# **TOWN OF YARMOUTH**

**Department of Planning and Development** 200 Main Street Yarmouth, Maine 04096

(207)846-2401

WWW.YARMOUTH.ME.US

Fax: (207)846-2438

CK 1943

### SITE PLAN APPLICATION FORM

Zoning District	Map <u>23</u>	Lot <u>24</u> Ext	
21 Seaborne Dr			
Justin & Emily Rowe 21 Seaborne Dr, Yarmouth, ME 04096			
207.232.6744	Fax		
Backyard			
Single family residence			
Single family residence			
	Justin & Emily Rowe 21 Seaborne Dr, Yarmouth, ME erowe@buildcitywide.com 207.232.6744 Backyard Single family residence	Justin & Emily Rowe 21 Seaborne Dr, Yarmouth, ME 04096 erowe@buildcitywide.com 207.232.6744 Fax Backyard Single family residence	

#### Fee: \$100.00/1000 sq. ft.; up to \$3000.00

The Department of Planning and Development shall send notices to all property owners at a minimum of 500 feet including a description of the proposal. Letters will be at a cost of \$5/letter to the applicant.

The Town will correspond with only one contact person/agent for this project. Please provide the requested information regarding the contact person/agent.

Contact person/agent	Emily Rowe	
Mailing Address	21 Seaborne Dr., Yarmouth, ME 04096	
E-mail Address	erowe@buildcitywide.com	
Phone	207.232.6744	Fax

I certify that, to the best of my knowledge, all information provided in this application form and accompanying materials is true and acquate.

Signature of Owner

(If signed by Owner's agent, provide written documentation of authority to act on behalf of applicant.)

"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."

**Emily Rowe** 

Print or type name and title of signer

### 1. PROJECT DESCRIPTION

- A. In a separate document please describe the overall project objectives and proposed uses of property, including quantity and type of residential units (if any).
- B. Project details
  - 1. Name and approval date of subdivision this site is in (if applicable) n/a

		Subdivision lot numbers (if applicable)		
	2.	Assessor's Map number(s)23 Lot number(s) 24		
		Existing zone(s) of the site		
		Shoreland Overlay District Yes No		
		Affordable Housing DistrictYesNo		
		Mobile Home Park Overlay Yes No		
	4. a. Total land area of site (all contiguous land in same ownership)			
		0.62 acre		
		b. Total floor area of each proposed building in square feet		
		n/a		
		c. Footprint of each proposed building in square feet n/a		
		d. Height of proposed building(s) n/a feet stories		
		e. Total number of proposed parking spaces n/a		
		f. Number of proposed handicap parking spaces <u>n/a</u>		
C.	Existing conditions Single family residence			
	1.	Existing land use		
	2.	Total floor area of each existing building in square feet 2,544		
	3.	Footprint of each existing building in square feet		
D.		tach as Exhibit #1 a map such as the Maine Atlas and Gazetteer map (clean photocopies		
		e acceptable). Indicate the location of your project on map.		
		August 2022- dry time		
	1.	Estimated time of start of project		
		Estimated time of completion of project <u>1 week</u>		
		Is this to be a phased project? Yes No		
	3.	Attach as Exhibit #2 a construction schedule outlining the anticipated sequence of		
		construction (beginning and completion) for the major aspects of the proposed project,		
		including roads, erosion control and drainage measures, structures, sewer and water lines,		
		other utilities, paving, landscaping.		
RI	GH	T, TITLE, OR INTEREST		
A	Na	ame and mailing address of record owner of the site		

- A. Name and mailing address of record owner of the site Justin & Emily Rowe 21 Seaborne Dr Yarmouth, ME 04096 Phone207.232.6744 Fax
- B. Attach as Exhibit #3 evidence of corporate or partnership status, if applicant is not an individual.

2.

- C. Attach as Exhibit #4 evidence of applicant's right, title, or interest in the site. A complete copy of the document must be provided; financial information may be deleted.
- D. Attach as Exhibit #5 a copy of the current owner's existing deed for the site.
- E. Attach as Exhibit #6 summary lists of all existing and all proposed easements or other burdens for this property. More detailed information may be required, depending on the particular circumstances of the site.
- F. If a condominium, homeowners, or property owners association will be established, attach as Exhibit #7 the articles of incorporation, the Declaration of Covenants and Responsibilities, and the proposed by-laws of the organization.

