

Erin Zwerko, Director of Planning and Development  
Town of Yarmouth  
200 Main Street  
Yarmouth, ME 04096

January 4, 2024

Re: Shoreland Zoning Permit Application for 53 Benjamin's Way

Dear Erin,

On behalf of my client, Adam Mitchell, I am pleased to submit the attached Shoreland Zoning Permit Application and associated materials for the property located at 53 Benjamin's Way on Cousins Island.

Along with this application, please find the application fee of \$250.00

Please contact me if you have any questions. I can be reached at 207-749-4321 or [bbutler@maine.rr.com](mailto:bbutler@maine.rr.com).

Best regards,

A handwritten signature in black ink, consisting of stylized, overlapping letters that appear to be "BBB".

Bruce B. Butler, AIA, LEEDAP  
By Design

Cc: Adam Mitchell  
Nicholas Ciarimboli

## **Project Description**

### **Site Features**

The property is identified on the Town of Yarmouth's Tap Map as Map 53, Lot 16. It is located in the Low-Density Residential Zone and the Shoreland Overlay District, fronting on Casco Bay. It is a nonconforming lot with regard to lot size (6,535 sq.ft.) and lot width (65 feet to +/- 73 feet).

### **Bluff Stability**

Summit Engineering conducted a site visit on June 2, 2023 to evaluate bluff stability. Their report finds the bluff to be stable. The lot will continue its use with a residential dwelling, a terrace area, shed building, septic system, proposed stair access to the dock, and gravel parking area. See attached Exhibit A.

### **Exterior Stair**

The proposed exterior stair has been permitted by the State of Maine Department of Environmental Protection, Permit-by-Rule, based on an application prepared by Fly Catcher. See attached Exhibit B.

### **Septic System**

The proposed septic system has been permitted by The Maine Department of Health and Human Services Division of Environmental Health - See attached HHE-200 as part of Exhibit C, and The Maine Center for Disease Control and Prevention – See attached HHE-204 as part of Exhibit C.

### **Non-vegetated Area**

The allowable non-vegetated area is 20 percent of the area within 75 feet of highest annual tide, or 1,211.29 square feet. The proposed non-vegetated area is 1,006.8468 square feet. See attached Survey, as part of Exhibit D. There is no planned tree removal.

### **Soil Erosion Control Plan**

Erosion control mulch will be used in any areas of soil disturbance. Upon completion of construction, the areas will be stabilized with vegetation and mulch in accordance with the Department's permanent soil stabilization BMP's published in the most recent version of the Maine Erosion and Sediment Control BMP's manual.

### **Structures**

Pursuant to the town's Zoning Ordinance, Chapter 701, Article IV, R.5.a(1) (c.), for structures located less than 75 feet for the normal high-water line, the owner has the option of either expanding the existing pre 1/1/89 footprint by 30 percent or 1,000 square feet whichever is larger. The maximum height of any structure may not be greater than 20 feet, measured at the downhill side, or the height of the existing structure, whichever is greater.

Given that 90 percent of the property is within the 75-foot setback, the owner has chosen to demolish the non-conforming camp, wood deck and shed, and old wood platform, and build a new structure that is no more non-conforming than the existing structure with regard to setback from the water, conforms to side and front setbacks, is less than 1,000 square feet, and no taller than 20 feet as measured from the downhill side. In addition to the dwelling, there is a new vegetated terrace, shed building, and reconfigured gravel parking area. The sum total of these structures is 997.982 square feet. See attached survey and proposed architectural plans and elevations as Exhibit D.

**Deeds**

See Exhibit E for warranty deed, dock shoreland zoning permit application, and holding tank deed.

**Existing Conditions**

See Exhibit F for photos of the existing camp, dock, and immediate surrounding areas.

# TOWN OF YARMOUTH

200 Main Street

Yarmouth, Maine 04096

(207)846-2401

WWW.YARMOUTH.ME.US

Fax: (207)846-2438

## SHORELAND ZONING PERMIT APPLICATION

PERMIT # \_\_\_\_\_ ISSUE DATE \_\_\_\_\_ FEE AMOUNT \_\_\_\_\_

Date: \_\_\_\_\_ Zoning District LDR/SOD Map 53 Lot 16 Ext \_\_\_\_\_

APPLICANT NAME: Adam Mitchell PHONE NO: 207-650-8249

MAILING ADDRESS: 531 Cousins Street e-mail acmitch10@yahoo.com

OWNER (other than applicant)

NAME: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ e-mail \_\_\_\_\_

CONTRACTOR

NAME: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ e-mail \_\_\_\_\_

PROPERTY LOCATION: 53 Benjamin's Way, Cousins Island

*Applicant must also include a narrative of the project including a description of all proposed construction, (E.G. Land clearing, road building, septic systems and wells – Please note: A site plan sketch is required on a separate sheet of paper no less than 11" x 17" or greater than 24"x36" See attached cover letter.*

**Please note: Plan set must be bound (not rolled) with a cover sheet and index.**

Proposed use of project: Replacement of a non-conforming residence with a new, no more non-conforming residence

Estimated cost of construction 100,000

Lot area (sq. ft.) 6,535

Frontage on Road (FT) 65'

SQ. FT. of lot to be covered by non-vegetated surfaces 1,006.8468

Elevation above 100 YR Flood Plain 16' - 4"

Frontage on water body (FT.) 73' +/-

Height of proposed structure 20'



Existing use of property Residential

Proposed use of property Residential

*Note: NEXT Questions apply only to expansions of portions of existing structures that are less than the required setback.*

- A) Total building footprint area of portion of structure that is less than required setback as of 1/1/89: NA SQ.FT.
- B) Actual shore setback of existing structure proposed for expansion (measured as required in SOD, e.g.: Highest Annual Tide; Upland Edge of Coastal Wetland; Top of Bank (RP); Normal High Water Line of rivers and streams; as applicable): NA
- C) Building footprint area of expansions of portion of structure that is less than required setback from 1/1/89 to present: NA SQ.FT.
- D) Building footprint area of proposed expansion of portion of structure that is less than required setback: NA SQ.FT.
- E) % Increase of building footprint of previous and proposed expansions of portion of structure that is less than required setback since 1/1/89: % increase =  $((C+D) \times 100) / A =$   
NA %
- F) Floor Area and Market Value of Structure prior to improvements: (a) Area: \_\_\_\_\_ Value: \_\_\_\_\_. Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) Area: \_\_\_\_\_ Value: \_\_\_\_\_. If the floor area or market value of (b) exceeds 50% of the area or value of (a), then the Relocation provisions of Article IV.R.5.a.(3) and (4) shall apply. **Note:** A value appraisal may be required or submitted in close cases where the applicant asserts that that 50% trigger and relocation assessment provision is not met. **Any plan revisions after initial approvals to replace rather than renovate building components (foundations, framing, etc.) shall be required to re-calculate the extent of removal, damage or destruction relative to retained structure.**
- ☒ Please provide a site plan to include lot lines, area to be cleared of trees and other vegetation; the exact position of proposed structures, including decks, porches, and out buildings with accurate setback distances from the shoreline, side and rear property lines; the location of proposed wells, septic systems, and driveways; and areas and amounts to be filled or graded. If the proposal is for the expansion of an existing structure, please distinguish between the existing structure and the proposed expansion. **See Attached Exhibit D. There is planned tree removal.**
- ☒ Note: For all projects involving filling, grading, or other soil disturbance you must provide a soil erosion control plan describing the measures to be taken to stabilize disturbed areas before, during and after construction. **See attached description in cover letter.**
- ☐ Draw a simple sketch showing both the existing and proposed structures with dimensions.

## SHORELAND ZONING PERMIT CHECKLIST

Please note that this checklist is intended to help applicants identify major submittal components but it is the applicant's responsibility to review the SOD/RP provisions outlined in Chapter 701 of the Yarmouth Code and provide all required information as well as conform to all design components. Copies of Chapter 701 are available at the Yarmouth Town Hall or can be downloaded on the Town website which is [www.yarmouth.me.us](http://www.yarmouth.me.us).

- ☒ Complete Shoreland Zoning Permit application including signatures of property owners and agents.
- ☒ Appropriate fee.
- ☒ Square footage of lot area within the 250' SOD
- ☒ Square footage and % of lot covered by non-vegetated surfaces within the SOD
- ☐ Square footage and % of cleared area within lot area within the SOD No buffer vegetation clearing
- ☒ Delineation of 75' setback from upland edge of the coastal wetland proposed
- ☐ Delineation of 250' SOD line from upland edge of the coastal wetland. N/A
- ☐ Delineation of Resource Protection District N/A
- ☒ Height of any proposed structures as measured between the mean original grade at the downhill side of the structure and the highest point of the structure
- ☒ Building elevations of any proposed structures as viewed from side and rear lot lines
- ☐ % Increase of expansions of portion of structure which is less than the required setback (if applicable) N/A
- ☐ Floor Area and Market Value of Structure prior to improvements: (a) Area: \_\_\_\_\_ Value: \_\_\_\_\_. Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) Area: \_\_\_\_\_ Value: \_\_\_\_\_.
- ☒ Elevation of lowest finished floor to 100 year flood elevation
- ☐ Evidence of submission of the application to the Maine Historic Preservation Commission (MHPC) at least twenty (20) days prior to the Planning Board meeting as required in Article IV.R.O
- ☒ Copy of additional permit(s) if applicable:
  - Planning Board (e.g. Subdivision, Site Plan Review)
  - Board of Appeals
  - Flood Hazard
  - Exterior plumbing permit (Approved HHE 200 Application Form)
  - Interior plumbing permit
  - DEP permit (Site Location, Natural Resources Protection Act)
  - Army Corps of Engineers Permit (e.g. Sec. 404 of Clean Waters Act)
- ☒ Please circle all habitat types, marine organisms and shoreline elements present:  
(Sand beach) (boulder/cobble beach) (sand flat) (mixed coarse & fines) (salt marsh)  
(ledge) (rocky shore) (mudflat) (sediment depth if known) (Bluff/bank) (Mussels) (clams)  
(marine worms) (rockweed) (eelgrass) (lobsters) (other \_\_\_\_\_)
- ☒ Signs of intertidal erosion? (Yes) (no)
- ☒ Energy: (protected) (semi-protected) (partially exposed) (exposed)
- ☒ Copy of deed & Copy of Holding Tank deed as Exhibit E
- ☒ Soil erosion control plan See attached description in cover letter.
- ☒ Photographs - See Exhibit F
- ☒ Plan view



NOTE: Applicant is advised to consult with the CEO and appropriate state and federal agencies to determine whether additional permits, approvals, and reviews are required.

## CONDITIONS OF APPROVAL


The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

I certify that all information given in this application is accurate. All proposed uses shall be in conformance with this application and the Town of Yarmouth Shoreland Regulations in the Zoning Ordinance. I agree to future inspections by the Code Enforcement Officer / Planning Director / Planning Board members (as applicable) at reasonable hours and with advance notice.

"I authorize appropriate staff within the Yarmouth Planning Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to collect facts pertaining to my application."

Applicant Signature 

Date 1/5/24

Agent Signature   
(if applicable)

Date 1/5/24

Code Enforcement Officer \_\_\_\_\_

DATE OF APPROVAL / DENIAL OF APPLICATION \_\_\_\_\_  
(by either staff or planning board)

June 2, 2023  
Summit #23139

Adam Mitchell  
531 Cousins Street  
Yarmouth, Maine 04096

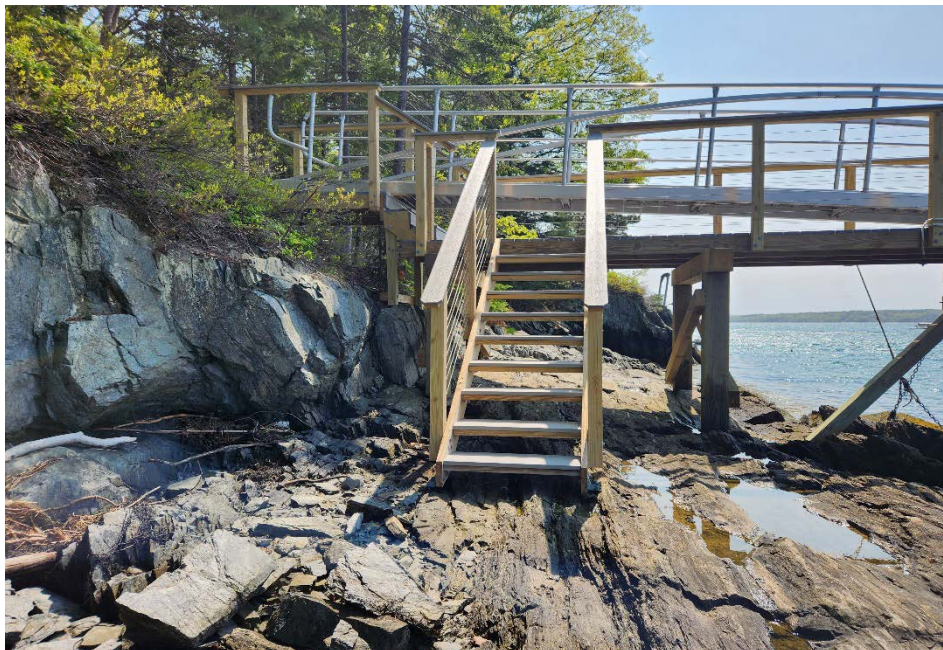
Reference: Geotechnical Engineering Services  
Bluff Stability – 53 Benjamins Way Yarmouth, Maine

Dear Mr. Mitchell;

Summit Geoengineering Services (SGS) has completed a site visit to evaluate bluff stability at your residence at 53 Benjamins Way in Yarmouth, Maine. This report summarizes our findings and evaluation for bluff stability.

### **Project Description**

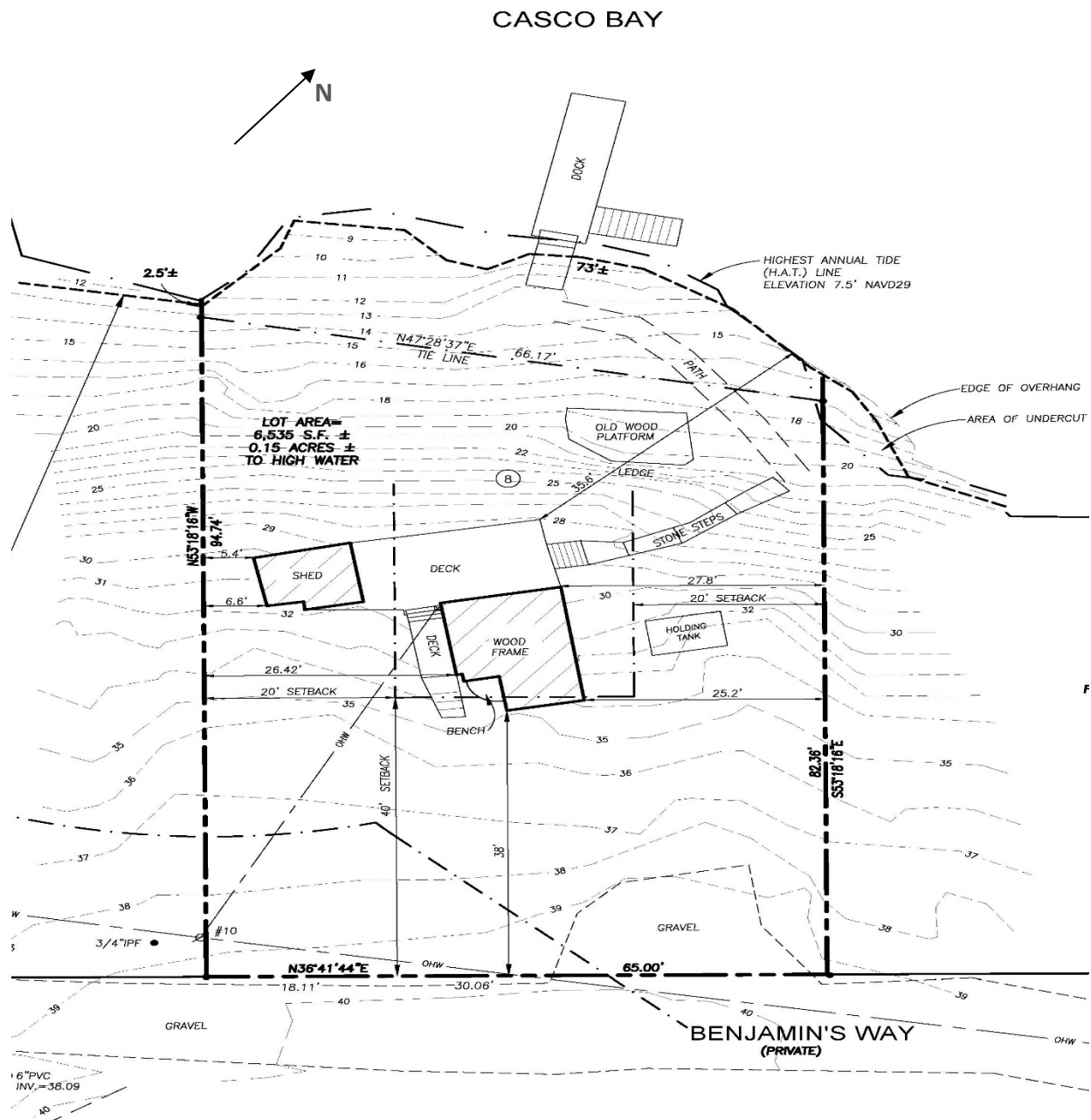
The site is comprised of a small timber framed camp located atop of a shoreline bluff. The site is located along the northern shoreline to Casco Bay at the southwest portion of Cousins Island. The lot is 0.15 acres in size with a lot width of approximately 65 ft. Length of the shoreline undulates to approximately 73 ft consisting of exposed bedrock. At the request of Adam Mitchell, SGS observed the bluff on May 19, 2023 to visually inspect conditions to prepared this report summarizing our findings for evaluating bluff stability.



*Base of Bluff Showing Existing Timber Pier Upon Bedrock*

## Site Conditions

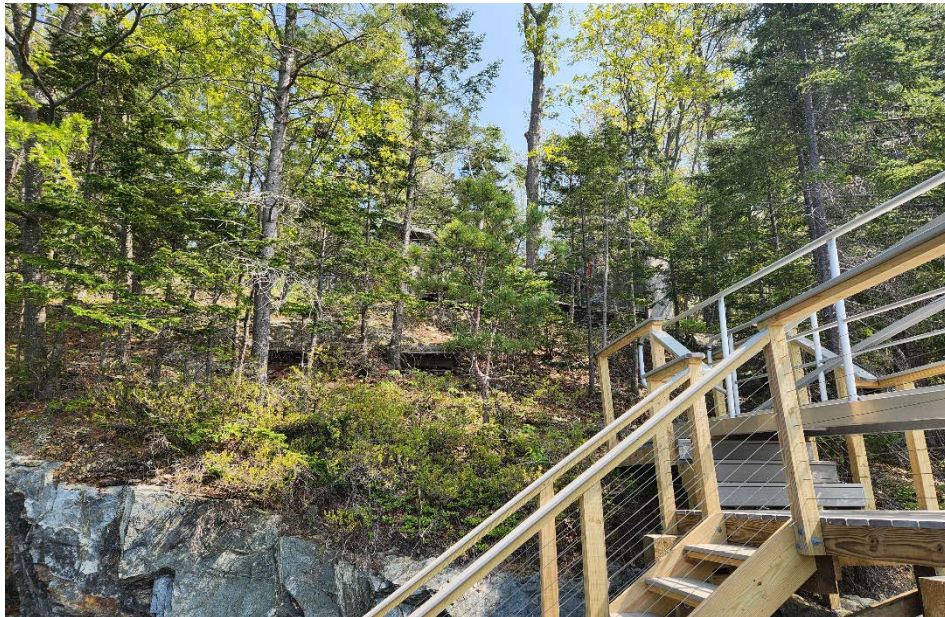
The shorefront consists of exposed bedrock with portion near vertical inclination as part of a rising bluff. The inclination of the bluff is approximately 2 horizontal to 1 vertical from above the tide level up to the existing wood-framed building. The inclination is 6 horizontal to 1 vertical from the building to the top of the site at Benjamins Way. Setback of the existing building (edge of deck) from the highest annual tide is approximately 35 feet. The slope is moderately wooded with predominate softwood, low brush, and widespread bedrock outcrops.







*View at Top of Bluff*



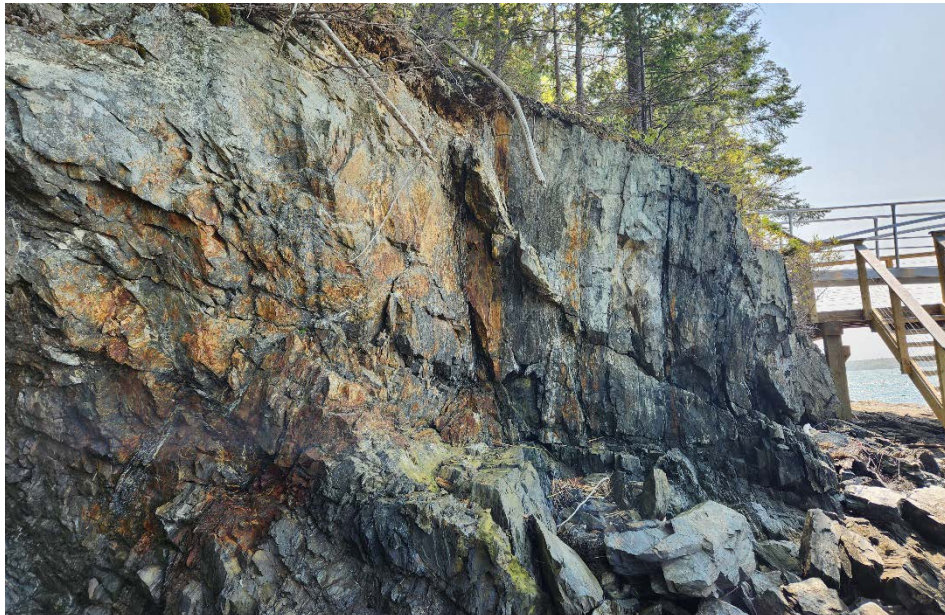
*View at Bottom of Bluff*

The portion of bluff below the high tide waterline is comprised of exposed bedrock with foliations at a range of shallow to steep bedding inclination. Locally portions of the bedrock are weathered and fractured, however globally the bedrock appears solid or intact. The shoreline to the east includes a portion of bedrock concaved inward with active undercut and an overhang as shown on topographic site plan. The undercut or overhand does not appear to extend into the site being evaluated for bluff stability. Bedrock outcrops within the slope appear competent and intact where present near the existing building.





