engineer, Code Enforcement Officer Public Works Director and Director of Planning and Development detailing the construction schedule and critical aspects of the site work.
5. Landscaping: All required landscaping shall be guaranteed for a 2-year period.

We look forward to working with you. Please don't hesitate to contact me if you have any need to follow up on this approval.

Sincerely,



Erin Zwirko, AICP, LEED AP
Director of Planning & Development

CC:

Bruce Butler

Chair and Members of the Yarmouth Planning Board

Steven S. Johnson, Town Engineer

Erik S. Street, Director of Public Works

Karyn MacNeill, Community Services Director

Daniel Gallant, Police Chief

Michael Robitaille, Fire Chief

Scott LaFlamme, Assistant Town Manager/ Economic Development Director

Nicholas Ciarimboli, Code Enforcement Officer

File copy