## 3. FINANCIAL CAPACITY

- A. Estimated cost of the project (including land purchase and development costs) \$20,000
- B. Attach as Exhibit #8 evidence of your financial capacity to complete the proposed development. Submit one or more of the following (please check as appropriate):
  - 1. A written statement from the applicant's bank or a certified public accountant who recently has audited the applicant's finances stating that the applicant has cash reserves in the amount of the estimated cost of the project and can devote those reserves to the project.
  - 2. When the applicant will personally finance the development, provide copies of bank statements or other evidence, which will indicate availability of funds, and evidence that the applicant can devote these funds to the project.
  - 3. The most recent corporate annual report showing availability of sufficient funds to finance the development, together with a statement from the applicant that the funds are available and will be used for the proposed project.
  - \_\_\_\_\_
    - 4. A letter from a financial institution, governmental agency, or other funding agency, which indicates a timely commitment to provide a specified amount of funds and the uses for which the funds may be utilized.
    - 5. In cases where outside funding is required, but there can be no commitment of money until regulatory approvals are received, a formal letter of "intent to fund upon approval" from a funding institution indicating the amount of funds it is prepared to provide, their specified uses and the conditions on which funds will be made available.

## 4. TECHNICAL ABILITY

A. List all projects undertaken by the applicant within the last five years, beginning with the most recent project:

Scott Dugas Trucking and Excavating will be doing the work. Contractor has extensive experience in regrading in Yarmouth and surrounding towns.

- B. Have done no prior projects
- C. Attach as Exhibit #9 a list of all consultants retained for this proposed project, such as engineers, architects, landscape architects, environmental consultants; and those firms or personnel who will be responsible for constructing, operating and maintaining the project.

## 5. SOLID WASTE

Attach as Exhibit #10 an explanation of the proposed method of collection, removal, and disposal for anticipated solid waste from this project.

## 6. WATER

Attach as Exhibit #11 written confirmation from the Yarmouth Water District that it can supply the proposed development and that the proposed plan has been approved by the District. If the

applicant proposes a private supply, provide evidence that a sufficient and healthful water supply is available for the proposed development.

## 7. TRAFFIC

Attach as Exhibit #12 a written evaluation and demonstration of the adequacy and availability of adjacent streets to serve the proposed project. If you must submit a full traffic study to DEP, provide two (2) copies with this application. (see Ch. 702 H.2.)

## 8. SANITARY SEWERS AND STORM DRAINS

A. Estimated sewage gallons per day for the completed project n/a

Please note that the Town Manager must approve new sanitary sewer connections that are considered sewer extensions.

B. Will this project generate industrial or non-sanitary waste that will enter the public sewer or drains? No Yes

If yes, please describe proposed types and amounts:

C. If a subsurface wastewater disposal system is proposed, provide evidence that it conforms to the requirements of the State Plumbing Code.

## 9. SURFACE DRAINAGE AND-RUNOFF, STORMWATER MANAGEMENT

- A. Attach as Exhibit #13 a description of any problems of drainage or topography, or a representation that, in the opinion of the applicant, there are none.
- B. Attach as Exhibit #14 a complete stormwater management plan, including drainage calculations for pre- and post-development for 2 yr. and 25 yr. storm events, a drainage plan, and an assessment of any pollutants in the stormwater runoff, that meets the requirements of Chapter 702, Review Criteria re Stormwater Management.

## 10. EROSION AND SEDIMENTATION CONTROL

- A. Attach as Exhibit #15 a written description of erosion and sedimentation control measures to be used during and after construction of the proposed project.
- B. Show on a plan the proposed location, type, and detail of erosion control devices, unless this information is included on a site plan drawing.

## 11. SOILS

- A. Attach as Exhibit #16 a medium intensity soils classification report, including description of soils and interpretation of engineering properties. Include geotechnical report, if applicable.
- B. Show on a plan the existing soil conditions on the site, unless this information is included on a site plan drawing. Include wetlands delineation and report, if applicable.

## 12. SITE PLAN ORDINANCE REQUIREMENTS

- A. Attach as Exhibit #17 list of approvals needed from other agencies, such as the General Board of Appeals, Army Corps of Engineers, and Maine Department of Environmental Protection.
- B. Attach as Exhibit #18 a written statement that explains how the project complies with the site plan review criteria and with specific performance standards required in the zoning district, if applicable. If applicable, please note how the proposal specifically complies with the separate components of the Route One Corridor Design Guidelines.
- C. Attach as Exhibit #19 a summary list and a written offer of cession to the Town of all proposed streets, utilities and open space proposed for dedication.
- D. Attach as Exhibit #20 all requests for waivers including an explanation of the undue hardship or special design requirements, which are the basis for the requests.
- E. Attach as Exhibit #21 a written explanation of all potential nuisances associated with this project and how they will be mitigated, or a representation that, in the opinion of the

applicant, there are none.