*Bedrock at Bottom of Bluff Below High Tide Line*



*Bedrock at Bottom of Bluff Within High Tide Line*

### **Geological Mapping**

Mapping by the Maine Geological Survey suggests thin drift glacial till overlying shallow bedrock and appears consistent with the visual observations made. Bedrock is mapped as part of the Eliot Formation (Se) consisting of medium gray, fine grained, calcareous chlorite-muscovite-phyllite with light gray fine-grained non-calcareous granofels. The site is not mapped within an identified landside risk area. The site is mapped as an unstable ledge bluff.



### Summary of Findings

In summary, the bluff is considered susceptible to localized scour (erosion) by the lower bedrock within the waterline but otherwise stable for global stability based upon the following:

- Lower portion of bluff within tidal zone is comprised of bedrock, experiencing local weathering and fractures but otherwise competent in global stability relatively to stability of the existing residence building and overall bluff.
- Upper portion of the bluff appears relatively stable with vegetation established and widespread bedrock outcrops precluding the risk for larger landslide. Bedrock outcrops are also present near the foundation of the existing residence structure.



*Bedrock Supporting Existing Building*

To maintain a stable bluff, preservation of the vegetation and root structure is important to help maintain cohesive strength of the slope, particularly for shallow surface slumps of soil overlying bedrock. Monitoring of the bluff vegetation is recommended to help identify and prevent bluff instability or localized slumping. Monitoring of bedrock should also be performed to identify new or large cracks near the shoreline which might indicate locate instability of a larger section of bedrock which has not been identified or was present during this investigation.

Should significant weather such as large storms, flooding, rapid snow melt, and/or high winds occur the bluff should be visually inspected to observe potential changes in geometry, development of tension cracks or surface deformations, and/or loss of vegetation. If sizable changes are observed, the conditions should be inspected by a qualified engineer.



## Closure

Our evaluation is based on professional judgment and generally accepted principles of geotechnical engineering. Changes in the subsurface conditions from those presented in this report may occur over time or become newly discovered. Should subsurface conditions or project information differ materially from those described, SGS should be notified so that we can re-evaluate our assessment for global bluff stability.

We appreciate the opportunity to serve you during this phase of your project.

Sincerely yours,

**Summit Geoengineering Services**



Craig W. Coolidge, P.E.

Vice President

Principal Engineer



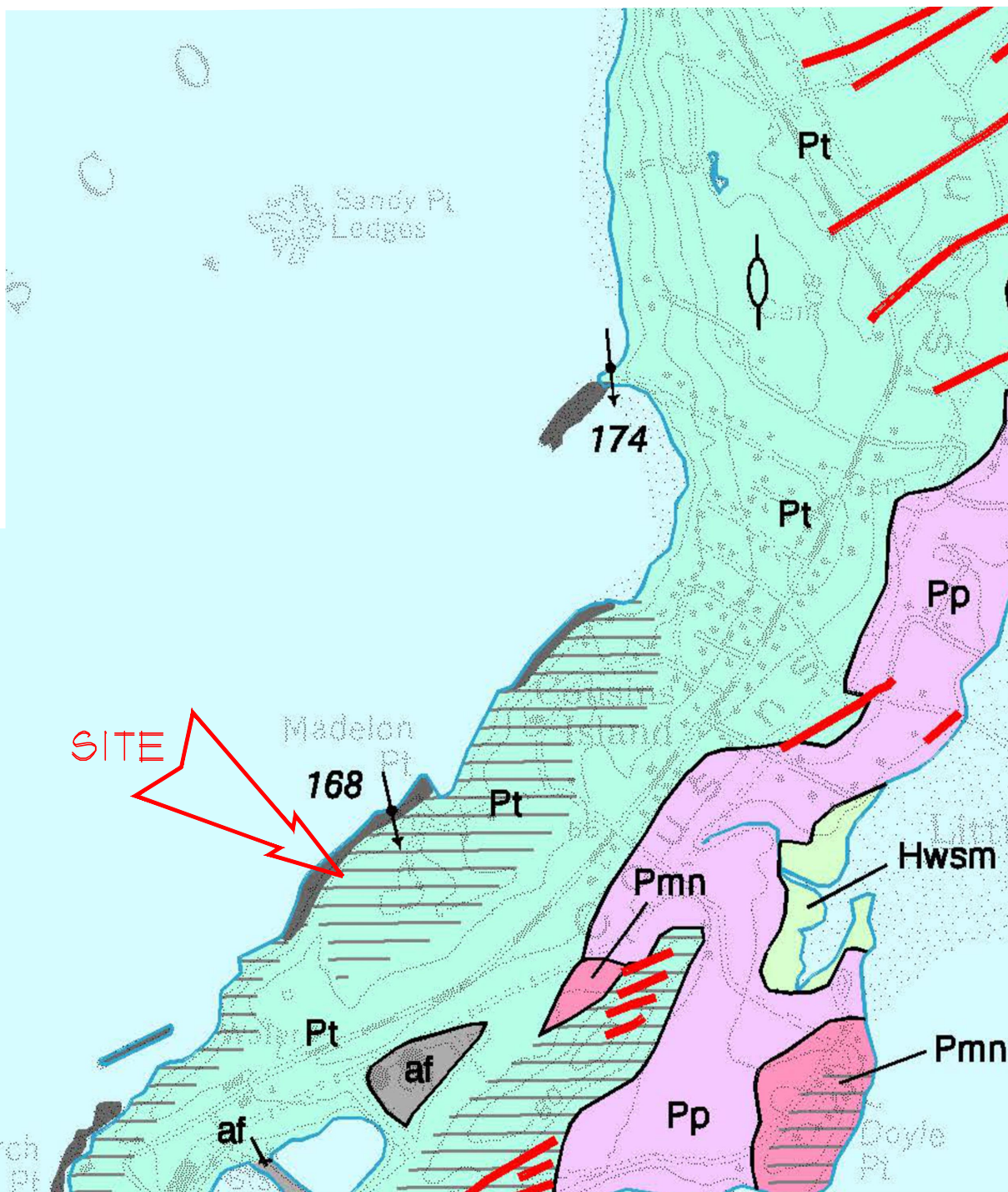
Attachments: GEOLOGY MAPPING

## LEGEND

- Pt** TILL, THIN DRIFT  
**af** ARTIFICIAL FILL

## MAP REFERENCE

SURFICIAL GEOLOGY, YARMOUTH  
 QUADRANGLE, DATED 1999, PREPARED  
 BY MAINE GEOLOGICAL SURVEY.



### SURFICIAL GEOLOGY MAP NEW RESIDENCE

53 BENJAMIN WAY - YARMOUTH, MAINE  
 PREPARED FOR  
**ADAM MITHCELL**

OFFICE: 210 MAINE AVENUE  
 FARMINGDALE, MAINE  
 TEL: (207) 446-3360

MAIL: P.O. BOX 515  
 GARDINER, ME 04345

**SUMMIT**  
 GEOENGINEERING SERVICES  
[www.summitgeoeng.com](http://www.summitgeoeng.com)

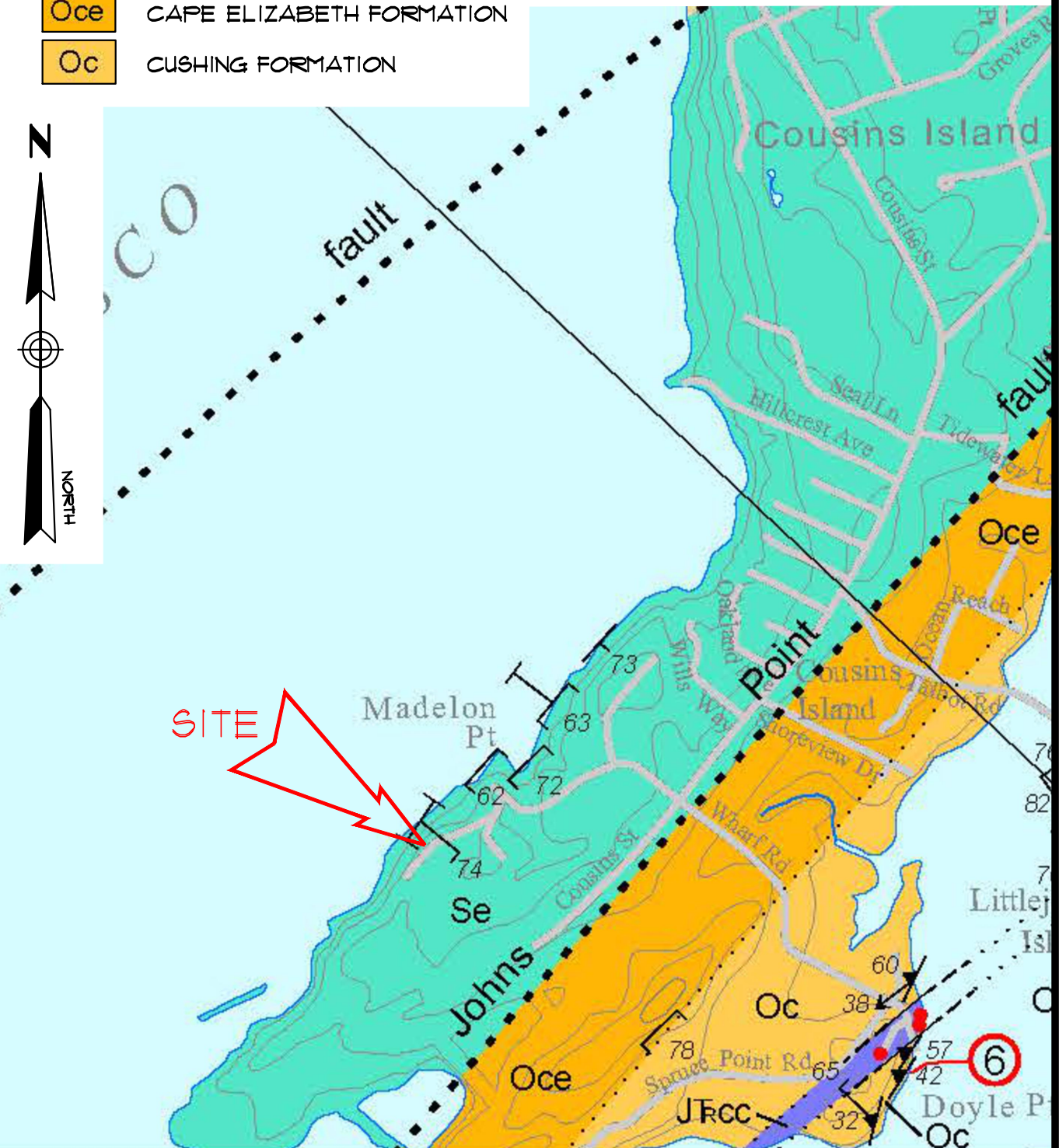
DATE: 5-24-2023	DRAWN BY: KRF	CHECKED BY: CWC
JOB: 23159	SCALE: 1" = 1000'	FILE: 23159 MAPS

## LEGEND

Se	ELIOT FORMATION
Oce	CAPE ELIZABETH FORMATION
Oc	CUSHING FORMATION

## PLAN REFERENCE

BEDROCK GEOLOGY OF THE YARMOUTH QUADRANGLE, DATED 2017, PREPARED BY MAINE GEOLOGICAL SURVEY.



### BEDROCK GEOLOGY MAP NEW RESIDENCE

53 BENJAMIN WAY - YARMOUTH, MAINE  
PREPARED FOR  
ADAM MITHCELL

OFFICE: 210 MAINE AVENUE  
FARMINGDALE, MAINE  
TEL: (207) 446-3360




MAIL: P.O. BOX 515  
GARDINER, ME 04345

**SUMMIT**  
GEOENGINEERING SERVICES  
www.summitgeoeng.com

DATE: 5-24-2023	DRAWN BY: KRF	CHECKED BY: CWC
JOB: 23159	SCALE: 1" = 1000'	FILE: 23159 MAPS



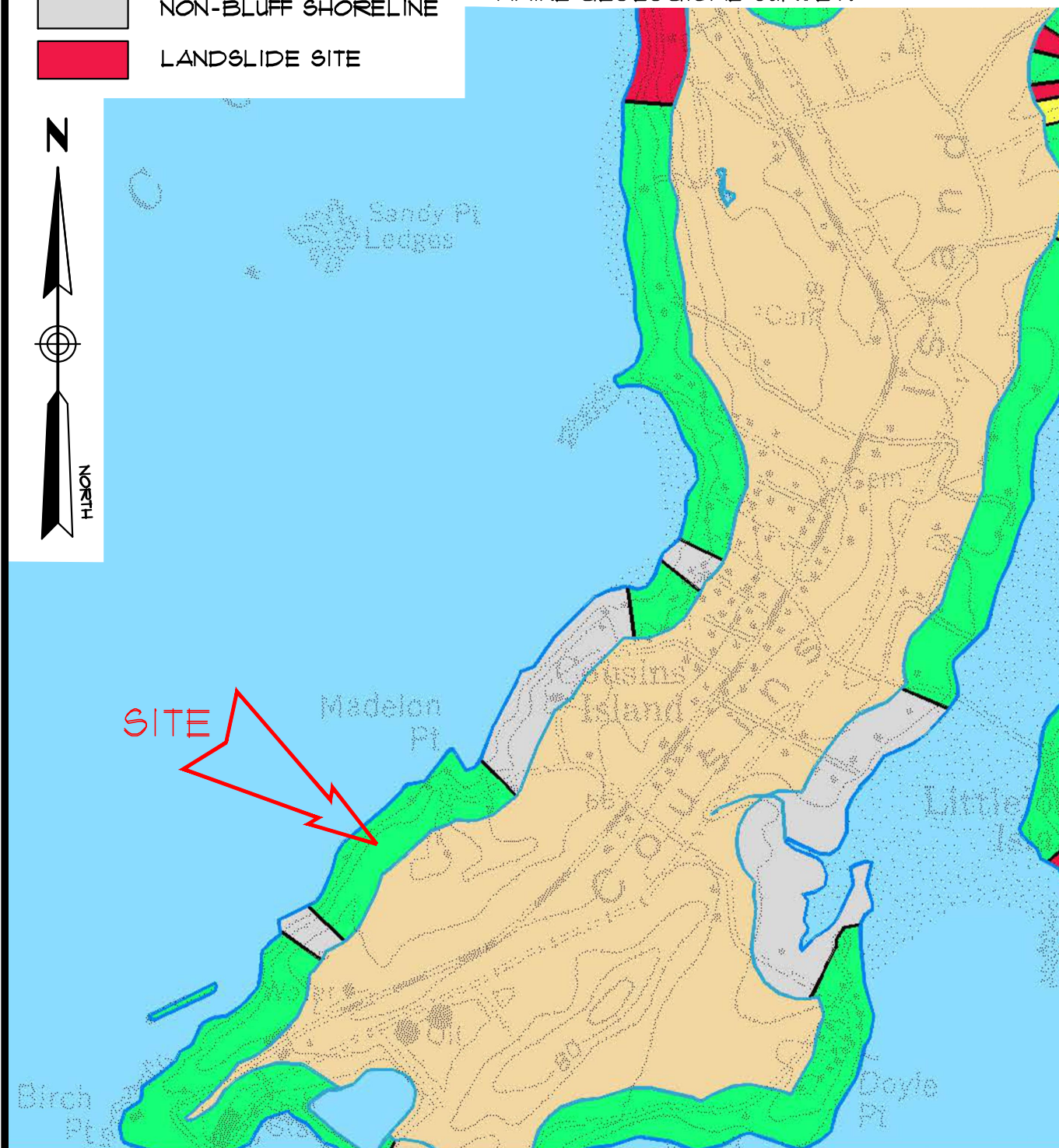
## LEGEND

-  LOW COASTAL BLUFF
-  NON-BLUFF SHORELINE
-  LANDSLIDE SITE



## PLAN REFERENCE

COASTAL LANDSLIDE HAZARDS, YARMOUTH  
QUADRANGLE, DATED 2001, PREPARED BY  
MAINE GEOLOGICAL SURVEY.



### COASTAL LANDSLIDE HAZARDS NEW RESIDENCE

53 BENJAMIN WAY - YARMOUTH, MAINE  
PREPARED FOR  
**ADAM MITHCELL**

OFFICE: 210 MAINE AVENUE  
FARMINGDALE, MAINE  
TEL.: (207) 446-3360

MAIL: P.O. BOX 515  
GARDINER, ME 04345

**SUMMIT**  
GEOENGINEERING SERVICES  
[www.summitgeoeng.com](http://www.summitgeoeng.com)

DATE: 5-24-2023	DRAWN BY: KRF	CHECKED BY: CWC
JOB: 23159	SCALE: 1" = 50'	FILE: 23159 MAPS

## LEGEND



UNSTABLE LEDGE



STABLE BEACH/FLAT

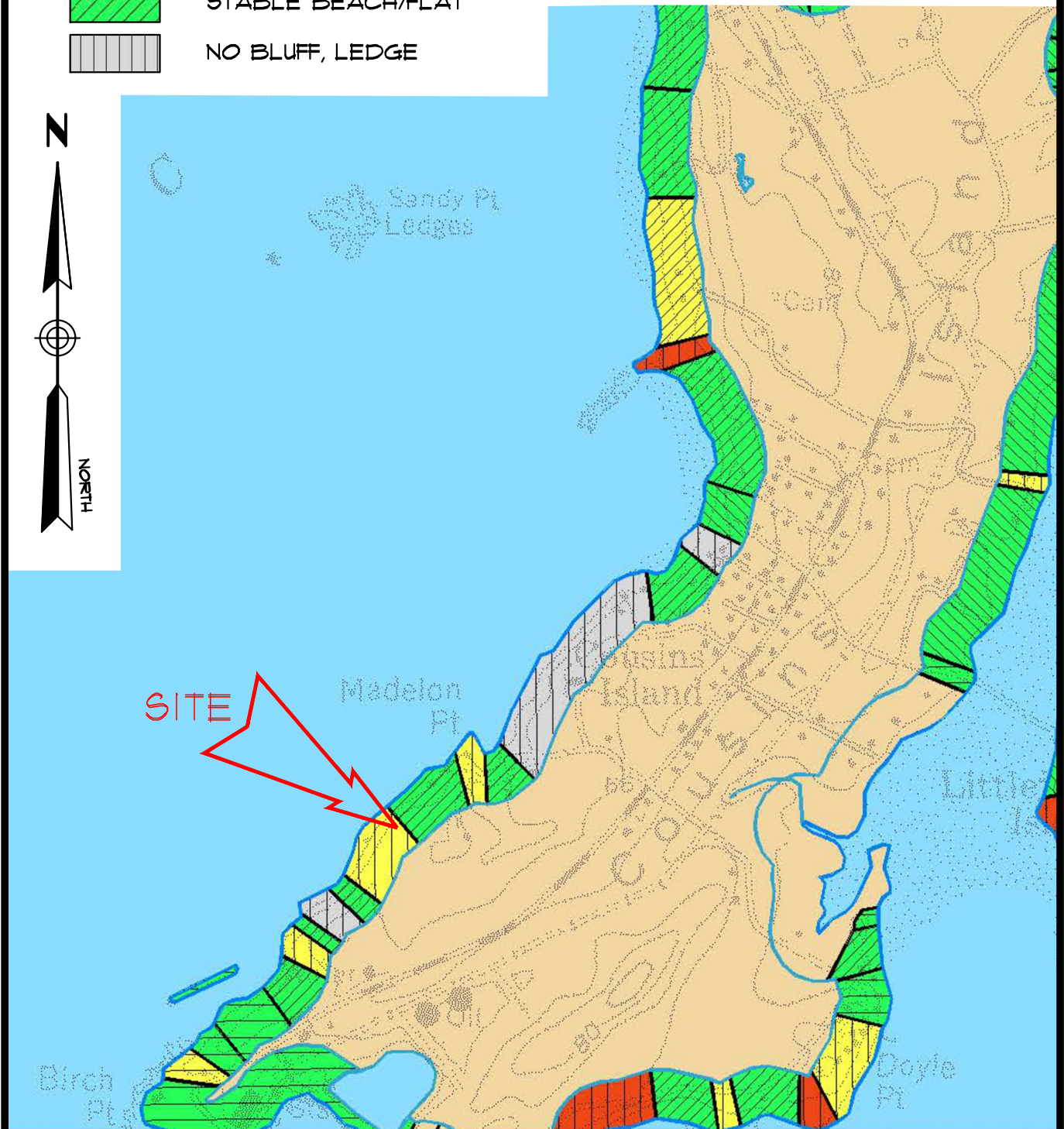


NO BLUFF, LEDGE



## PLAN REFERENCE

COASTAL BLUFFS, YARMOUTH  
QUADRANGLE, DATED 2002, PREPARED  
BY MAINE GEOLOGICAL SURVEY.



### COASTAL BLUFFS NEW RESIDENCE

53 BENJAMIN WAY - YARMOUTH, MAINE  
PREPARED FOR  
**ADAM MITHCELL**

OFFICE: 210 MAINE AVENUE  
FARMINGDALE, MAINE  
TEL.: (207) 446-3360

MAIL: P.O. BOX 515  
GARDINER, ME 04345

**SUMMIT**  
GEOENGINEERING SERVICES  
[www.summitgeoeng.com](http://www.summitgeoeng.com)

DATE: 5-24-2023	DRAWN BY: KRF	CHECKED BY: CWC
JOB: 23159	SCALE: 1" = 1000'	FILE: 23159 MAPS





**STATE OF MAINE**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Permit-by-Rule & Notice of Intent Review Form**

**Natural Resources Protection Act**  
**Stormwater Management Law**  
**Maine Construction General Permit**

**PBR #**  
**PBR #**  
**NOI #**

**Applicant:**  
**Project Address:**

**Town:**  
**Tax Map/Lot #:**

**NRPA PBR Sections – Ch. 305**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Sec. 2 Act. Adj. to Prot. Natural Res. | <input type="checkbox"/> Sec. 9 Utility Crossing             | <input type="checkbox"/> Sec. 16 Coastal Sand Dune Project        |
| <input type="checkbox"/> Sec. 3 Intake Pipes                    | <input type="checkbox"/> Sec. 10 Stream Crossing             | <input type="checkbox"/> Sec. 17 Transfer/Permit Extension        |
| <input type="checkbox"/> Sec. 4 Replacement of Structures       | <input type="checkbox"/> Sec. 11 State Transport. Facilities | <input type="checkbox"/> Sec. 18 Maintenance Dredging             |
| <input type="checkbox"/> Sec. 6 Movement of Rocks or Veg.       | <input type="checkbox"/> Sec. 12 Restoration Natural Areas   | <input type="checkbox"/> Sec. 19 Act. Near SVP Habitat            |
| <input type="checkbox"/> Sec. 7 Outfall Pipes                   | <input type="checkbox"/> Sec. 13 F&W Creat./Water Quality    | <input type="checkbox"/> Sec. 20 Act. Near Waterfowl/Bird Habitat |
| <input type="checkbox"/> Sec. 8 Shoreline Stabilization         | <input type="checkbox"/> Sec. 15 Public Boat Ramps           |   |

**Notes:**

**Reviewer:**

**Deficient Date:**

☐ NRPA ☐ SW ☐ NOI

**Reviewer:**

**Accepted Date:**

☐ NRPA ☐ SW ☐ NOI



October 25, 2023

Ms. Alison Sirois  
Maine Department of  
Environmental Protection  
Southern Maine Regional Office  
312 Canco Road  
Portland, Maine 04103

**Re: Natural Resources Protection Act (NRPA) Permit-by-Rule (PBR) Notification Form on behalf of ACM Family Trust c/o Adam C. Mitchell and Katelyn M. Allen located at 53 Benjamin's Way in Yarmouth, Maine.**

Dear Alison,

On behalf of Adam C. Mitchell and Katelyn M. Allen of the AMC Family Trust, Flycatcher LLC (Flycatcher) is pleased to submit the enclosed NRPA PBR notification for proposed work adjacent to Casco Bay. The proposed activities fall under Section 2 of Chapter 305 and are further described herein.

The Applicant owns property located at 53 Benjamin's Way and is identified by the Town of Yarmouth as Tax Map #53 of Lot #16. The project site is +/- .15 acres in size and includes approximately sixty-four (64) feet of shoreline adjacent to the Casco Bay. The site is developed with a residential structure and associated development, including a dock that was constructed under Department Order #L-29097-4P-A-N. In addition, there is an existing pathway leading down to the water. The pathway is steep making it difficult to safely travel down to the dock. As a result of the slope, the bank is eroding causing exposed topsoil is washaway. The Applicants' project propose is to construct a series of landings and stairs to facilitate access to the waterfront. The landing will measure four (4) feet wide by eighteen (18) feet long and will connect to landings and steps that will measure four (4) feet wide by thirty-six (36) feet long. The existing path and stone steps will be removed and revegetated with loam and seed.

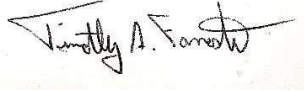
The site will be accessed from the upland and erosion controls will be established prior to the start of construction. This includes silt fence, hay bales, and mulch as necessary. The project does not require any machinery to operate within the coastal wetland. Upon completion of construction, the Applicant will follow best management practices as it relates to permanent site stabilization. No trees will be cut or removed in order to complete this project.

The following materials are included for your review:

- USGS location map;
- Photographs of the existing site conditions;
- Site Plans to include aerial imagery and section details of the proposed work.

Thank you for your consideration of this application. I can be reached via telephone at (207) 837 - 2199 or email at [tim@flycatcherllc.com](mailto:tim@flycatcherllc.com) you have any questions or need more information. We appreciate your consideration.

Respectfully submitted,

A handwritten signature in black ink, reading "Timothy A. Forrester". The signature is written in a cursive style with a large, stylized 'T' and 'F'.

Tim Forrester  
Director of Coastal  
Resources Flycatcher LLC



## AUTHORIZATION LETTER

DATE: October 12, 2023

By this letter, I authorize Flycatcher LLC to act on my behalf as my agent for the purpose of obtaining permits and approvals related to the proposed project located at:

53

~~32~~ Benjamins Way in Yarmouth, Maine.

This authorization allows Flycatcher LLC to act as my agent for the preparation, signing and submission of federal, state, regional, and municipal permit applications, including conducting any necessary or pertinent consultations, preparation and submission of relevant documents and applications, advancing nominal funds as are required to file such applications, and representation at meetings and hearings for the applications.

This authorization is effective as of the date of this correspondence and will remain valid until revoked in writing.

ADAM MITCHELL  
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

ACMITCH10@YAHOO.COM  
207-650-8249  
\_\_\_\_\_  
Phone or Email

  
\_\_\_\_\_  
Signature

10/12/23  
\_\_\_\_\_  
Date

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
PERMIT BY RULE NOTIFICATION FORM**

(For use with DEP Regulation, Natural Resources Protection Act - Permit by Rule Standards, Chapter 305)

APPLICANT INFORMATION (Owner)				AGENT INFORMATION (If Applying on Behalf of Owner)			
Name:				Name:			
Mailing Address:				Mailing Address:			
Mailing Address:				Mailing Address:			
Town/State/Zip:				Town/State/Zip:			
Daytime Phone #:		Ext:		Daytime Phone #:		Ext:	
Email Address:				Email Address:			
PROJECT INFORMATION							
Part of a larger project? (check 1):	<input type="checkbox"/> Yes <input type="checkbox"/> No	After the Fact? (check 1):	<input type="checkbox"/> Yes <input type="checkbox"/> No	Project involves work below mean low water? (check 1):	<input type="checkbox"/> Yes <input type="checkbox"/> No	Name of waterbody:	
Project Town:		Town Email Address:				Map and Lot Number:	
Brief Project Description:							
Project Location & Brief Directions to Site:							

**PERMIT BY RULE (PBR) SECTIONS (Check at least one):** I am filing notice of my intent to carry out work that meets the requirements for Permit-by-Rule (PBR) under DEP Rules, [Chapter 305](#). I and my agent(s), if any, have read and will comply with all of the standards in the Sections checked below.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Sec. (2) Act. Adj. to Prot. Natural Res. | <input type="checkbox"/> Sec. (9) Utility Crossing                 | <input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects       |
| <input type="checkbox"/> Sec. (3) Intake Pipes                    | <input type="checkbox"/> Sec. (10) Stream Crossing                 | <input type="checkbox"/> Sec. (16-A) Beach Nourishment              |
| <input type="checkbox"/> Sec. (4) Replacement of Structures       | <input type="checkbox"/> Sec. (11) State Transportation Facilities | <input type="checkbox"/> Sec. (17) Transfer/Permit Extension        |
| <input type="checkbox"/> Sec. (6) Movement of Rocks or Veg.       | <input type="checkbox"/> Sec. (12) Restoration of Natural Areas    | <input type="checkbox"/> Sec. (18) Maintenance Dredging             |
| <input type="checkbox"/> Sec. (7) Outfall Pipes                   | <input type="checkbox"/> Sec. (13) F&W Creat./Water Qual. Improv.  | <input type="checkbox"/> Sec. (19) Act. Near SVP Habitat            |
| <input type="checkbox"/> Sec. (8) Shoreline Stabilization         | <input type="checkbox"/> Sec. (15) Public Boat Ramps               | <input type="checkbox"/> Sec. (20) Act. Near Waterfowl/Bird Habitat |

**NOTE: Municipal permits also may be required. Contact your local code enforcement office for information. Federal permits may be required for stream crossings and for projects involving wetland fill. Contact the Army Corps of Engineers at the Maine Project Office for information.**

**NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS AND FEE**

- ☐ **Attach** all required submissions for the PBR Section(s) checked above. The required submissions for each PBR Section are outlined in Chapter 305 and may differ depending on the Section you are submitting under.
- ☐ **Attach** a location map that clearly identifies the site (U.S.G.S. topo map, Maine Atlas & Gazetteer, or similar).
- ☐ **Attach Proof of Legal Name** if applicant is a corporation, LLC, or other legal entity. Provide a copy of Secretary of State's registration information (available at <http://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x>). Individuals and municipalities are not required to provide any proof of identity.

**FEE:** Pay by credit card at the [Payment Portal](#). The Permit-by-Rule fee may be found here <https://www.maine.gov/dep/feeschedule.pdf> and is currently \$288.

- ☐ **Attach** payment confirmation from the Payment Portal when filing this notification form.

**Signature & Certification:**

- I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules.
- I understand that this PBR becomes effective 14 calendar days after receipt by the Department of this completed form, the required submissions, and fee, *unless the Department approves or denies the PBR prior to that date.*

**By signing this Notification Form, I represent that the project meets all applicability requirements and standards in Chapter 305 rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.**

**Signature of Agent or Applicant (may be typed):**

**Date:**

**Keep a copy as a record of permit.** Email this completed form with attachments to DEP at: [DEP.PBRNotification@maine.gov](mailto:DEP.PBRNotification@maine.gov).

DEP will send a copy to the Town Office as evidence of DEP's receipt of notification. No further authorization will be issued by DEP after receipt of notice. A PBR is valid for two years, except Section 4, "Replacement of Structures," are valid for three years. **Work carried out in violation of the Natural Resources Protection Act or any provision in Chapter 305 is subject to enforcement.**

## Location Map







## Photographs

The following photographs are taken from the site of the project and represent the existing conditions of the project located at 41 Ballard Street in the City of South Portland, ME. All photographs were taken on July 12, 2023, by Lisa Vickers of Flycatcher, LLC unless otherwise noted.



**Photograph One. Aerial View of Project Site. Red arrow indicates approximate location of project. Source: Google Earth Date: 2022.**



**Photograph Two. Facing northwesterly. View of existing pathway down to water.**





**Photograph Three. Facing northwesterly. View of lower path down to water and existing dock.**



**Photograph Four. Facing southwesterly - additional view of shoreline showing existing conditions.**

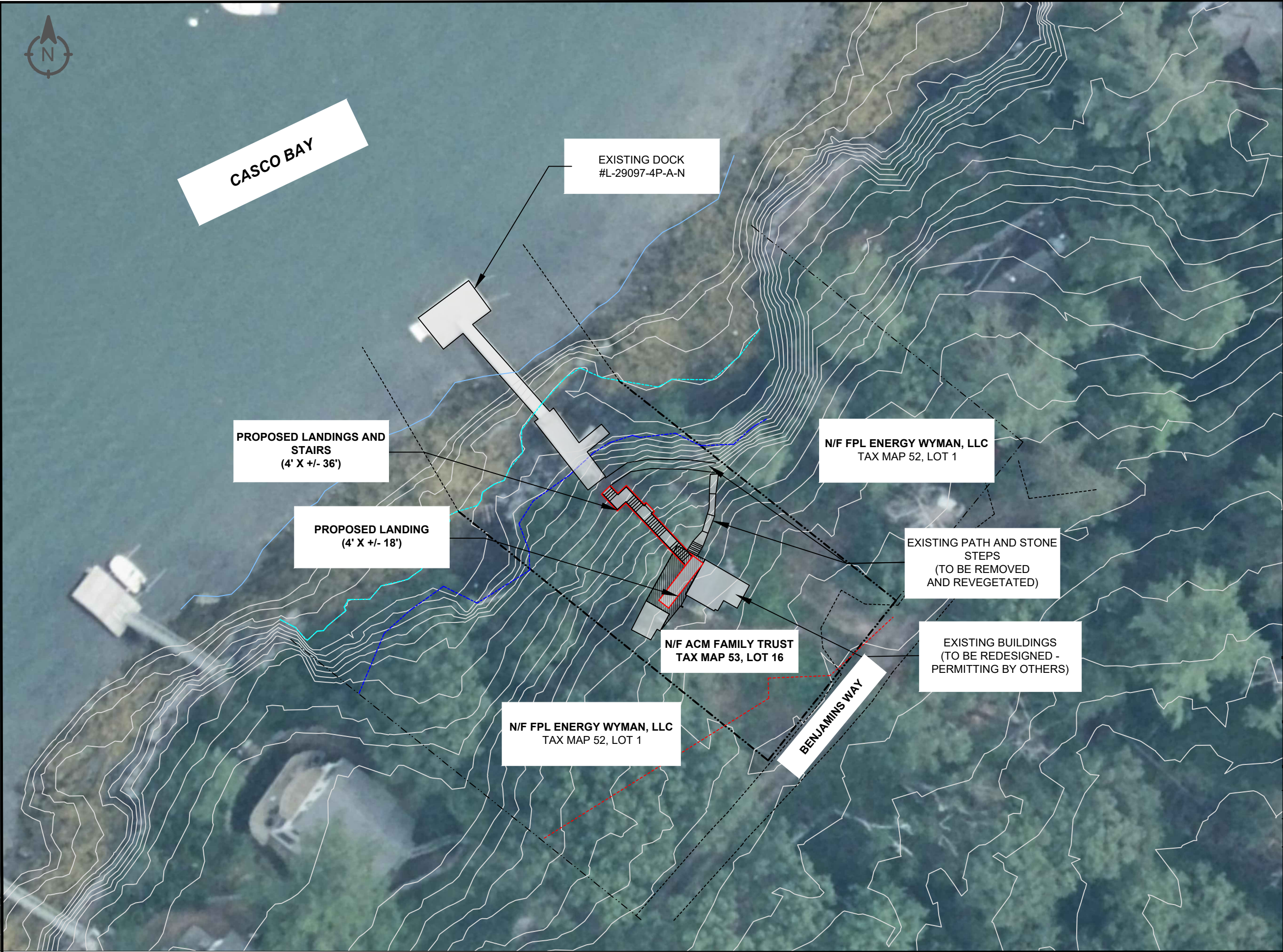




**Photograph Five. Facing northerly. Additional view of existing pathway down to dock.**

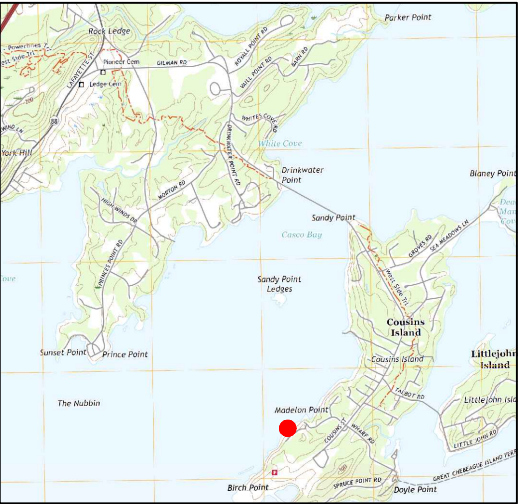
## Project Plans



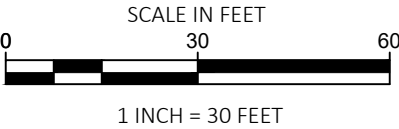


**LEGEND**

- PROPERTY LINE
- HIGHEST ANNUAL TIDE (HAT)
- MEAN HIGH WATER (MHW)
- MEAN LOW WATER (MLW)
- 75 FOOT SETBACK FROM HAT



- NOTES:**
- 1) BASE MAP IMAGERY BASED ON MAINE OFFICE OF GIS AERIAL IMAGERY DATED 2022.
  - 2) 2 FT CONTOUR DATA BASED ON MAINE OFFICE OF GIS TILE 19TDJ04.
  - 3) HIGHEST ANNUAL TIDE LINE BASED DOYLE POINT TIDAL STATION (6.8' NAVD).
  - 4) PROPERTY LINE DATA BASED ON SURVEY TITLED, "TOPOGRAPHIC SURVEY AT 53 BENJAMIN'S WAY, YARMOUTH, MAINE," PREPARED BY OWEN HASKELL, INC. AND DATED APRIL 3, 2020.
  - 5) PLAN IS FOR PERMITTING PURPOSES.



**PROJECT:**  
PROPOSED ACCESS STRUCTURES FOR ACM FAMILY TRUST, 53 BENJAMINS WAY, YARMOUTH, MAINE.

**TITLE:**  
OVERVIEW OF EXISTING AND PROPOSED CONDITIONS

DRAWN BY:	LCV	SHEET:	1 OF 2
CHECKED BY:	TAF		
DATE:	10/18/2023	REV DATE:	



Lower Falls Landing  
106 Lafayette Street,  
Suite 2A  
Yarmouth, ME 04096





CASCO BAY

EXISTING DOCK  
#L-29097-4P-A-N

PROPOSED LANDINGS AND  
STAIRS  
(4' X +/- 36')

PROPOSED LANDING  
(4' X +/- 18')

N/F FPL ENERGY WYMAN, LLC  
TAX MAP 52, LOT 1

EXISTING PATH AND STONE  
STEPS  
(TO BE REMOVED  
AND REVEGETATED)

N/F ACM FAMILY TRUST  
TAX MAP 53, LOT 16

EXISTING BUILDINGS  
(TO BE REDESIGNED -  
PERMITTING BY OTHERS)

N/F FPL ENERGY WYMAN, LLC  
TAX MAP 52, LOT 1

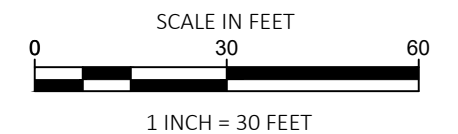
BENJAMINS WAY

## LEGEND

- PROPERTY LINE
- HIGHEST ANNUAL TIDE (HAT)
- MEAN HIGH WATER (MHW)
- MEAN LOW WATER (MLW)
- 75 FOOT SETBACK FROM HAT



- NOTES:
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  - 2) 2 FT CONTOUR DATA BASED ON MAINE OFFICE OF GIS TLE 19TDJ04.
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  - 5) PLAN IS FOR PERMITTING PURPOSES.



PROJECT:  
PROPOSED ACCESS STRUCTURES FOR ACM FAMILY TRUST, 53 BENJAMINS WAY, YARMOUTH, MAINE.

TITLE:  
OVERVIEW OF EXISTING AND PROPOSED CONDITIONS

DRAWN BY:	LCV	SHEET:	2 OF 2
CHECKED BY:	TAF		
DATE:	10/18/2023	REV DATE:	



Lower Falls Landing  
106 Lafayette Street,  
Suite 2A  
Yarmouth, ME 04096

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services  
Div of Environmental Health, 11 SHS  
(207) 287-5672 Fax: (207) 287-4172

## PROPERTY LOCATION

City, Town, or Plantation **YARMOUTH**  
Street or Road **53 BENJAMIN'S WAY**  
Subdivision, Lot #

**TOWN**  
Town of Yarmouth

Permit # **4955**

Date Permit Issued **6/8/2022** Fee: \$ **135.00**

Charged

☐ Double Fee Charged

State

## OWNER/APPLICANT INFORMATION

Name (last, first, MI) **MITCHELL ADAM**  
☐ Owner ☐ Applicant  
Mailing Address of Owner/Applicant **16 YALE STREET**  
**PORTLAND, ME 04103**  
Daytime Tel. #

Local Plumbing Inspector Signature

INS # **1271**

Municipal Tax Map # **55** Lot # **16**

## OWNER OR APPLICANT STATEMENT

I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.

Signature of Owner or Applicant

Date

## CAUTION: INSPECTION REQUIRED

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.

(1st) date approved

Local Plumbing Inspector Signature

(2nd) date approved

## PERMIT INFORMATION

### TYPE OF APPLICATION

- ☒ 1. First Time System  
☒ 2. Replacement System  
COMPOSTING TOILET  
Type replaced: **W/ GRAYWATER**  
Year installed: **UNKNOWN**  
☒ 3. Expanded System **SEE NOTE ON PAGE 2**  
☒ a. <25% Expansion  
☒ b. ≥25% Expansion  
☐ 4. Experimental System  
☐ 5. Seasonal Conversion

### THIS APPLICATION REQUIRES

- ☐ 1. No Rule Variance  
☐ 2. First Time System Variance  
☐ a. Local Plumbing Inspector Approval  
☐ b. State & Local Plumbing Inspector Approval  
☒ 3. Replacement System Variance **SEE NOTE ON PAGE 2**  
☐ a. Local Plumbing Inspector Approval  
☐ b. State & Local Plumbing Inspector Approval  
☐ 4. Minimum Lot Size Variance  
☐ 5. Seasonal Conversion Permit

### DISPOSAL SYSTEM COMPONENTS

- ☐ 1. Complete Non-engineered System  
☐ 2. Primitive System (graywater & alt. toilet)  
☐ 3. Alternative Toilet, specify: \_\_\_\_\_  
☐ 4. Non-engineered Treatment Tank (only)  
☒ 5. Holding Tank, **1500** gallons  
☐ 6. Non-engineered Disposal Field (only)  
☐ 7. Separated Laundry System  
☐ 8. Complete Engineered System (2000 gpd or more)  
☐ 9. Engineered Treatment Tank (only)  
☐ 10. Engineered Disposal Field (only)  
☐ 11. Pre-treatment, specify: \_\_\_\_\_  
☐ 12. Miscellaneous Components

### SIZE OF PROPERTY

**0.15+/-** SQ. FT. ACRES

### DISPOSAL SYSTEM TO SERVE

- ☐ 1. Single Family Dwelling Unit, No. of Bedrooms: **2**  
☐ 2. Multiple Family Dwelling, No. of Units: \_\_\_\_\_  
☐ 3. Other: \_\_\_\_\_ (specify)  
Current Use ☒ Seasonal ☐ Year Round ☐ Undeveloped

### TYPE OF WATER SUPPLY

- ☐ 1. Drilled Well ☐ 2. Dug Well ☐ 3. Private  
☐ 4. Public ☒ 5. Other **CISTERN**

### SHORELAND ZONING

☒ Yes ☐ No

## DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

### TREATMENT TANKS

- ☒ 1. Concrete  
☐ a. Regular  
☐ b. Low Profile  
☐ 2. Plastic  
☐ 3. Other: \_\_\_\_\_  
CAPACITY: **1500** GAL.

### DISPOSAL FIELD TYPE & SIZE

- ☐ 1. Stone Bed ☐ 2. Stone Trench  
☐ 3. Proprietary Device  
☐ a. cluster array ☐ c. Linear  
☐ b. regular load ☐ d. H-20 load  
☐ 4. Other: \_\_\_\_\_  
SIZE: \_\_\_\_\_ sq. ft. lin. ft.  
**NOT APPLICABLE**

### GARBAGE DISPOSAL UNIT

- ☐ 1. No ☐ 2. Yes ☐ 3. Maybe  
If Yes or Maybe, specify one below:  
☐ a. multi-compartment tank  
☐ b. \_\_\_\_\_ tanks in series  
☐ c. increase in tank capacity  
☐ d. Filter on Tank Outlet

### DESIGN FLOW

- 180** gallons per day  
BASED ON:  
☒ 1. Table 4A (dwelling unit(s))  
☐ 2. Table 4C (other facilities)  
SHOW CALCULATIONS for other facilities  
**-SINGLE FAMILY DWELLING-  
2 BEDROOMS AT 90 GPD**

### SOIL DATA & DESIGN CLASS

PROFILE CONDITION **N/A**  
at Observation Hole # \_\_\_\_\_  
Depth \_\_\_\_\_"  
of Most Limiting Soil Factor

### DISPOSAL FIELD SIZING

### NOT APPLICABLE

- ☐ 1. Medium---2.6 sq. ft. / gpd  
☐ 2. Medium---Large 3.3 sq. ft. / gpd  
☐ 3. Large---4.1 sq. ft. / gpd  
☐ 4. Extra Large---5.0 sq. ft. / gpd

### EFFLUENT/EJECTOR PUMP

- ☒ 1. Not Required **HIGH WATER  
ALARM  
REQUIRED**  
☐ 2. May Be Required  
☐ 3. Required  
Specify only for engineered systems:  
DOSE: \_\_\_\_\_ gallons

- ☐ 3. Section 4G (meter readings)  
ATTACH WATER METER DATA

### LATITUDE AND LONGITUDE

at center of disposal area  
Lat. **43** d **45** m **21** s  
Lon. **70** d **09** m **09** s  
if g.p.s, state margin of error: \_\_\_\_\_

## SITE EVALUATOR STATEMENT

I certify that on **7/19/21** (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Site Evaluator Signature

**237**

SE #

**8/26/21**

Date

**JAMES LOGAN**

Site Evaluator Name Printed

**207-693-8799**

Telephone Number

**longviewpartners213@gmail.com**

E-mail Address

Note : Changes to or deviations from the design should be confirmed with the Site Evaluator.