## 13. SITE PLAN DRAWINGS, MAPS

- A. Site plan drawings
  - a. paper no larger than 24" x 36", with all drawings in a set the same size
  - b. bound and folded no larger than 9" x 12", with project name shown on front face of folded plan
  - c. number and date drawings, with space for revision dates
  - d. scale of the drawings shall be between 1"=20' and 1"=50'
  - e. show the entire parcel in single ownership, plus off-site easements
- B. Title block shall include:
  - a. identification of plan as "Site Plan"; "Amended" if applicable
  - b. name and address of project
  - c. name(s) and address(es) of site owner and of applicant
  - d. name and address of plan designer(s)
- C. Location map shall include:
  - a. abutting property within one thousand feet of project boundaries
  - b. outline of proposed project
  - c. zoning district(s) of abutting properties
  - d. at least one street intersection
- D. North arrow and scale.
- E. General plan notes shall include:
  - a. zoning district and list of applicable dimensional regulations comparing the required and proposed
  - b. proposed number of units
  - c. required and proposed number of parking spaces
  - d. total square footage of existing and proposed buildings
  - e. square footage of proposed building footprint
  - f. all requested waivers
  - g. indication if proposed structure is to be sprinklered
  - h. total square footage for each use, if applicable
- F. Name, location, width of existing and proposed streets.
- G. A Boundary Survey, Category 1, Condition 2, showing site boundaries.
- H. Setbacks as required by zoning ordinance; zone line if site is transected by a zone line or if zone line is within 30 feet of the boundaries of the site.
- I. Existing and proposed contours at 2' intervals. Show l' contours and/or spot elevations if sufficient detail cannot be shown with 2' contours.
- J. Buildings, structures, and signs
  - a. location, dimensions, shape, facade elevations, entrances, materials, colors of exterior of proposed buildings, structures, and signs. (see Ch. 701, II, C, E, F)
  - b. description of all finish surface materials
  - c. location, dimensions, shape of existing buildings
  - d. building's setbacks from property line, if different from required yard setbacks
- K. Names of abutting property owners and locations of buildings and curb cuts on abutting properties.
- L. Locations and dimensions of parking areas, loading and unloading facilities, driveways, fire lanes, access points. Give typical parking space dimensions. (see Ch. 701, II H; Ch. 702, J.1, 2, 3)
- M. Location of all existing and proposed easements and rights-of-way, including identification of who has or will receive the easement.

- N. Location, dimensions, materials of existing and proposed pedestrian access ways.
- O. Location and size of existing and proposed utilities, both on-site and in adjoining public ways. Location of nearest existing hydrant. Include installation details for proposed utilities.
- P. Construction drawings showing plans, profiles, cross-sections, and details of appurtenances for sanitary sewer and storm drainage systems.
- Q. Location, height, wattage, bulb type of exterior and building-mounted lighting. Photometric plan consistent with requirements of site plan and zoning ordinances. (See Ch. 701, II X; Ch. 702, J. 4)
- R. Location and description of existing natural features, such as wetlands, watercourses, marshes, rock outcroppings, stands of trees. Natural features to be preserved must be identified on plan.
- S. Existing and proposed landscaping, fencing, screening. Include fence dimensions, location, material, and a table showing number of plants of each species, common and botanical names. Include planting and preservation details, if applicable. Indicate proposed snow storage area, if applicable. (see Ch. 701, II Y, and Ch. 702 J. 5)
- T. Grades, street profiles, typical cross-section, and specifications of proposed streets and sidewalks. These must meet the standards of Ch. 601, Article IV.
- U. A description of any right-of-way, street, sidewalk, open space, or other area the applicant proposes to designate as public.
- V. Name, registration number, seal, and signature of all registered professionals (engineer, land surveyor, architect, landscape architect, etc.) who prepared the plan.
- W. First floor finished floor elevation(s) for all proposed buildings.
- X. If project is within the RP district, extent of floodway and floodway fringe.
- Y. If project is within Shoreland Overlay District, show required setbacks.

Please be advised to keep in touch with the Director of Planning and Development throughout the process, 846-2401; fax 846-2403. Your responsiveness will help the process to run smoothly.

## **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.

Surface Water and Groundwater: No owner of a lot, his agents, or successors in interest shall alter the natural course of surface water on any lot in a way which would alter the natural flow of such water across any other parcel, unless such alteration is approved by the owners of all parcels affected. No owner of a lot, his agents, or successors in interest shall use blasting chemicals that generate perhlorates.