Page 1 of 3

HHE-200 Rev. 08/2011



# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services  
Division of Health Engineering  
(207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

**YARMOUTH**

**53 BENJAMIN'S WAY**

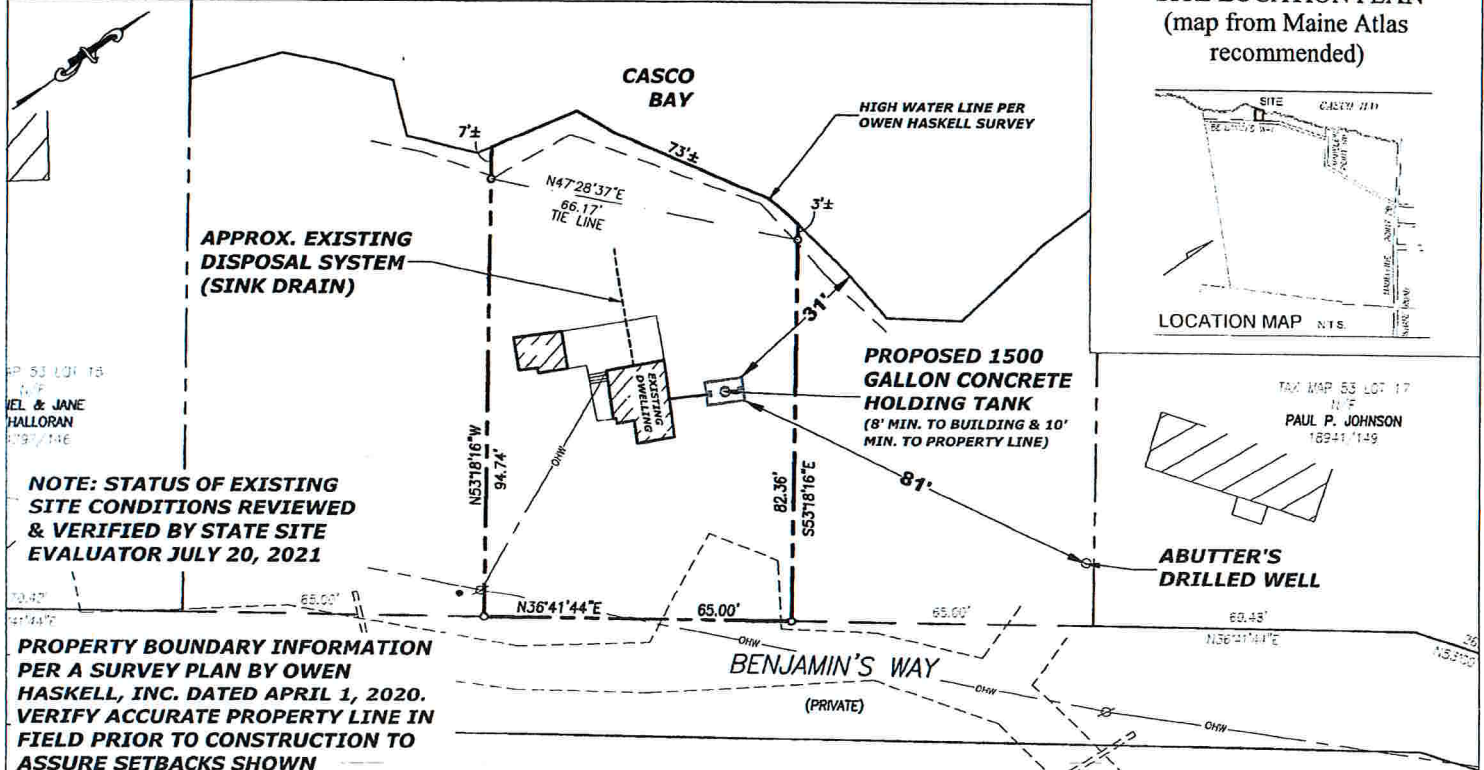
Owner's Name

**ADAM MITCHELL**

## SITE PLAN

Scale 1" = **40** ft. or as shown

## SITE LOCATION PLAN (map from Maine Atlas recommended)



## SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole ☐ Test Pit ☐ Boring  
" Depth of Organic Horizon Above Mineral Soil

	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				

**NOT APPLICABLE**

Observation Hole ☐ Test Pit ☐ Boring  
" Depth of Organic Horizon Above Mineral Soil

	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				

Soil Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water
Profile Condition	%	"	<input type="checkbox"/> Restrictive Layer
			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

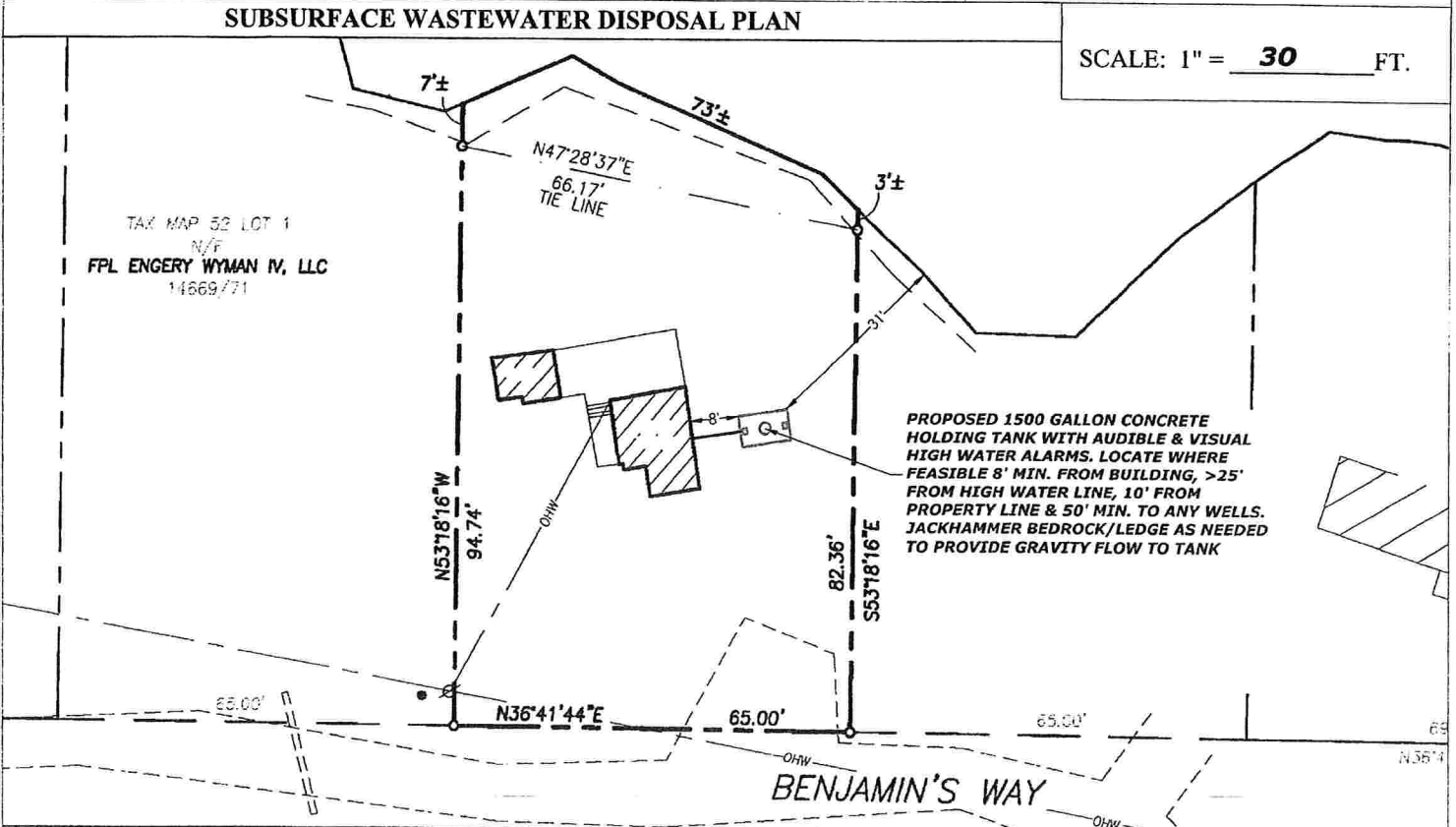
Soil Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water
Profile Condition	%	"	<input type="checkbox"/> Restrictive Layer
			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

*James Logan*  
Site Evaluator Signature

237

8/26/21

<b>SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION</b>		Department of Human Services Division of Health Engineering (207) 287-5672 Fax: (207) 287-3165
Town, City, Plantation <b>YARMOUTH</b>	Street, Road, Subdivision <b>53 BENJAMIN'S WAY</b>	Owner's Name <b>ADAM MITCHELL</b>

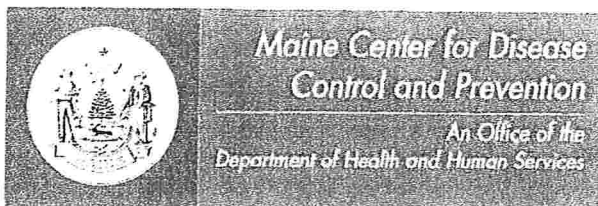


FILL REQUIREMENTS	CONSTRUCTION ELEVATIONS	ELEVATION REFERENCE POINT
Depth of Fill (Upslope) <u>N/A</u>	Finished Grade Elevation <u>N/A</u>	Location & Description: <u>N/A</u>
Depth of Fill (Downslope) <u>N/A</u>	Top of Distribution Pipe or Proprietary Device <u>N/A</u>	Reference Elevation: <u>N/A</u>
	Bottom of Disposal Area <u>N/A</u>	

<b>DISPOSAL AREA CROSS SECTION</b>	<p style="text-align: center;">Scale</p> <p>Horizontal 1" = ____ ft.</p> <p>Vertical 1" = ____ ft.</p>
------------------------------------	--

NOT  
APPLICABLE





Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
286 Water Street  
# 11 State House Station  
Augusta, Maine 04333-0011  
Tel: (207) 287-2070  
Fax: (207) 287-4172; TTY: 1-800-606-0215

## SUBSURFACE WASTEWATER DISPOSAL SYSTEM VARIANCE REQUEST

This form must accompany an application (HHE-200 Form) for any subsurface wastewater disposal system which requires a variance to provisions of the Subsurface Wastewater Disposal Rules. The Local Plumbing Inspector must not issue a permit for the installation of a subsurface wastewater disposal system requiring a variance from the Department of Health and Human Services until approval has been received from the Department.

<b>GENERAL INFORMATION</b>		Town of <u>YARMOUTH</u>
Property Owner's Name: <u>ADAM MITCHELL</u>	Tel. No.: _____	
System's Location: <u>53 BENJAMIN'S WAY</u>		
Property Owner's Address: <u>16 YALE STREET, PORTLAND, ME</u>	Zip Code <u>04101</u>	
e-mail address: _____		

The subsurface wastewater disposal system design for the subject property requires a ☒ replacement system variance ☐ first time system variance to the Subsurface Wastewater Disposal Rules. This variance requires ☐ local approval ☒ local and state approval.

SPECIFIC VARIANCE REQUESTED (To be filled in by Site Evaluator. Use additional sheets if needed.)	SECTION OF RULE
1. <u>PLEASE SEE ATTACHED</u>	_____
2. _____	_____
3. _____	_____

### SITE EVALUATOR

When a property is found to be unsuitable for subsurface wastewater disposal by a licensed Site Evaluator, the Evaluator shall so inform the property owner. If the property owner, after exploring all other alternatives, wishes to request a variance to the Rules, and the Evaluator in his professional opinion feels the variance request is justified and the site limitations can be overcome, he shall document the soil and site conditions on the Application. The Evaluator shall list the specific variances necessary plus describe below the proposed system design and function. The Evaluator shall further describe how the specific site limitations are to be overcome, and provide any other support documentation as required prior to consideration by the Department. Attach a separate sheet if necessary.

I, JAMES LOGAN, S.E., certify that a variance to the Rules is necessary since a system cannot be installed which will completely satisfy all the Rule requirements. In my judgment, the proposed system design on the attached Application is the best alternative available; enhances the potential of the site for subsurface wastewater disposal; and that the system should function properly.

*James Logan*

_____ SIGNATURE OF SITE EVALUATOR	<u>8/26/21</u> DATE
--------------------------------------	------------------------

### PROPERTY OWNER

I, ADAM MITCHELL, am the ☒ owner ☐ agent for the owner of the subject property. I understand that the installation on the Application is not in total compliance with the Rules. Should the proposed system malfunction, I release all concerned provided they have performed their duties in a reasonable and proper manner, and I will promptly notify the Local Plumbing Inspector and make any corrections required by the Rules. By signing the variance request form, I acknowledge permission for representatives of the Department to enter onto the property to perform such duties as may be necessary to evaluate the variance request.

*Adam Mitchell*  
☒ SIGNATURE OF OWNER  
☐ AGENT FOR THE OWNER

9 / SEPT / 21  
DATE



**LOCAL PLUMBING INSPECTOR - Approval at local level**

The local plumbing inspector shall review all variance requests prior to rendering a decision.

I, \_\_\_\_\_, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system ( ☐ does ☐ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I ( ☐ do ☐ do not) approve the requested variance. I ( ☐ will ☐ will not) issue a permit for the system's installation as proposed by the application.

\_\_\_\_\_  
LPI Signature

\_\_\_\_\_  
Date

**LOCAL PLUMBING INSPECTOR - Referral to the Department**

The local plumbing inspector shall review all variance requests prior to forwarding to the Division of Environmental Health.

I, \_\_\_\_\_, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system ( ☐ does ☐ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I ( ☐ do ☐ do not) recommend the issuance of a permit for the system's installation as proposed by the application.

\_\_\_\_\_  
LPI Signature

\_\_\_\_\_  
Date

**FOR USE BY THE DEPARTMENT ONLY**

The Department has reviewed the variance(s) and ( ☐ does ☐ does not) give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter.

\_\_\_\_\_  
SIGNATURE OF THE DEPARTMENT

\_\_\_\_\_  
DATE

Notes: 1. Variances for soil conditions may be approved at the local level as long as the total point assessment is at least the minimum allowed. (See Section 7.B.4 of the Subsurface Wastewater Disposal Rules for Municipal Review.)

2. Variances for other than soil conditions or soil conditions beyond the limit of the LPI's authority are to be submitted to the Department for review. (See Section 7.B.3 for Department Review.) The LPI's signature is required on these variance requests prior to sending them to the Department.

**SOIL, SITE AND ENGINEERING FACTORS FOR FIRST TIME SYSTEM VARIANCE ASSESSMENT  
WITH LIMITING SOIL DRAINAGE CONDITIONS (SEE TABLES 7C THROUGH 7M).**

	CHARACTERISTIC	POINT ASSESSMENT
Soil Profile		
Depth to Groundwater/Restrictive Layer		
Terrain		
Size of Property		
Waterbody Setback		
Water Supply		
Type of Development		
Disposal Area Adjustment		
Vertical Separation Distance		
Additional Treatment		
TOTAL POINT ASSESSMENT:		

Minimum Points (Check One): ☐ Outside Shoreland Zone-50 ☐ Inside Shoreland Zone-65 ☐ Subdivision-65



**LOCAL PLUMBING INSPECTOR - Approval at local level**

The local plumbing inspector shall review all variance requests prior to rendering a decision.

I, \_\_\_\_\_, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system ( ☐ does ☐ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I ( ☐ do ☐ do not) approve the requested variance. I ( ☐ will ☐ will not) issue a permit for the system's installation as proposed by the application.

\_\_\_\_\_  
LPI Signature

\_\_\_\_\_  
Date

**LOCAL PLUMBING INSPECTOR - Referral to the Department**

The local plumbing inspector shall review all variance requests prior to forwarding to the Division of Environmental Health.

I, RICHMOND CLAYMEYER, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system ( ☐ does ☐ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I ( ☐ do ☐ do not) recommend the issuance of a permit for the system's installation as proposed by the application.

\_\_\_\_\_  
LPI Signature

4/12/2022  
Date

**FOR USE BY THE DEPARTMENT ONLY**

The Department has reviewed the variance(s) and ☒ does ☐ does not) give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter.

Brent Lawson  
SIGNATURE OF THE DEPARTMENT

06-07-2022  
DATE

Notes: 1. Variances for soil conditions may be approved at the local level as long as the total point assessment is at least the minimum allowed. (See Section 7.B.4 of the Subsurface Wastewater Disposal Rules for Municipal Review.)

2. Variances for other than soil conditions or soil conditions beyond the limit of the LPI's authority are to be submitted to the Department for review. (See Section 7.B.3 for Department Review.) The LPI's signature is required on these variance requests prior to sending them to the Department.

**SOIL, SITE AND ENGINEERING FACTORS FOR FIRST TIME SYSTEM VARIANCE ASSESSMENT  
WITH LIMITING SOIL DRAINAGE CONDITIONS (SEE TABLES 7C THROUGH 7M).**

	CHARACTERISTIC	POINT ASSESSMENT
Soil Profile		
Depth to Groundwater/Restrictive Layer		
Terrain		
Size of Property		
Waterbody Setback		
Water Supply		
Type of Development		
Disposal Area Adjustment		
Vertical Separation Distance		
Additional Treatment		
<b>TOTAL POINT ASSESSMENT:</b>		

Minimum Points (Check One): ☐ Outside Shoreland Zone-50 ☐ Inside Shoreland Zone-65 ☐ Subdivision-65





Address: **53 BENJAMIN'S WAY**Property Owner's Name: **MITCHELL**

VARIANCE CATEGORY	LIMIT OF LPI'S APPROVAL AUTHORITY						VARIANCE REQUESTED TO:	
SOILS								
Soil Profile	Ground Water Table						inches	
Soil Condition	Restrictive Layer						inches	
from HHE-200	Bedrock						inches	
Site Features vs. disposal system components of various sizes	Disposal Fields (total design flow)			Septic Tanks and Holding Tanks (total design flow)			Disposal Fields	Septic Tanks
	Less than 1000 gpd	1000 to 2000 gpd	Over 2000 gpd	Less than 1000 gpd	1000 to 2000 gpd	Over 2000 gpd	To	To
Wells with water usage of 2000 or more gpd or public water supply wells	300 ft	300 ft	300 ft	150 ft	150 ft	150 ft		
Potable Supply Well	100 down to 60 ft	200 down to 100 ft	300 down to 150 ft	50 down to 25 ft [a]	100 down to 50 ft [a]	100 down to 50 ft		
Water supply line	10 ft	20 ft	25 ft	10 ft	10 ft	10 ft		
Water course, major [c]	100 down to 50 ft	200 down to 120 ft	300 down to 180 ft	100 down to 25 ft [a]	100 down to 50 ft	100 down to 50 ft		31'
Water course, minor [c]	50 down to 25 ft	100 down to 50 ft	150 down to 75 ft	50 down to 25 ft	50 down to 25 ft	50 down to 25 ft		
Drainage ditches	25 down to 12 ft	50 down to 25 ft	75 down to 35 ft	25 down to 12 ft	25 down to 12 ft	25 down to 12 ft		
Slopes greater than 3:1	10 ft	18 ft	25 ft	N/A	N/A	N/A		
No full basement [e.g. slab, columns, posts]	15 down to 7 ft	30 down to 15 ft	40 down to 20 ft	8 down to 5 ft	14 down to 7 ft	20 down to 10 ft		
Full basement [below grade foundation, frost wall]	20 down to 10 ft	30 down to 15 ft	40 down to 20 ft	8 down to 5 ft	14 down to 7 ft	20 down to 10 ft		
Property lines	10 down to 5 ft [b]	18 down to 9 ft [b]	20 down to 10 ft [b]	10 down to 4 ft [b]	15 down to 7 ft [b]	20 down to 10 ft [b]		
Burial sites or graveyards boundaries, measured from the down toe of the fill extension	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft		
Stormwater infiltration systems	100 down to 60 feet	200 down to 120 feet	300 down to 180 feet	100 down to 50 feet	100 down to 50 feet	100 down to 50 feet		
Wetponds, retention ponds, and detention basins (excavated below grade); Soil filters underdrained swales, underdrained outlets, and similar structures	50 down to 25 feet [d]	100 down to 50 feet [d]	150 down to 75 feet [d]	50 down to 25 feet [d]	50 down to 25 feet [d]	50 down to 25 feet [d]		
Stormwater detention basins (basin bottom at, or above, predevelopment grade)	25 down to 12 feet	50 down to 25 feet [d]	75 down to 35 feet [d]	25 down to 12 feet	25 down to 12 feet	25 down to 12 feet		
<b>OTHER</b>								
1.								
2.								

**Notes:**

[a] This distance may be reduced to 25 feet, if the septic or holding tank is tested in the LPI's presence and shown to be watertight pursuant to water tightness standards found in Section 6(H)(8) or of monolithic construction.

[b] Additional setbacks may be needed to prevent fill material extensions from encroaching onto abutting property.

[c] All ground disturbance or clearing of woody vegetation necessary for the installation of a subsurface wastewater disposal system that occurs within 100 feet of the normal high water mark of a major or minor water body/course must comply with these Rules pertaining to work adjacent to or within wetlands and water bodies (for more details, see Section 12).

[d] The reduced setback distance may be further reduced down to 12 feet if the stormwater structure has an impervious liner and the fill extensions do not encroach onto the stormwater structure.





PAUL JOHNSON

OWNER 45 BENJAMINS WAY, COUSINS ISLAND, YARMOUTH ME 04096

IT IS USED AS A SUMMER HOME FROM MARCH TO NOVEMBER EVERY YEAR.

MY YEAR ROUND RESIDENCE IS AS FOLLOWS:

8 GLADYS STREET

RIVERSIDE RI 02915

PROPERTY AT 45 BENJAMINS WAY, YARMOUTH ME 04096 WAS PURCHASED IN 1895 BY MY GREAT GRANDFATHER BENJAMIN PARKER. IT HAS REMAINED IN MY FAMILY UNTIL THE PRESENT. I AM THE SOLE OWNER OF THE PROPERTY AT THIS TIME.

DATES MENTIONED HERE ARE ALL APPROXIMATE.

FROM 1895 UNTIL 1965 THERE WAS NO RUNNING WATER AT THIS LOCATION. AN OUTHOUSE WAS THE BATHROOM FACILITY. HUMAN WASTE WAS DISPOSED OF BY BURYING IT UNDERGROUND.

IN 1964 THE TOWN OF YARMOUTH OUTLAWED THE USE OF OUTHOUSES ON COUSINS ISLAND

SINCE THEN, ELECTRIC OR GAS TOILETS WERE APPROVED AT THAT TIME AN ELECTRIC TOILET WAS INSTALLED AT THIS LOCATION.

IN 1985 A WELL WAS DUG AT THIS LOCATION. AT THE SAME TIME A HOLDING TANK WAS INSTALLED ON THE PROPERTY FOR USE AS A SEPTIC SYSTEM. THE HOLDING TANK IS EMPTIED APPROXIMATELY ONCE PER YEAR. ALL SEPTIC WASTE AND GRAY WATER IS EMPTIED INTO THE HOLDING TANK. THIS SITUATION HAS BEEN ONGOING SINCE 1985.

53 BENJAMINS WAY WAS OWNED BY RUSS PAUL. HE ALSO HAD A SMALL BUILDING FOR WASTE MANAGEMENT. I AM NOT SURE WHEN IT WAS BUILT BUT IT HAS BEEN THERE FOR A LONG TIME. I WAS NOT PRIVY TO EXACTLY WHAT KIND OF SYSTEM THIS WAS. I DO KNOW THAT IT TOOK CARE OF BOTH SEPTIC WASTE AND GRAY WATER.

PAUL JOHNSON

*Paul Johnson*

3/23/22







March 18, 2022

Mr. Nicholas Ciarimboli, Code Enforcement Officer  
Town of Yarmouth  
200 Main Street  
Yarmouth, ME 04096

Re: Wastewater Disposal, Mitchell Property, 53 Benjamin's Way (Map 53, Lot 16)

Dear Mr. Ciarimboli,

At your request, I am providing a summary of the implications of installing a holding tank to replace an existing surface wastewater discharge at the above-referenced property.

As established during the on-site review in July of 2021 with Brent Lawson, State Site Evaluator, James Logan, Licensed Site Evaluator, my client, and yourself, this site has grandfathered status to dispose of wastewater produced by the existing dwelling unit due to the presence of a pipe that exits the structure and disposes of waste on the surface of the bedrock that surrounds the building. As a result of this meeting and on the advice of the State Site Evaluator, Longview Partners prepared a replacement Subsurface Wastewater Disposal Application (Form HHE-200), a Subsurface Wastewater Disposal System Variance Request (Form HHE-204), and the Application/Agreement for Holding Tank Installation (Form HHE-233). These forms are attached for your review.

As you will see upon review of the attached, Mr. Mitchell proposes to replace his existing surface wastewater discharge with a 1,500 gallon concrete holding tank. The *State of Maine Subsurface Wastewater Disposal Rules* (10-144 CMR 241) defines a holding tank as:

*"A holding tank is a closed, watertight, non-discharging structure designed and used to store wastewater for periodic removal via pumping, in lieu of a subsurface wastewater disposal system. Holding tanks are designed and constructed to facilitate ultimate disposal of wastewater at another site. Holding tanks are allowed for replacement systems under limited conditions pursuant to Section 8(1)..." [10-144 CMR 241 8(H)]*

Section 8 of the *Rules* goes on to outline the following provisions under which a holding tank may be utilized rather than by using a conventional disposal field. The *Rules* state:

*Scope: If a Site Evaluator determines that it is impractical to install a replacement disposal system in accordance with setbacks and other relevant siting criteria, and the LPI agrees, a holding tank may be designed, subject to the following criteria:*

- (a) Annual pumping required: Every holding tank must be pumped at least once a year, providing the system has been used.*

- (b) *Seasonal conversion not permitted: Holding tanks cannot be used to satisfy the requirements for a Seasonal Conversion Permit under 30-A M.R.S. § 4215 (2), or a first-time system located within the shoreland area of major waterbodies/courses.*
- (c) *Water use monitoring: The LPI may require the installation of a water meter to monitor the flow to the holding tank.*
- (d) *Reporting: The owner or agent for the owner of a holding tank shall retain for a period of three years the copies of the pumping records, water use records (if required) and the current agreement between the owner and tank pumper. A copy of these records must be made available to LPI upon his/her request.*
- (e) *Holding tank specifications: Newly installed holding tanks must be constructed of the same materials and to the same structural specifications as septic tanks, as specified in Section 6(C) . They must be either: of monolithic construction (effective May 1, 1999) below the top of the inlet to the holding tank, or (2) sealed at the joint with a non-water soluble compound and all holding tanks must have, at a minimum, an 18-inch diameter cleanout cover and a 13-by-17-inch inspection cover over the inlet.*
- (f) *Installation: Holding tanks must be installed in accordance with Section 6(H).*
- (g) *Setbacks: Must meet the setback requirements for treatment tanks.*
- (h) *Alarm provisions: The holding tank must have visual and audible alarm devices to assure the tank is always pumped before it is full.*
- (i) *Number and size of holding tanks: The installation must have a minimum capacity of at least seven times the daily flow but not less than 1,000 gallons. Multiple tanks must be installed in series.*
- (j) *Water conservation: The plumbing in the structure optimizes water conservation and all water closets meet or exceed ASME standard A112.19.2 (1.6 gallons per flush maximum). [10-144 CMR 241 8(H)(1)a-j]*

Mr. Mitchell is aware that his utilization of a holding tank for wastewater disposal limits his property to seasonal use. This has always been his intention. Existing conditions on his lot do not, under the current law, permit a Seasonal Conversion.

Per subsection (i) above, the holding tank must: *must have a minimum capacity of at least seven times the daily flow* of the dwelling unit. The existing structure is a two-bedroom dwelling which has a design flow of 180 gallons per day per the *Rules*, which per subsection (i) above states that a holding tank for a two-bedroom dwelling unit needs to have at least a 1,260 gallon capacity to satisfy this requirement. A three-bedroom unit would require that there be at least 1,890 gallons of tank capacity. The use of the proposed 1,500 gallon holding tank ensures that the landowner will never increase the number of bedrooms in the dwelling.

The location of the proposed holding tank and setback distance of 31' to the high water line of Casco Bay have been agreed to by the State Site Evaluator who is ready to grant the Variance Request.

As to Operations and Maintenance, my recommendations are as follows:

1. Holding tank be fitted with riser & cover for ease of access (grout all seams to prevent surface water infiltration)
2. Installation of visible and audible high water alarms that are to be tested frequently
3. Holding Tank to be pumped every other month from May through October. This frequency can and should be adjusted once an actual design flow for the dwelling is established through pumping records.
4. Water conservation as specified in section (j) above



I am hoping that this letter is sufficient for you to complete your review and forward Mr. Mitchell's applications to the Subsurface Wastewater Unit for Mr. Lawson's signoff and issuance of the permit. I am available to answer any further questions that you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "W. H. O'Connor", written over a faint horizontal line.

William H. O'Connor  
Longview Partners, LLC  
Licensed Site Evaluator # 363  
Professional Wetland Scientist





Janet T. Mills  
Governor

Jeanne M. Lambrew, Ph.D.  
Commissioner



Maine Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
11 State House Station  
286 Water Street  
Augusta, Maine 04333-0011  
Tel; (207) 287-8016; Fax (207) 287-9058  
TTY: Dial 711 (Maine Relay)

June 7, 2022

Town of Yarmouth  
Nicholas Ciarimboli  
200 Main Street  
Yarmouth, ME 04096

Subject: Approval, Replacement System Variance, Adam Mitchell Property, 53 Benjamin's Way, Yarmouth, Maine. Mailing Address Of: 16 Yale Street, Portland, Maine, 044103.

Nicholas,

We have completed our review of an HHE-200 Form dated 08-26-2021 for the property at 53 Benjamin's Way, Yarmouth, Maine. The design is a replacement system, holding tank for a 2-bedroom dwelling designed by James Logan, SE #237 on 08-26-2021.

The variance requested for the disposal System which is not within the LPI's authority is from the holding tank to a major water course of 31 feet.

The variances requested that is within the LPI's authority is none.

The variance request has been submitted because topography and existing development limit the potential of the system location and the system design prepared by James Logan, SE #237 on 08-26-2021 is otherwise found to be in compliance with the Maine Subsurface Wastewater Disposal Rules.

We approve the local requested variance with the following requirements:

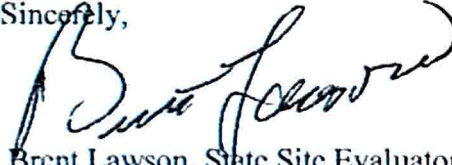
1. A permit for system installation is to be obtained from the Local Plumbing Inspector in advance of the start of system construction.
2. The system is to be installed in accordance with the submitted and approved system design. Should alterations to the design be required at the time of construction, the site evaluator is to be notified prior to making any changes.
3. The contractor is to scarify the soils under the fill extensions to create a transitional zone more compatible with the disposal field area.

By accepting this approval and the associated plumbing permit, the owner agrees to comply fully with the conditions of approval and the Subsurface Wastewater Rules.

Because installation and owner maintenance have a significant effect on the working order of onsite sewage disposal systems, including their components, the Division makes no representation or guarantee as to the efficiency and/or operation of the system.

Should you or others have any questions, please feel free to contact me at 592-7376.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brent Lawson", is written over the typed name.

Brent Lawson, State Site Evaluator  
Subsurface Wastewater Program  
Division of Environmental Health  
e-mail: [brent.lawson@maine.gov](mailto:brent.lawson@maine.gov)

/BML  
xc: File



Maine Center for Disease  
Control and Prevention  
An Office of the  
Department of Health and Human Services

Paul R. LePage, Governor  
Tel. (207) 287-2070

Mary C. Mayhew, Commissioner

Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
286 Water Street  
11 State House Station  
Augusta, Maine 04333-0011  
Tel. (207) 287-8016  
Fax (207) 287-9058; TTY (800) 606-0215  
Fax (207) 287-4172

Subsurface Wastewater Team

### HOLDING TANK DEED COVENANT FORM

**Property Owner:** Complete and record this form with your County Registry of Deeds. Then forward a copy of the recorded deed covenant to the your municipality's Local Plumbing Inspector.

**County Registrar:** Please cross-reference this document with book and page no.

**Property Owner Statement:** I (we), Adam Mitchell, are the

owner(s) of the property located at 53 Benjamins Way, Yarmouth, ME 04096

The property's deed is recorded in book no. 053, page no. 016.

We state that the holding tank installation for the aforementioned property received approval by the town of Yarmouth, ME and its officials.

#### Stipulations of Covenant:

The holding tank shall be installed and maintained in accordance with the following conditions:

*(Conditions to be specified by the approving authority.)*

- Prior to the disturbance of any soil, erosion, and sedimentation BMPs shall be installed and maintained per MDEP standards until disturbed areas are re-vegetated.
- Based on the capacity and nature of the Holding Tank design, the dwelling is limited to two bedrooms and seasonal use only
- The Holding Tank shall be fitted with risers and covers for ease of access (grout all seams to prevent surface water infiltration)
- Visible and audible high-water alarms shall be installed and tested frequently.
- The Holding Tank shall be pumped every other month May through October. This frequency may be adjusted after two years based on actual design flow established through pumping records.
- Plumbing in the structure shall optimize water conservation and all water closets shall meet or exceed ASME standard A112.19.2 (1.6 gallons per flush maximum).

**Municipal Approval Conditions:** This approval has been granted subject to the implementation of the above conditions and said approval will become null and void if the required and stated conditions of approval are violated.

Property Owner signature(s)

ADAM MITCHELL

State of Maine

County Cumberland, ss

Date 6/10/22

Received  
Recorded Register of Deeds  
Jun 16, 2022 10:39:22A  
Cumberland County  
Jessica M. Spaulding

Then personally appeared the above named Adam Mitchell (and)

and (severally) acknowledged the foregoing instrument to be his (or their) free act and deed.

Before me

Justice of the Peace or Notary Public

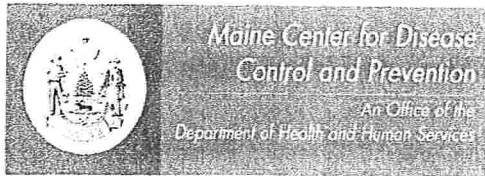
SEAL



HHE-300 Rev. 3/97







For: R. LePage Governor Mary C. Mayhew Commissioner  
Tel. (207) 287-2070

Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
286 Water Street  
11 State House Station  
Augusta, Maine 04333-0011  
Tel. (207) 287-8016  
Fax (207) 287-9058; TTY (800) 606-0215  
Fax (207) 287-4172

Subsurface Wastewater Team

## APPLICATION/AGREEMENT for HOLDING TANK INSTALLATION

### PROPERTY OWNER INFORMATION

Name Adam Mitchell  
Mailing Address 16 Yale Street  
City/Town Portland State ME Zip 04103  
Daytime telephone number 207-650-8249

### PROPERTY LOCATION

Street, Road, Route 53 Benjamin's Way  
City/Town Yarmouth Zip 04096

### APPLICATION FOR (check one)

- ☐ First Time Installation (If this is checked, give Town's Ordinance adoption date       /      /      )  
☐ First Time Installation, non-residential only, less than 100 gpd or 500 gal/week  
☒ Replacing an existing overboard discharge, surface wastewater discharge or malfunctioning subsurface wastewater system  
☐ Replacing an existing holding tank

### CONDITIONS FOR APPROVAL

- \* The installation of a conventional disposal system is not possible due to unacceptable site and/or soil conditions, lot configuration, or other constraints \*SEE LETTER BY LONGVIEW PARTNERS TO STATE & LOCAL PLUMBING INSPECTORS
- \* Public sewer is not available.
- \* All existing or proposed plumbing fixtures shall be installed or modified for water conservation and all water closets shall meet the Federal standard of 1.6 gallons per flush.

### REQUIREMENTS FOR APPROVAL

- A Completed Application shall consist of:
  - \* This form (HHE-233) completed with all signatures.
  - \* A completed *Subsurface Wastewater Disposal System Application* (HHE-200) prepared by a Licensed Site Evaluator.
  - \* Holding Tank Deeds Covenant Form, HHE-300 3/97
  - \* Replacement System Variance Request Form, as necessary.

### PROPERTY OWNER INFORMATION AND REQUIREMENTS

I (we), Adam Mitchell own the property described in this Application/Agreement.

1. Holding tanks require regular pumping by a licensed pumper. The owner must pay this service.
2. The holding tank will be pumped at least once a year by the pumper listed on this application. Another pumper may be used if the listed pumper is notified and the LPI approves the change. The new pumper will then be listed on an attachment to this agreement.
3. A water meter shall be installed at the owner's expense if required by the LPI. (N/A)
4. All records of pumping and water use (if required) must be kept for at least three years and shall be made available to the LPI or other official if requested.
5. A holding tank for new construction can only be replaced by a system meeting first time system requirements.
6. Once approved this form must be recorded at the Registry of Deeds, cross referenced to the owner's deed. (Lease not Deed)
7. I/We agree to comply with any additional requirements of the Town.

I/We state that all the information presented with this application is true and accurate, I/we acknowledge the foregoing items and agree to comply with all the requirements.

Property Owner(s) Signature [Signature] Date 9 Sept 21

Property Owner(s) Signature \_\_\_\_\_ Date \_\_\_\_\_

#### SITE EVALUATION STATEMENT

I, James Logan, state that I have evaluated the subject property and found that a subsurface wastewater disposal system is not practical. Secondly, I have completed a *Subsurface Wastewater Disposal System Application* (HHE-200) proposing a holding tank installation for the property's wastewater disposal.

Site Evaluator's Signature [Signature] Date August 26, 2021

#### HOLDING TANK PUMPER INFORMATION

Business owner's name: Jeremy Hamblen License # \_\_\_\_\_  
Business name Gorham Septic Service, Inc.  
Mailing address 144 Gray Rd  
City Gorham State ME Zip 04038  
Business telephone 639-6741  
Max. truck hauling capacity 3000 gallons  
Can pump: \_\_\_\_\_ seasonally ✓ year round  
DEP licensed disposal site location Town of Yarmouth Site # \_\_\_\_\_

#### HOLDING TANK PUMPER STATEMENT

I, Jeremy Hamblen, own and operate a septage pumping business named in this Application/Agreement, and have contracted with the property owner(s) to pump and properly dispose of the tank's waste. I further state that the tank, and that the wastewater will be disposed of at a Department of Environmental Protection licensed disposal location.

Holding Tank Pumper's Signature [Signature] Date 9-9-21

#### Municipal Officers Statement

- I (we) have reviewed the information submitted in support of this application.  
I (we) find that the installation of the holding tank will not violate any local ordinances.  
I (we) will authorize the LPI to enforce the requirements of this agreement, the Subsurface Wastewater Disposal Rules and any local ordinances, including record-keeping and required pumping.  
I (we) recommend that the LPI issue the necessary permits for the installation of the holding tank.

Signature [Signature] Title TOWN ENGINEER Date 6-24-2022

Signature STEVEN S JOHNSON Title \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

#### Local Plumbing Inspector's Statement

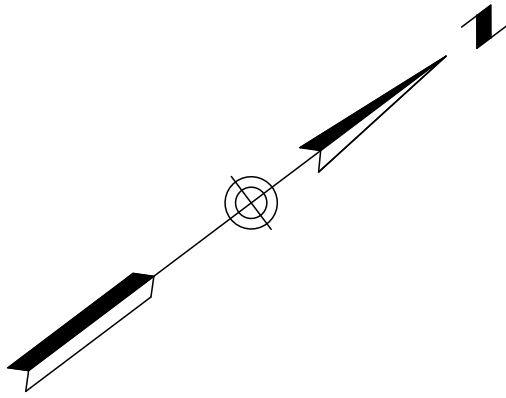
I have reviewed this application and find that the issuance of a permit for the holding tank complies with the Subsurface Wastewater Disposal Rules and all pertinent local ordinances.

Additional Requirements: \_\_\_\_\_

Signature [Signature] Date 6/29/2022

NICHOLAS J. CIARIMBOZI, CEO/LPI  
# 1271





## CASCO BAY

Allowable Structure Footprint: 1,000 s.f. within 75 feet

House: 376.73 s.f.  
Stone steps & landing: 21.814 s.f.  
Gravel Parking Area: 420.488 s.f.  
Shed: 178.95 s.f.

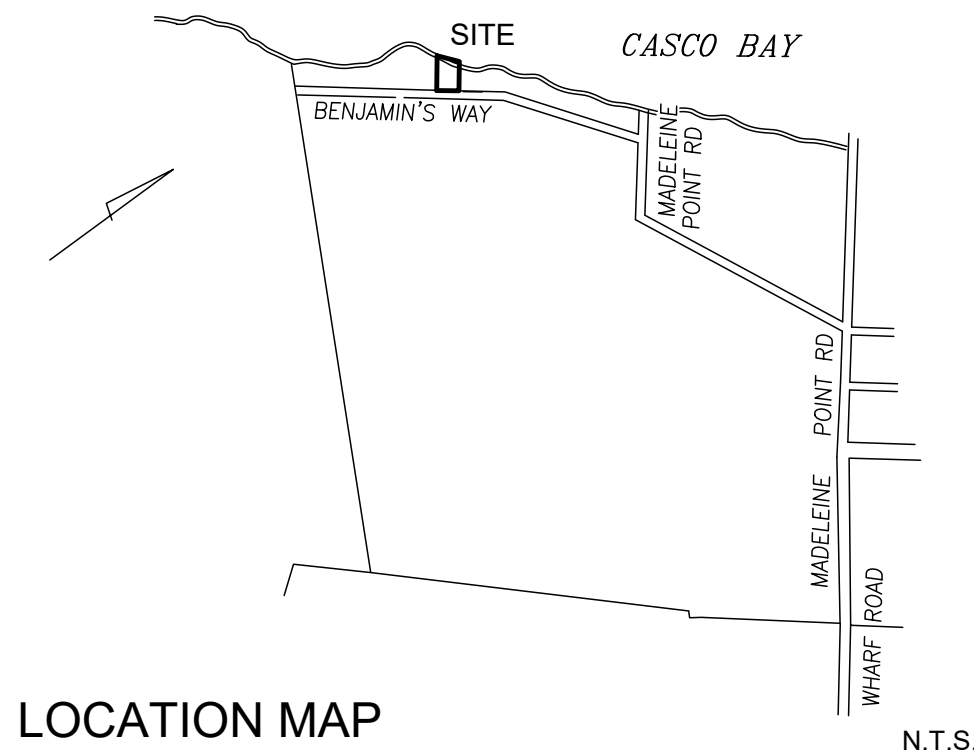
Total: 997.982 s.f.

Allowable Non-vegetated : 20% of area within 75 feet

6,056.4329 s.f x 0.20 = 1,211.29 s.f.

House: 376.73 s.f.  
Stone steps & landing: 21.814 s.f.  
12' x 16' Shed w/Roof overhang : 187.8148 s.f.  
Gravel Parking Area: 420.488 s.f.

Total: 1,006.8468 s.f.



## LOCATION MAP

N.T.S.

## LEGEND

- IRON PIPE OR ROD FOUND
- UTILITY POLE
- ELECTRIC METER
- OVERHEAD WIRES
- 1' CONTOUR
- IRON PIPE/ROD FOUND
- NOW OR FORMERLY
- DEED BOOK / PAGE

## PLAN REFERENCES

- "ALTA/ACSM LAND TITLE SURVEY, PARCEL #2-COUSINS ISLAND ACRES, 677 COUSINS STREET, YARMOUTH, MAINE MADE FOR RECORD OWNER FPL ENERGY WYMAN, LLC" NOV. 12, 2015 REV. 2 APRIL 1, 2016 BY OWEN HASKELL, INC.
- "PLAN OF COTTAGE LOTS" DATED SEPT. 1893 BY WALTER C. STEVENS RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 10 PAGE 111.
- "BOUNDARY SURVEY AT 53 BENJAMIN'S WAY, YARMOUTH, MAINE MADE FOR RECORD OWNER ADAM C. MITCHELL" DATED APRIL 1, 2020 BY OWEN HASKELL, INC.

## GENERAL NOTES

- OWNER OF RECORD: ADAM C. MITCHELL  
16 YALE STREET, PORTLAND, MAINE  
TAX MAP 53 LOT 16  
C.C.R.D. BOOK 36487 PAGE 221
- BEARINGS ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM WEST ZONE, NAD 1983 PER PLAN REFERENCE 1.
- LOT NUMBERS FROM "PLAN OF COTTAGE LOTS" RECORDED IN PLAN BOOK 10 PAGE 111.
- SUMMIT GEOENGINEERING SERVICES CONDUCTED A SITE VISIT TO EVALUATE BLUFF STABILITY. THEIR REPORT DATED JUNE 2, 2023 FINDS THE BLUFF TO BE STABLE.

## ZONING

THE FOLLOWING ZONING INFORMATION IS TAKEN FROM "LAND DEVELOPMENT FEASIBILITY STUDY" BY NORTHEAST CIVIL SOLUTIONS DATED FEBRUARY 2020

LOW DENSITY RESIDENTIAL ZONE	
* MINIMUM LOT SIZE (SINGLE FAMILY OR OTHER USES)	2 ACRES
* MINIMUM FRONT YARD	40'
* MINIMUM SIDE YARD	20'
* REAR YARD	40'
* MINIMUM STREET FRONTAGE	N/A
* MAXIMUM BUILDING COVERAGE	SEE
SHORELAND OVERLAY DISTRICT (SOD)	
* MINIMUM LOT WIDTH	200'
* MAXIMUM STRUCTURE HEIGHT	SEE
SHORELAND OVERLAY DISTRICT (SOD)	

\*STRUCTURES LOCATED WITHIN 75' FROM NORMAL HIGH WATER

* MAXIMUM STRUCTURE HEIGHT	20'
* MAXIMUM FOOTPRINT	1,000 SF
* MAXIMUM LOT COVER	20%

FOR ADDITIONAL ZONING INFORMATION SEE THE TOWN OF YARMOUTH CODE OF ORDINANCES.

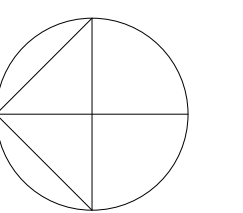
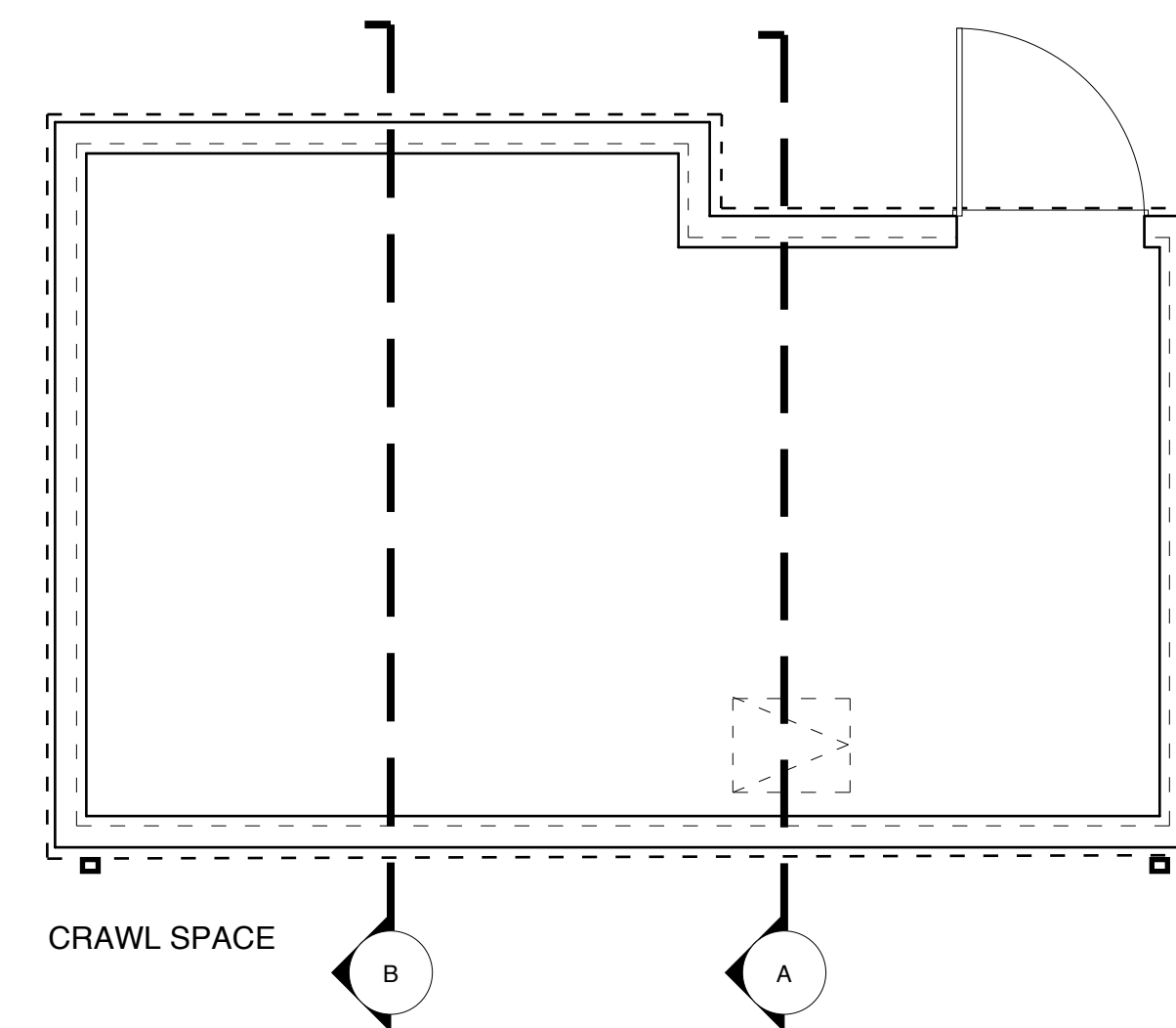
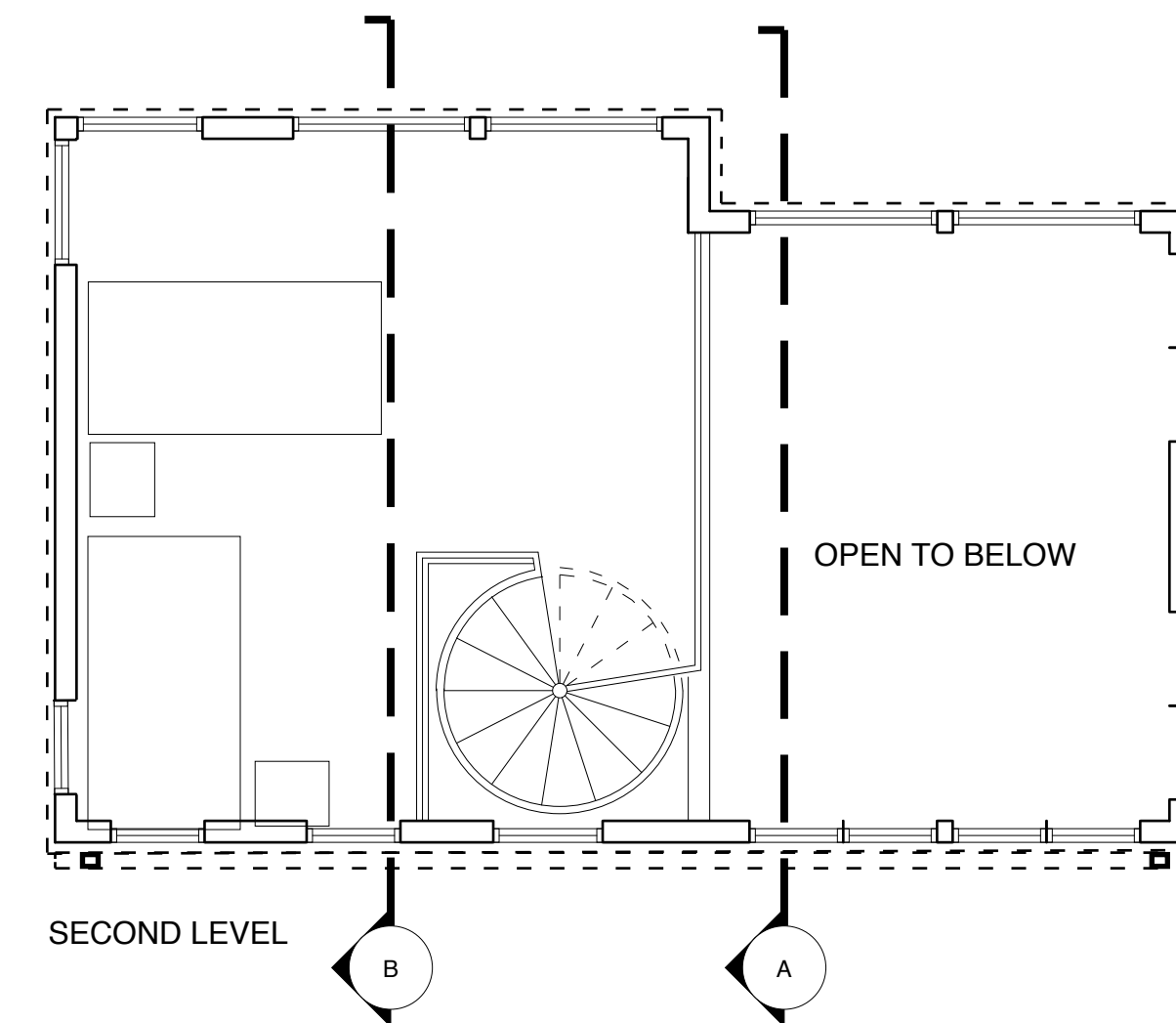
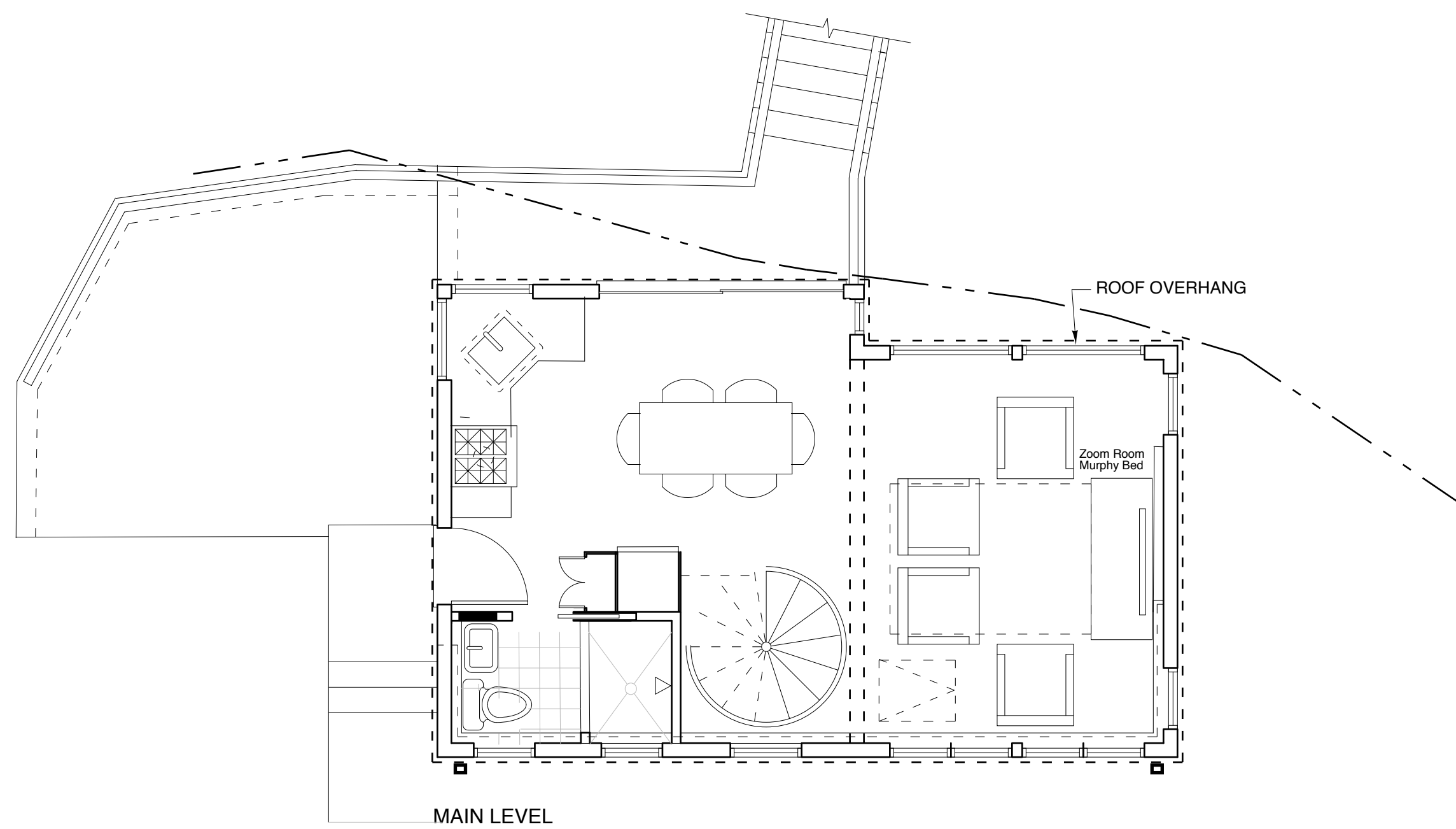
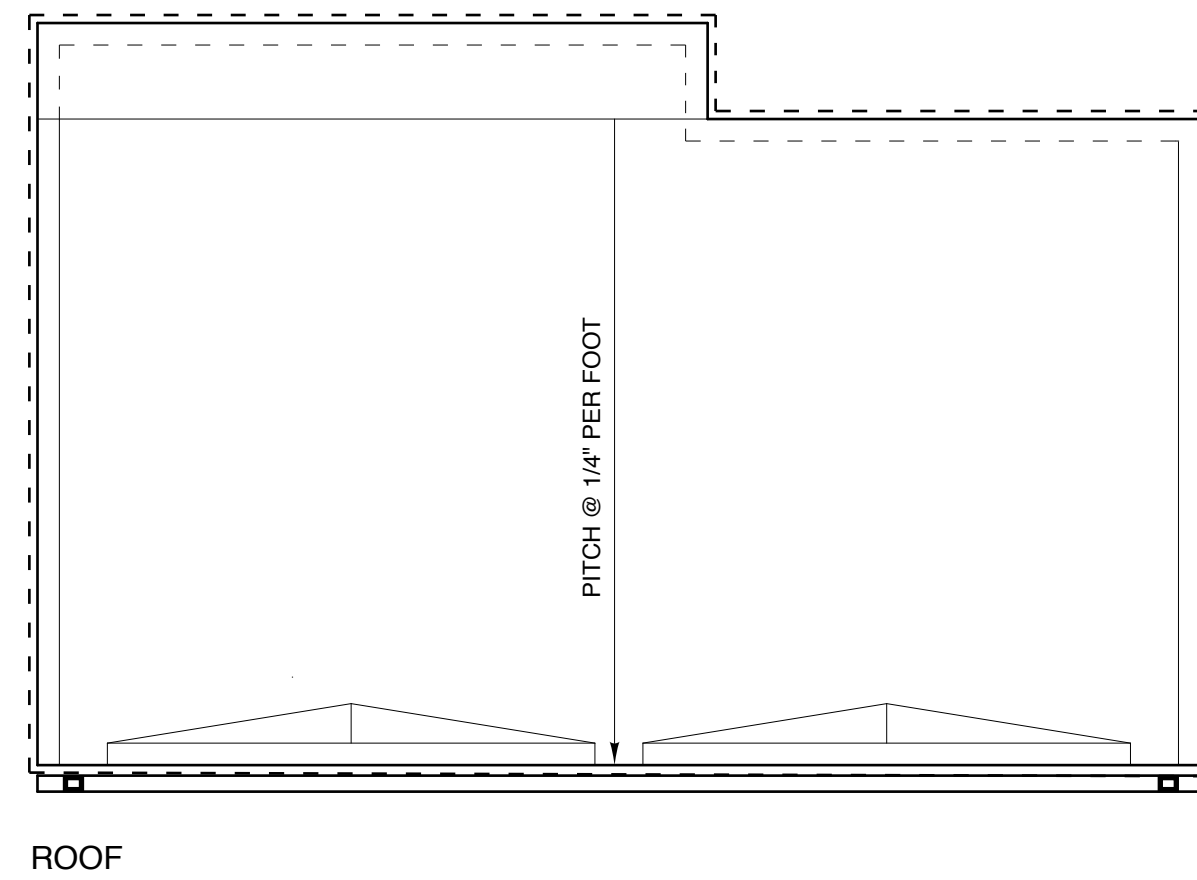
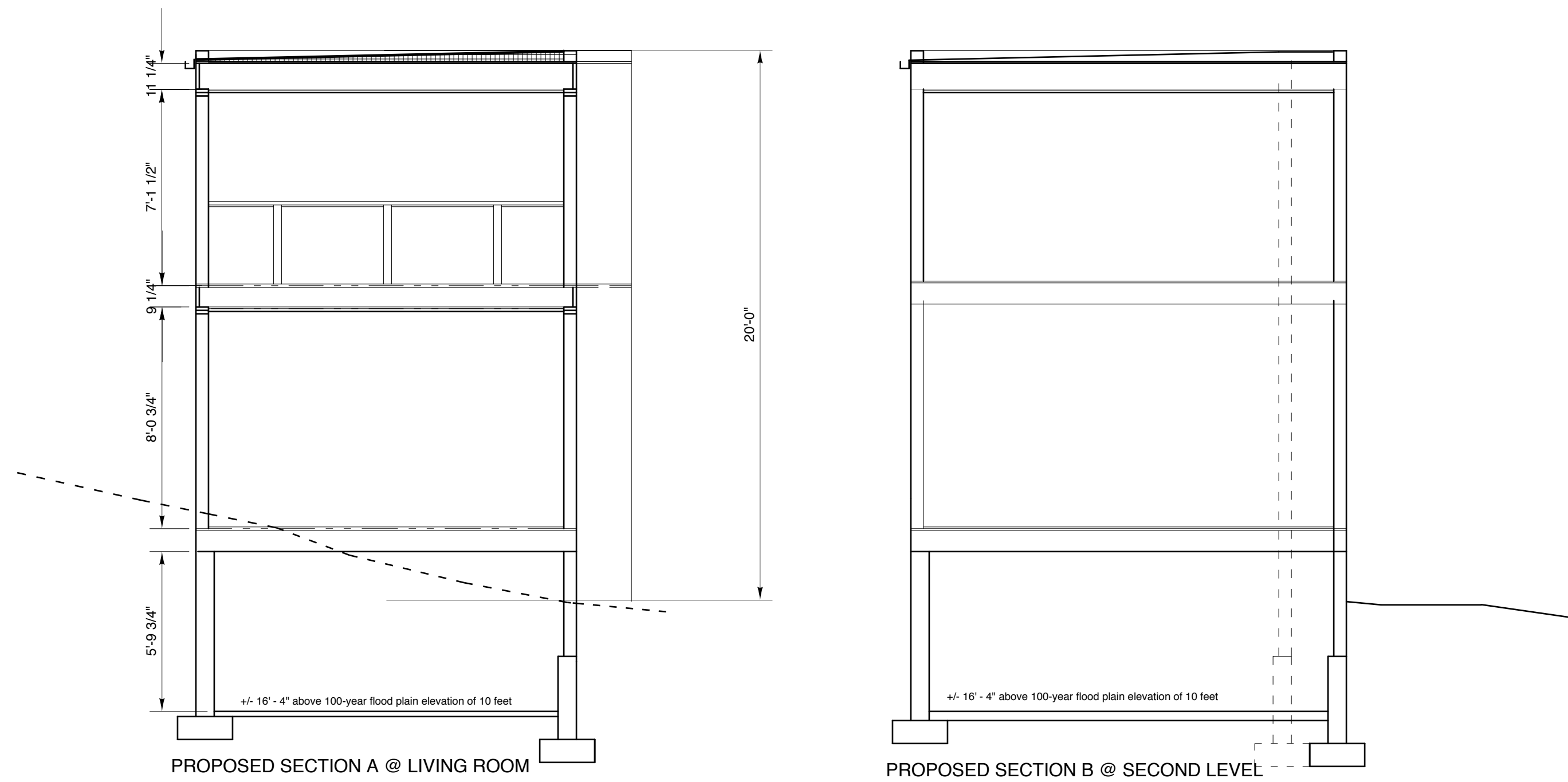
REV. 1 6/05/23 REVISE NOTE 4 AND 75 FOOT SETBACK

**Topographic Survey**  
At  
53 Benjamin's Way, Yarmouth, Maine  
Made for  
**Adam C. Mitchell**  
16 Yale Street, Portland, Maine 04103

**OWEN HASKELL, INC.**  
PROFESSIONAL LAND SURVEYORS  
390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424  
DRAWN BY: J.L.W. DATE: APRIL 3, 2023 JOB NO. 2020-044 Y  
CHECKED BY: RRL/ECB SCALE: 1" = 10' DRWG. NO. 1

SCALE : 1" = 10'

12/21/23  
Scheme o

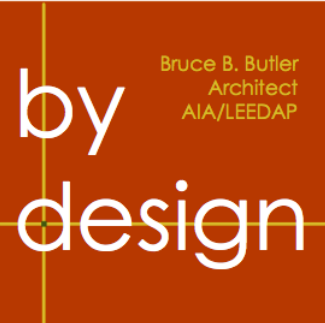


JOB NORTH

MITCHELL  
CAMP  
53 Benjamin's Way  
Yarmouth, Maine

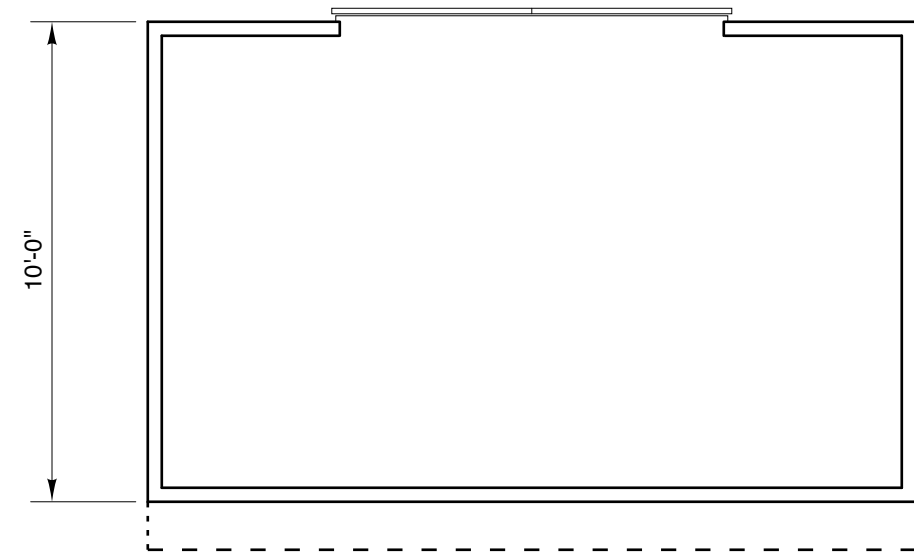
SCALE 1/4" = 1' - 0"  
DRAWN BY: BBB  
DATE: 12/21/23

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written material appearing herein  
constitute original and unpublished  
work of the Architect and may not be  
duplicated, used, or disclosed without  
written consent of By Design.

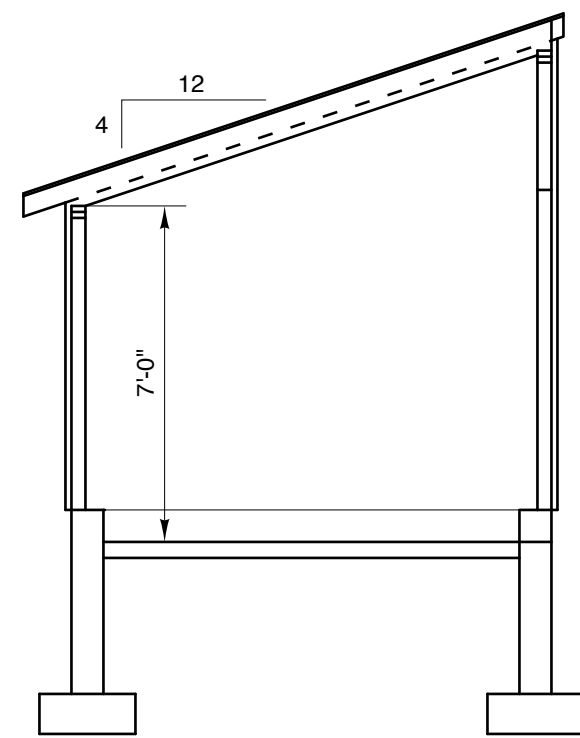


FLOOR PLANS &  
BUILDING SECTIONS

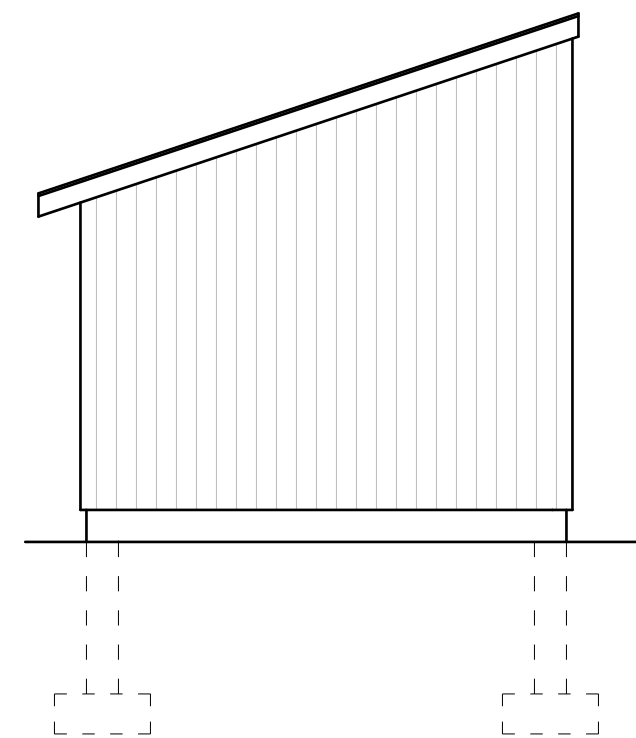
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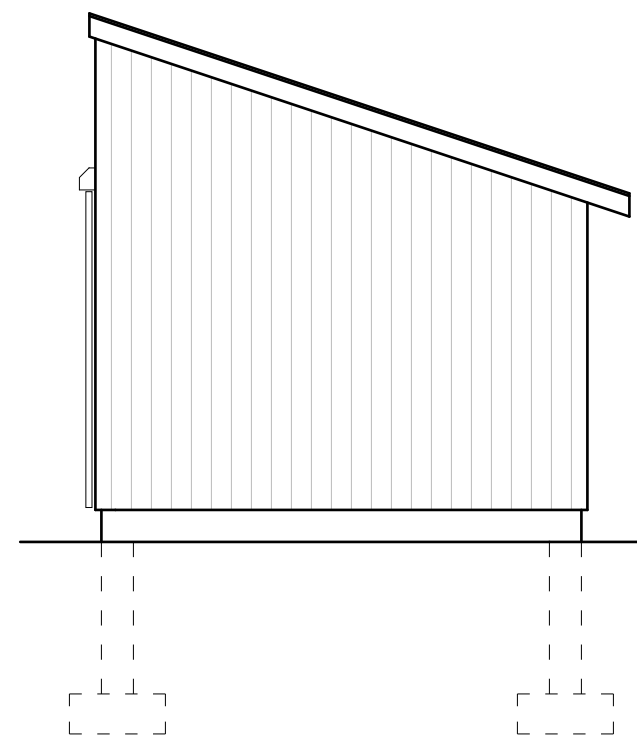
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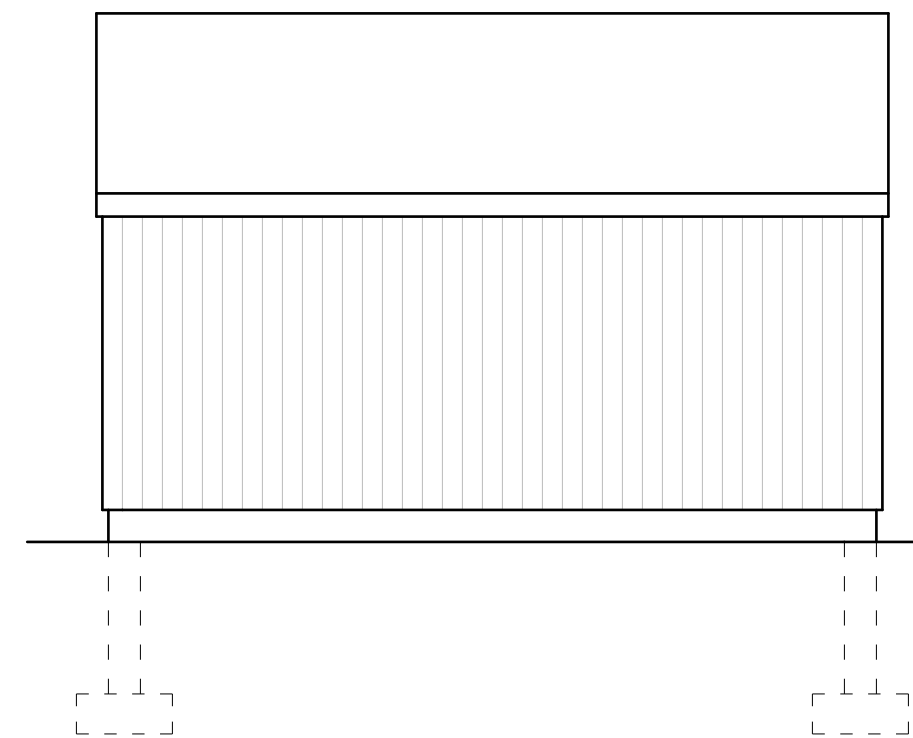
SHED SECTION



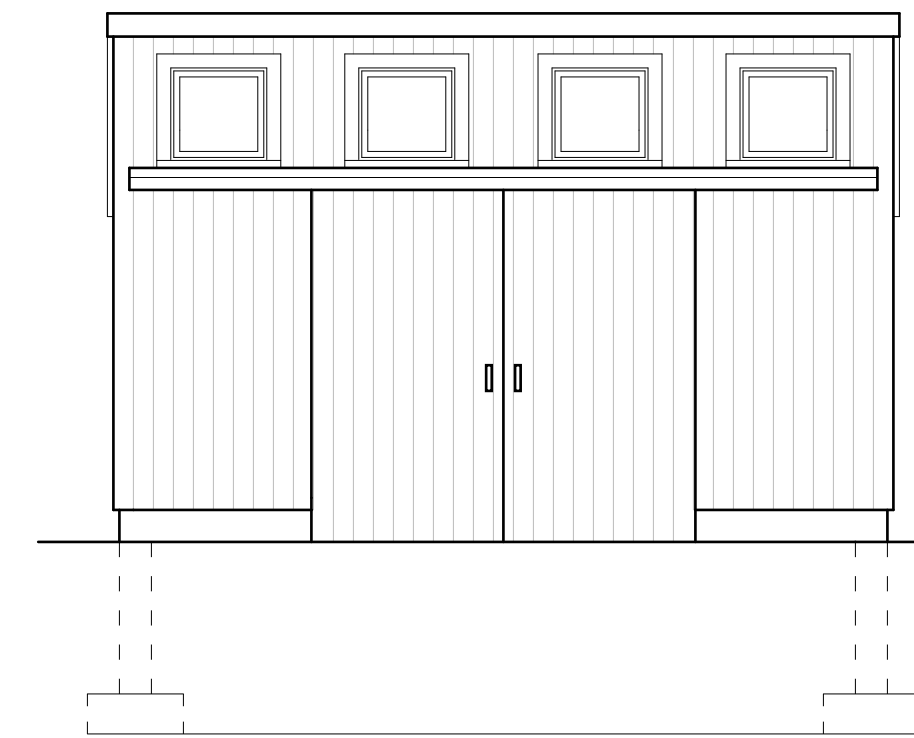
NORTH ELEVATION



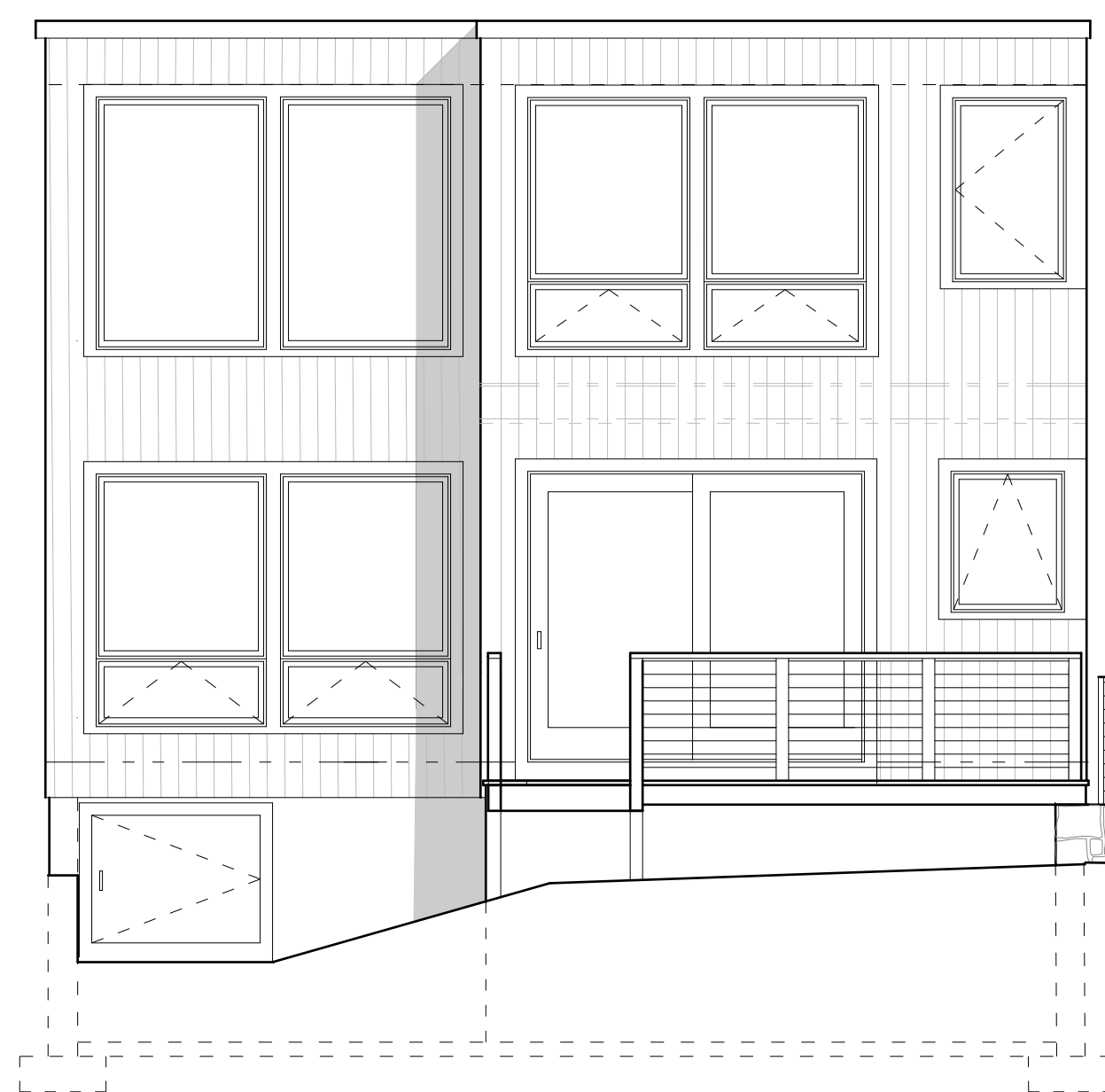
SOUTH ELEVATION



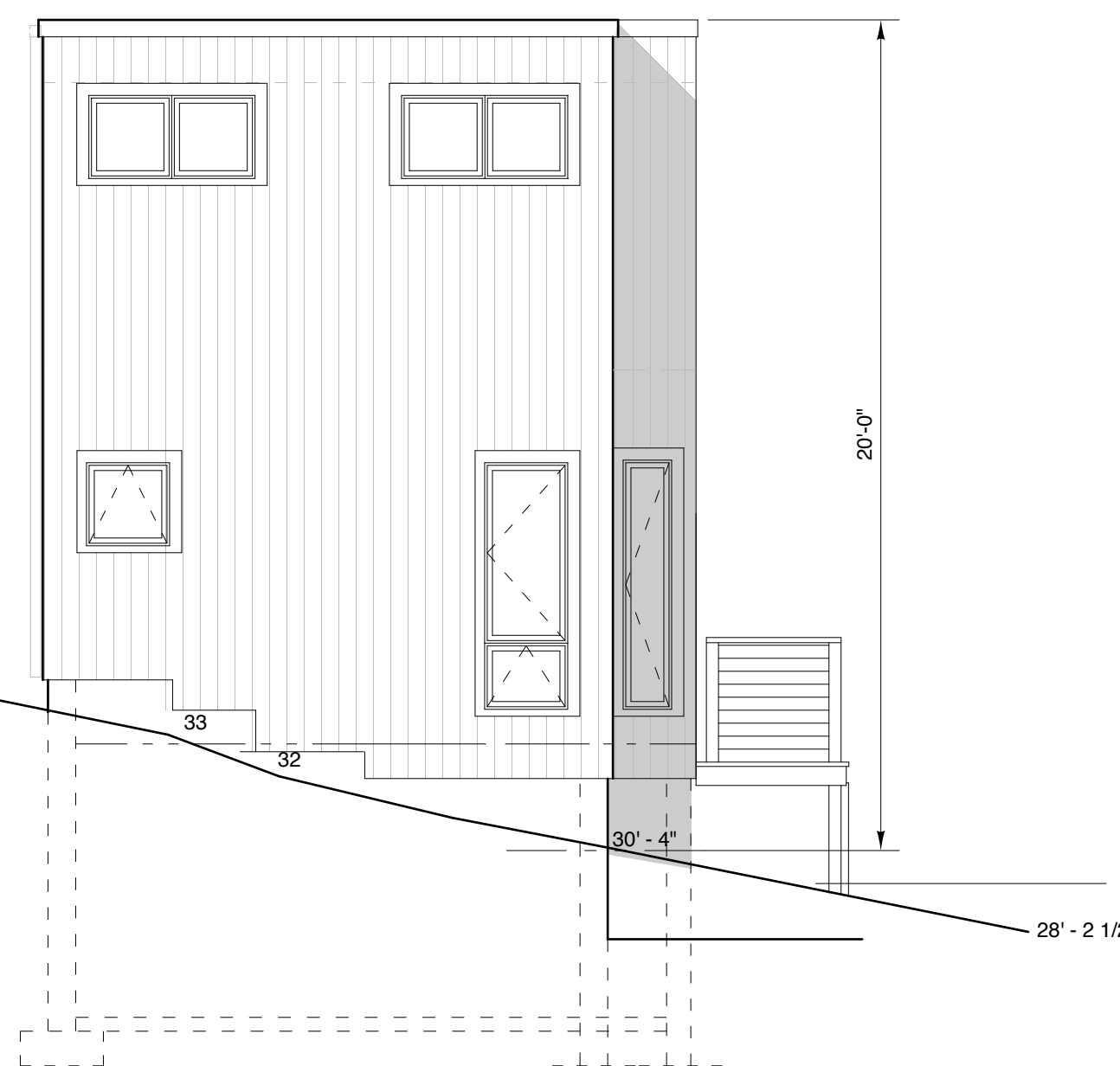
EAST ELEVATION



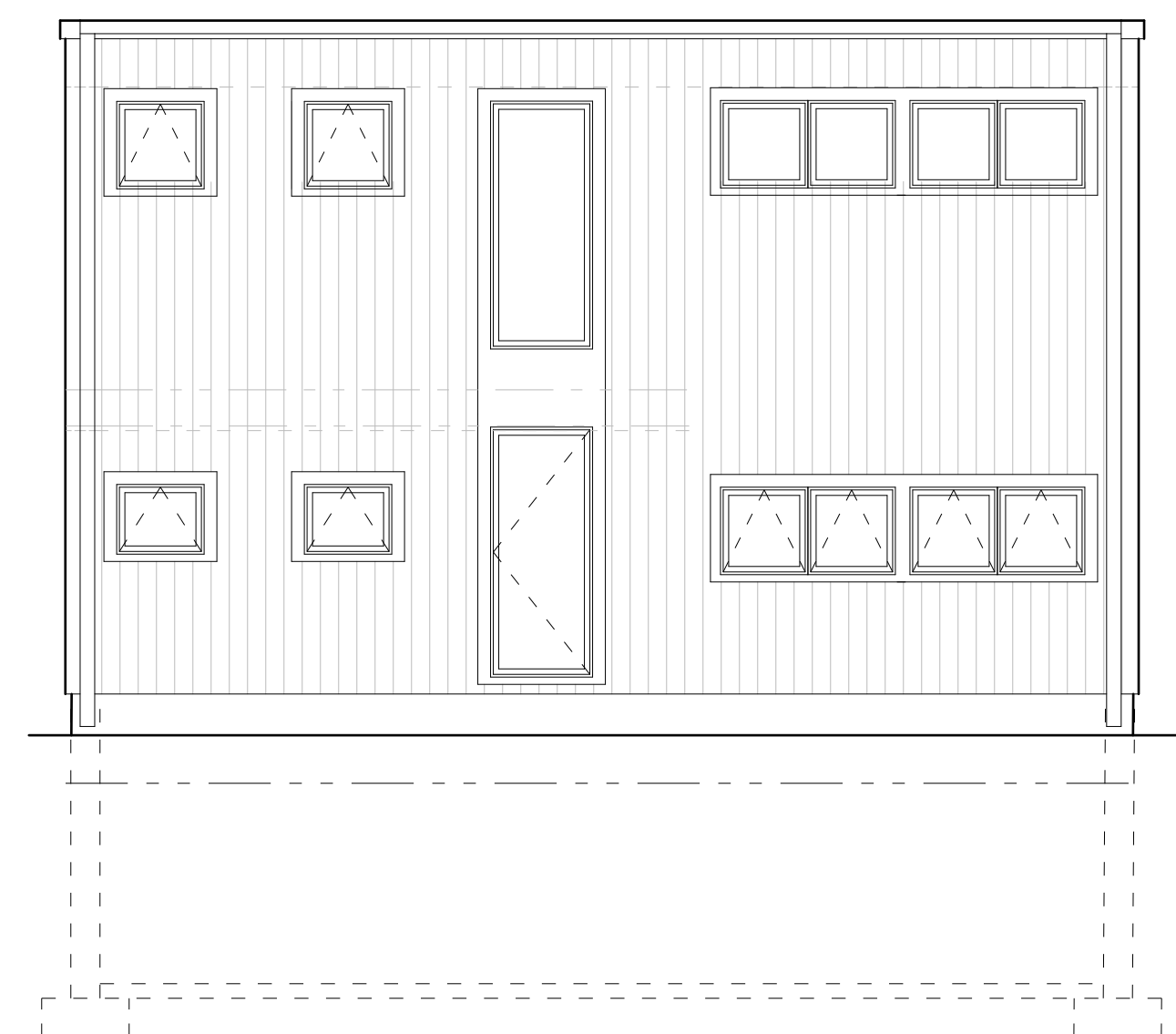
WEST ELEVATION



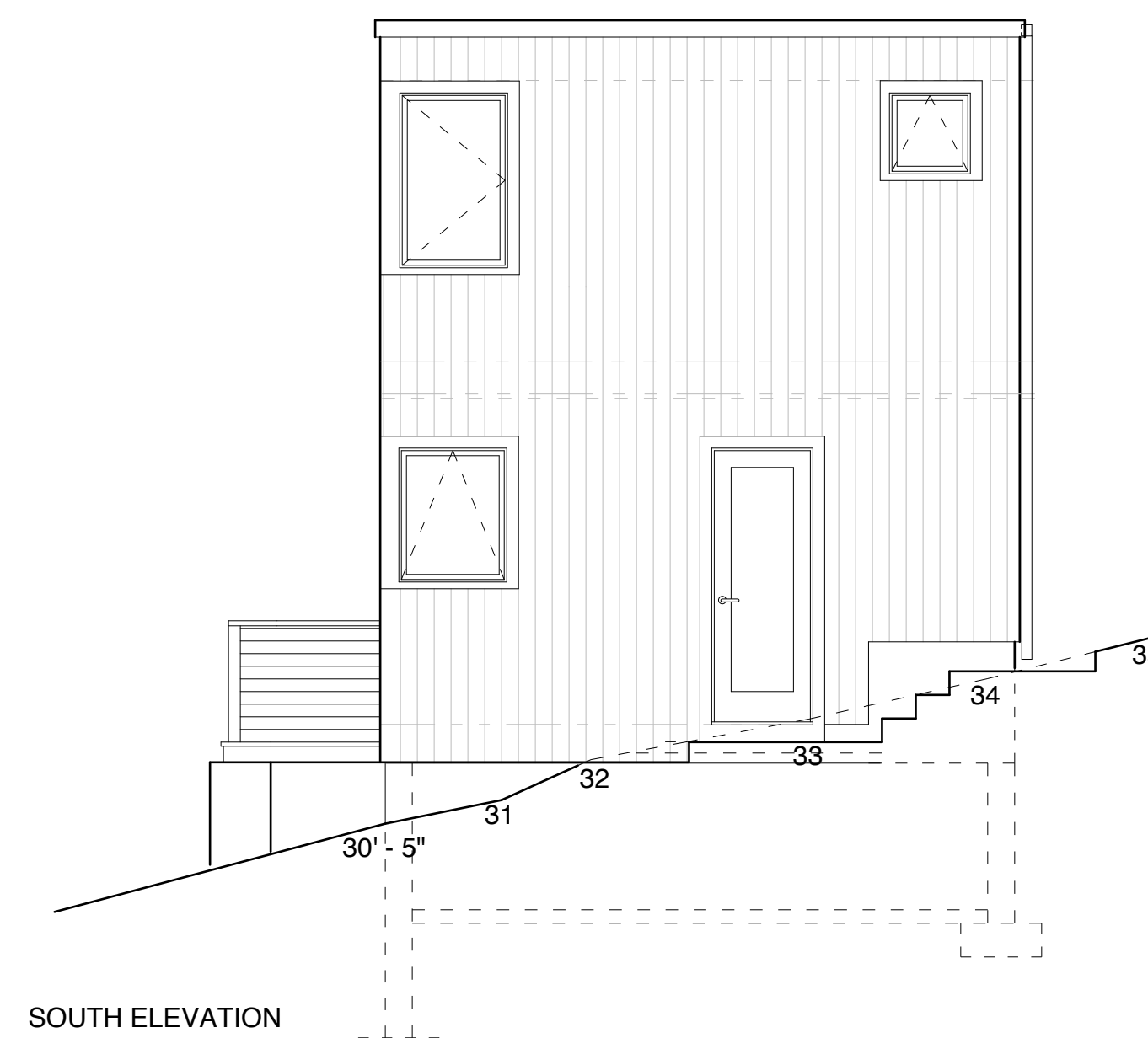
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

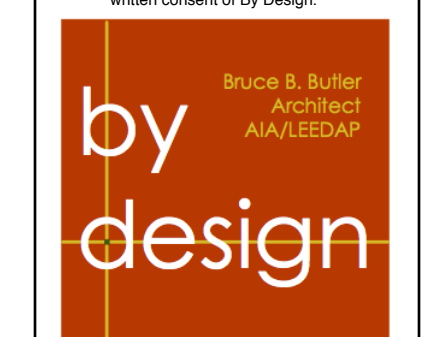
MITCHELL  
CAMP  
53 Benjamin's Way  
Yarmouth, Maine

SCALE 1/4" = 1' - 0"

DRAWN BY: BBB

DATE: 12/21/23

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written material appearing herein  
constitute original and unpublished  
work of the Architect and may not be  
duplicated, used, or disclosed without  
written consent of By Design.



ELEVATIONS &  
SHED

A201o



**WARRANTY DEED**  
(Maine Statutory Short Form)

Adam C. Mitchell, of Yarmouth, in the County of Cumberland, and State of Maine, for consideration, grants to Adam C. Mitchell and Katelyn M. Allen, Trustees, or their successors in trust, under the ACM Family Trust, dated August 11, 2022, and any amendments thereto, both of Yarmouth, in the County of Cumberland, and State of Maine, with WARRANTY COVENANTS, a certain lot or parcel of land with the buildings and improvements thereon, situated in the Town of Yarmouth, in the County of Cumberland, and State of Maine, as more particularly bounded and described as follows:

The following described real estate, situated in the County of Cumberland, State of Maine:

53 Benjamin's Way, Map 053, Lot 016, Cousins Island, Town of Yarmouth, State of Maine, bounded on the North by Casco Bay;


on the East by FPL Energy;

on the South by Benjamin's Way;

on the West by FPL Energy.

Being the same premises conveyed by Paul Farm Holdings, LLC to Adam C. Mitchell by Warranty Deed dated March 4, 2020 and recorded in the Cumberland County Registry of Deed at Book 36487, Page 221.

IN WITNESS WHEREOF, I have hereunto set my hand and seals this 11th day of August, 2022.

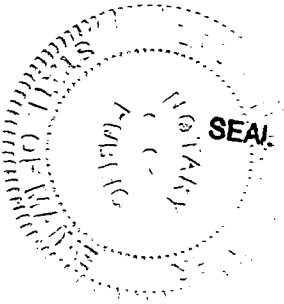
  
\_\_\_\_\_  
WITNESS

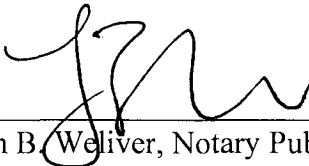
  
\_\_\_\_\_  
Adam C. Mitchell

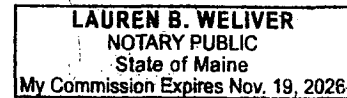
STATE OF Maine )  
 ) ss.  
COUNTY OF Cumberland )

On this day, August 11, 2022, before me, the undersigned notary public, personally appeared Adam C. Mitchell, personally known to me, to be the person whose name is signed to the preceding document, and acknowledged to me that he signed it voluntarily for its stated purposes.

Witness my signature and official seal.



  
\_\_\_\_\_  
Lauren B. Weliver, Notary Public



Received  
Recorded Register of Deeds  
Aug 18, 2022 02:10:41P  
Cumberland County  
Jessica M. Spaulding

# TOWN OF YARMOUTH

200 Main Street

Yarmouth, Maine 04096

(207)846-2401

WWW.YARMOUTH.ME.US

Fax: (207)846-2438

ck 1660

## SHORELAND ZONING PERMIT APPLICATION

PERMIT # SD 21-20 ISSUE DATE 6/6/21 FEE AMOUNT 156.00

Date: 4/19/2021 Zoning District LDR, SZ, RP Map 53 Lot 16 Ext

APPLICANT NAME: Atlantic Environmental, LLC c/o Tim Forrester PHONE NO: (207) 837 - 2199

MAILING

ADDRESS: 135 River Road Woolwich, ME 04579 e-mail tim@atlanticenviromaine.com

OWNER (other than applicant)

NAME: Adam Mitchell PHONE NO: (207) 650 - 8249

MAILING

ADDRESS: 16 Yale Street Portland, ME 04103 e-mail acmitch10@yahoo.com

CONTRACTOR

NAME: Waddle's Marine Service PHONE NO: (207) 833 - 2820

MAILING

ADDRESS: 473 Mountain Road Harpswell, ME 04079 e-mail rwwaddle@gmail.com

PROPERTY

LOCATION: 53 Benjamin's Way

*Applicant must also include a narrative of the project including a description of all proposed construction, (E.G. Land clearing, road building, septic systems and wells – Please note: A site plan sketch is required on a separate sheet of paper no less than 11" x 17" or greater than 24"x36"*

**Please note: Plan set must be bound (not rolled) with a cover sheet and index.**

Proposed use of project: Residential

Estimated cost of construction \$40,000

Lot area (sq. ft.) 6534 sq. ft.

Frontage on Road (FT) +/- 63 ft.

SQ. FT. of lot to be covered by non-vegetated surfaces 40 sq. ft. (landing and stairs) - All other structures located below the HAT

Elevation above 100 YR Flood Plain N/A

Frontage on water body (FT.) +/- 64 ft.

Height of proposed structure Minimum of 6 ft.



Existing use of property Residential

Proposed use of property Residential

*Note: NEXT Questions apply only to expansions of portions of existing structures that are less than the required setback.*

- A) Total building footprint area of portion of structure that is less than required setback as of 1/1/89: N/A SQ.FT.
- B) Actual shore setback of existing structure proposed for expansion (measured as required in SOD, e.g.: Highest Annual Tide; Upland Edge of Coastal Wetland; Top of Bank (RP); Normal High Water Line of rivers and streams; as applicable): Water Dependent
- C) Building footprint area of expansions of portion of structure that is less than required setback from 1/1/89 to present: N/A SQ.FT.
- D) Building footprint area of proposed expansion of portion of structure that is less than required setback: N/A SQ.FT.
- E) % Increase of building footprint of previous and proposed expansions of portion of structure that is less than required setback since 1/1/89: % increase =  $((C+D) \times 100) / A =$   
N/A %
- F) Floor Area and Market Value of Structure prior to improvements: (a) Area: N/A  
Value:. Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) Area: Value:. If the floor area or market value of (b) exceeds 50% of the area or value of (a), then the Relocation provisions of Article IV.R.5.a.(3) and (4) shall apply. **Note:** A value appraisal may be required or submitted in close cases where the applicant asserts that that 50% trigger and relocation assessment provision is not met. **Any plan revisions after initial approvals to replace rather than renovate building components (foundations, framing, etc.) shall be required to re-calculate the extent of removal, damage or destruction relative to retained structure.**
- ☒ Please provide a site plan to include lot lines, area to be cleared of trees and other vegetation; the exact position of proposed structures, including decks, porches, and out buildings with accurate setback distances from the shoreline, side and rear property lines; the location of proposed wells, septic systems, and driveways; and areas and amounts to be filled or graded. If the proposal is for the expansion of an existing structure, please distinguish between the existing structure and the proposed expansion.
- ☒ Note: For all projects involving filling, grading, or other soil disturbance you must provide a soil erosion control plan describing the measures to be taken to stabilize disturbed areas before, during and after construction.
- ☒ Draw a simple sketch showing both the existing and proposed structures with dimensions.

## SHORELAND ZONING PERMIT CHECKLIST

Please note that this checklist is intended to help applicants identify major submittal components but it is the applicant's responsibility to review the SOD/RP provisions outlined in Chapter 701 of the Yarmouth Code and provide all required information as well as conform to all design components. Copies of Chapter 701 are available at the Yarmouth Town Hall or can be downloaded on the Town website which is [www.yarmouth.me.us](http://www.yarmouth.me.us).

- ☒ Complete Shoreland Zoning Permit application including signatures of property owners and agents.
- ☒ Appropriate fee.
- ☒ Square footage of lot area within the 250' SOD Entire lot is within SOD
- ☒ Square footage and % of lot covered by non-vegetated surfaces within the SOD 40 sq. ft./ <1% additional
- ☒ Square footage and % of cleared area within lot area within the SOD N/A
- ☒ Delineation of 75' setback from upland edge of the coastal wetland
- ☒ Delineation of 250' SOD line from upland edge of the coastal wetland. Entire lot is within SOD
- ☒ Delineation of Resource Protection District
- ☐ Height of any proposed structures as measured between the mean original grade at the downhill side of the structure and the highest point of the structure N/A
- ☐ Building elevations of any proposed structures as viewed from side and rear lot lines N/A
- ☐ % Increase of expansions of portion of structure which is less than the required setback (if applicable)
- ☐ Floor Area and Market Value of Structure prior to improvements: (a) Area: N/A Value: N/A. Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) Area: N/A Value: N/A.
- ☐ Elevation of lowest finished floor to 100 year flood elevation N/A
- ☒ Evidence of submission of the application to the Maine Historic Preservation Commission (MHPC) at least twenty (20) days prior to the Planning Board meeting as required in Article IV.R.O
- ☒ Copy of additional permit(s) if applicable:
  - Planning Board (e.g. Subdivision, Site Plan Review)
  - Board of Appeals
  - Flood Hazard
  - Exterior plumbing permit (Approved HHE 200 Application Form)
  - Interior plumbing permit
  - DEP permit (Site Location, Natural Resources Protection Act)
  - Army Corps of Engineers Permit (e.g. Sec. 404 of Clean Waters Act)
- ☒ Please circle all habitat types, marine organisms and shoreline elements present: (Sand beach) (boulder/cobble beach) (sand flat) (mixed coarse & fines) (salt marsh) (ledge) (rocky shore) (mudflat) (sediment depth if known) (Bluff/bank) (Mussels) (clams) (marine worms) (rockweed) (eelgrass) (lobsters) (other \_\_\_\_\_)
- ☐ Signs of intertidal erosion? (Yes) (no)
- ☐ Energy: (protected) (semi-protected) (partially exposed) (exposed)
- ☒ Copy of deed
- ☒ Soil erosion control plan
- ☒ Photographs
- ☒ Plan view

NOTE: Applicant is advised to consult with the CEO and appropriate state and federal agencies to determine whether additional permits, approvals, and reviews are required.

### CONDITIONS OF APPROVAL

The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

I certify that all information given in this application is accurate. All proposed uses shall be in conformance with this application and the Town of Yarmouth Shoreland Regulations in the Zoning Ordinance. I agree to future inspections by the Code Enforcement Officer / Planning Director / Planning Board members (as applicable) at reasonable hours and with advance notice.

"I authorize appropriate staff within the Yarmouth Planning Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to collect facts pertaining to my application."

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Agent Signature  
(if applicable)

*Timothy A. Foster*

Date 4/19/2021

Code Enforcement Officer

*[Signature]*

DATE OF APPROVAL / DENIAL OF APPLICATION  
(by either staff or planning board)

6/6/2021

\* BASED ON INFORMATION AND DRAWINGS PROVIDED BY APPLICANT, PROPOSAL MEETS THE STANDARDS FOR DOCKS, PIERS, WHARVES... FOR CH. 701, ART. II R. APPROVAL CONTINGENT UPON APPROVALS BY ALL OTHER AUTHORIZED AGENCIES.





Maine Center for Disease  
Control and Prevention  
An Office of the  
Department of Health and Human Services

Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Tel. (207) 287-2070

Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
286 Water Street  
11 State House Station  
Augusta, Maine 04333-0011  
Tel. (207) 287-8016  
Fax (207) 287-9058; TTY (800) 606-0215  
Fax (207) 287-4172

Subsurface Wastewater Team

### HOLDING TANK DEED COVENANT FORM

**Property Owner:** Complete and record this form with your County Registry of Deeds. Then forward a copy of the recorded deed covenant to the your municipality's Local Plumbing Inspector.

**County Registrar:** Please cross-reference this document with book and page no.

**Property Owner Statement:** I (we), Adam Mitchell, are the  
owner(s) of the property located at 53 Benjamins Way, Yarmouth, ME 04096  
The property's deed is recorded in book no. 053, page no. 016.

We state that the holding tank installation for the aforementioned property received approval by the town of Yarmouth, ME and its officials.

#### Stipulations of Covenant:

The holding tank shall be installed and maintained in accordance with the following conditions:

*(Conditions to be specified by the approving authority.)*

- Prior to the disturbance of any soil, erosion, and sedimentation BMPs shall be installed and maintained per MDEP standards until disturbed areas are re-vegetated.
- Based on the capacity and nature of the Holding Tank design, the dwelling is limited to two bedrooms and seasonal use only
- The Holding Tank shall be fitted with risers and covers for ease of access (grout all seams to prevent surface water infiltration)
- Visible and audible high-water alarms shall be installed and tested frequently.
- The Holding Tank shall be pumped every other month May through October. This frequency may be adjusted after two years based on actual design flow established through pumping records.
- Plumbing in the structure shall optimize water conservation and all water closets shall meet or exceed ASME standard A112.19.2 (1.6 gallons per flush maximum).

**Municipal Approval Conditions:** This approval has been granted subject to the implementation of the above conditions and said approval will become null and void if the required and stated conditions of approval are violated.

Property Owner signature(s)

*[Signature]*  
ADAM MITCHELL

State of Maine

County Cumberland, ss

Date 6/10/22

Received  
Recorded Register of Deeds  
Jun 16, 2022 10:39:22A  
Cumberland County  
Jessica M. Spaulding

Then personally appeared the above named Adam Mitchell (and)

\_\_\_\_\_ and (severally) acknowledged the foregoing instrument to be his (or their) free act and deed.

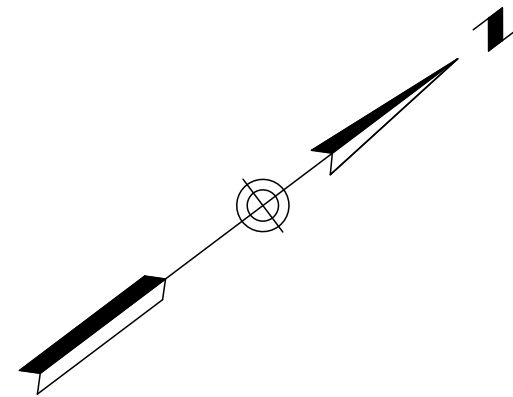
SEAL

Before me

*[Signature]*  
Justice of the Peace or Notary Public

LYDIA DEROSIER  
NOTARY PUBLIC  
State of Maine  
My Commission Expires  
February 28, 2029

HHE-300 Rev. 3/97



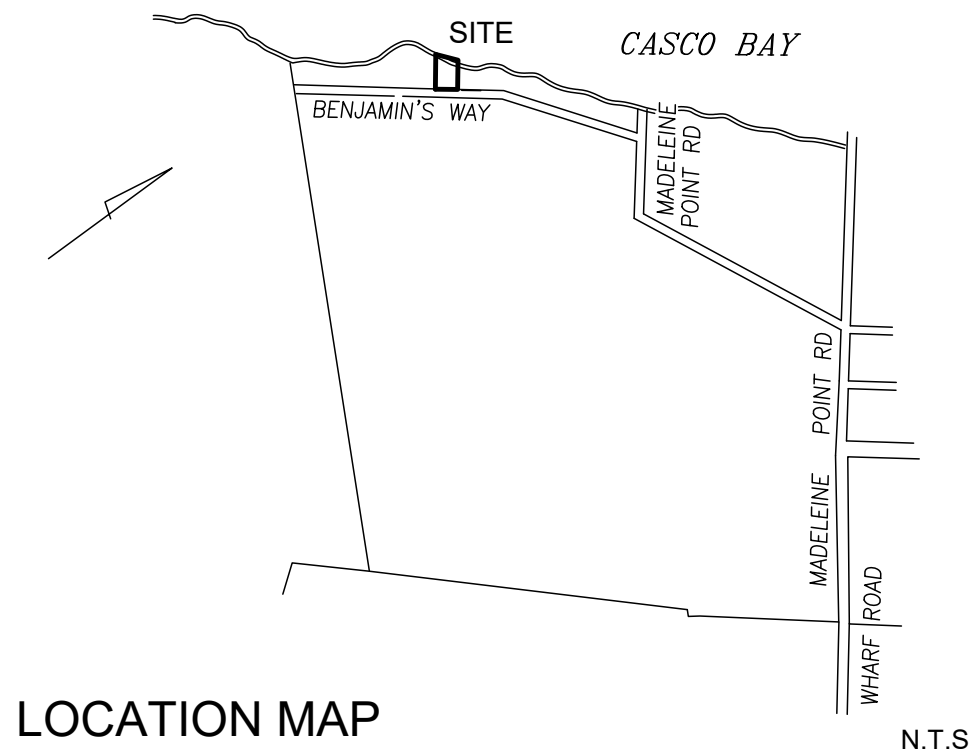
CASCO BAY

7  
TM 52 LOT 1  
N/F  
FPL ENERGY WYMAN IV,  
LLC  
14669/71

9  
TM 52 LOT 1  
N/F  
FPL ENERGY WYMAN IV,  
LLC  
14669/71

TM 52 LOT 1  
N/F  
FPL ENERGY WYMAN IV,  
LLC  
14669/71

SCALE: 1" = 10'  
0' 5' 10' 20'



- LEGEND**
- IRON PIPE OR ROD FOUND
  - ⊗ UTILITY POLE
  - ⊗ EM ELECTRIC METER
  - OHW OVERHEAD WIRES
  - 30 1' CONTOUR
  - IPF/IRF IRON PIPE/ROD FOUND
  - N/F NOW OR FORMERLY
  - 000/000 DEED BOOK / PAGE

**PLAN REFERENCES**

- "ALTA/ACSM LAND TITLE SURVEY, PARCEL #2-COUSINS ISLAND ACRES, 677 COUSINS STREET, YARMOUTH, MAINE MADE FOR RECORD OWNER FPL ENERGY WYMAN, LLC" NOV. 12, 2015 REV. 2 APRIL 1, 2016 BY OWEN HASKELL, INC.
- "PLAN OF COTTAGE LOTS" DATED SEPT. 1893 BY WALTER C. STEVENS RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 10 PAGE 111.
- "BOUNDARY SURVEY AT 53 BENJAMIN'S WAY, YARMOUTH, MAINE MADE FOR RECORD OWNER ADAM C. MITCHELL" DATED APRIL 1, 2020 BY OWEN HASKELL, INC.

**GENERAL NOTES**

- OWNER OF RECORD: ADAM C. MITCHELL  
16 YALE STREET, PORTLAND, MAINE  
TAX MAP 53 LOT 16  
C.C.R.D. BOOK 36487 PAGE 221
- BEARINGS ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM WEST ZONE, NAD 1983 PER PLAN REFERENCE 1.
- LOT NUMBERS FROM "PLAN OF COTTAGE LOTS" RECORDED IN PLAN BOOK 10 PAGE 111.
- SUMMIT GEOENGINEERING SERVICES CONDUCTED A SITE VISIT TO EVALUATE BLUFF STABILITY. THEIR REPORT DATED JUNE 2, 2023 FINDS THE BLUFF TO BE STABLE.

**ZONING**

THE FOLLOWING ZONING INFORMATION IS TAKEN FROM "LAND DEVELOPMENT FEASIBILITY STUDY" BY NORTHEAST CIVIL SOLUTIONS DATED FEBRUARY 2020

LOW DENSITY RESIDENTIAL ZONE	
• MINIMUM LOT SIZE (SINGLE FAMILY OR OTHER USES)	2 ACRES
• MINIMUM FRONT YARD	40'
• MINIMUM SIDE YARD	20'
• REAR YARD	40'
• MINIMUM STREET FRONTAGE	N/A
• MAXIMUM BUILDING COVERAGE	SEE
SHORELAND OVERLAY DISTRICT (SOD)	
• MINIMUM LOT WIDTH	200'
• MAXIMUM STRUCTURE HEIGHT	SEE
SHORELAND OVERLAY DISTRICT (SOD)	
• STRUCTURES LOCATED WITHIN 75' FROM NORMAL HIGH WATER	
• MAXIMUM STRUCTURE HEIGHT	20'
• MAXIMUM FOOTPRINT	1,000 SF
• MAXIMUM LOT COVER	20%

FOR ADDITIONAL ZONING INFORMATION SEE THE TOWN OF YARMOUTH CODE OF ORDINANCES.

REV. 1 6/05/23 REVISE NOTE 4 AND 75 FOOT SETBACK

**Topographic Survey**  
At  
53 Benjamin's Way, Yarmouth, Maine  
Made for  
**Adam C. Mitchell**  
16 Yale Street, Portland, Maine 04103

**OWEN HASKELL, INC.**  
PROFESSIONAL LAND SURVEYORS  
390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424  
DRAWN BY: JLW DATE: APRIL 3, 2023 JOB NO. 2020-044 Y  
CHECKED BY: RRL/ECB SCALE: 1" = 10' DRWG. NO. 1