Justin & Emily Rowe, Minor Site Plan Application, 21 Seaborne Drive

### **Project Description**

21 Seaborne Drive is a single family residence in the LDR district on an approximately 0.62 acre lot. There is no proposed change in use of the property. The application is for re-grading the back yard and woods area to make more usable space.

The application is required because of the quantities of fill and loam needed for the regrading. The area is approximately 108 feet by 60 feet. It is anticipated that the proposed alterations will require 500 CY of fill and 130 CY loam. In an effort to capture and move water from the surface we will install a 6 inch pipe across 180 feet along the low point of the area. The 180 LF of pipe will reduce the surface water from being pushed back further on the property.

Please see the attached google map indicating where the fill will be installed.

Scott Dugas Trucking and Excavating will fill and grade and install the drainage.

# (SPACE ABOVE RESERVED FOR RECORDING INFORMATION)

## WARRANTY DEED

JOINT TENANCY Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS that I, Kate S. Debevoise of Yarmouth, County of Cumberland and State of Maine, for consideration paid, grant to Emily Rowe and Justin T. Rowe, both having a mailing address of 57 Sunset Point Road, Yarmouth, ME 04096, with WARRANTY COVENANTS, as Joint Tenants, a certain lot or parcel of land in Yarmouth, County of Cumberland, and State of Maine, bounded and described as follows:

PARCEL ONE

A certain lot or parcel of land, together with the buildings and improvements thereon, situated in Town of Yarmouth, County of Cumberland and State of Maine, being Lot No. Twenty-Eight (28) as shown on "Plan of Seaborne of Yarmouth for Drinkwater Shores, Inc., Yarmouth, Maine," dated November 7, 1967, by C.R. Storer, Inc. and recorded in Cumberland Registry of Deeds in Plan Book 76, Page 27, and as revised by a plan entitled "Plan of Revision to Plan of Seaborne of Yarmouth for Drinkwater Shores, Inc., Yarmouth Registry of Deeds in Plan Book 76, Page 26.

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Also hereby granting the right to use in common with Drinkwater Shores, Inc., its successors and assigns, that portion of Lot 17 not conveyed Drinkwater Shores, Inc., by Seaborne of Yarmouth Association by deed dated April 9, 1971, and recorded in Cumberland Registry of Deeds in Book 3165, Page 818, that portion of Lot 16 conveyed to Seaborne of Yarmouth Association by Drinkwater Shores, Inc., by deed dated April 9, 1971, and recorded in Cumberland Registry of Deeds in Book 3165, Page 815, Lots A, B, and D, as shown on the aforesaid "Plan of Seaborne of Yarmouth for Drinkwater Shores, Inc., Yarmouth, Maine," recorded in Cumberland Registry of Deeds in Plan Book 76, Page 27, in manner and subject to the restrictions and covenants set forth in a deed from Drinkwater Shores, Inc., to Seaborne of Yarmouth Association dated July 5, 1968, and recorded in Cumberland Registry of Deeds in Book 3047, Page 701.

Reference is also made to a plan entitled "Plan of Revisions to Seaborne of Yarmouth for Drinkwater Shores, Inc., Yarmouth, Maine," recorded in Cumberland Registry of Deeds in Plan Book 102, Page 14.

EXCEPTING THEREFROM that portion of the above described premises conveyed by Kate S. Debevoise to James H. Brady and Julia L. Brady dated July 2, 2004, and recorded in Cumberland

Registry of Deeds in Book 21686, Page 37.

PARCEL TWO

1

A certain lot or parcel of land situated southeasterly of, but not adjacent to, Seaborne Drive in the Town of Yarmouth, County of Cumberland, State of Maine, more particularly bounded and described as follows:

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4

BEGINNING at a point in the boundary between Lot 28 and Lot 29 on "Plan of Seaborne of Yarmouth for Drinkwater Shores, Inc., dated April 17, 1968, by C.R. Storer, Inc., recorded in Cumberland Registry of Deeds in Plan Book 76, Page 27. Said point of beginning is also located North 08° 38' 43" East a distance of 137.09 feet from a monument found at the southeasterly corner of said Lot 29, being land now or formerly of James H. Brady and Julia L. Brady.

THENCE, running South 81° 38' 43" West, by remaining land now or formerly of James H. Brady and Julia L. Brady, a distance of 10.00 feet to a point;

THENCE, turning and running North 08° 38' 43" East by remaining land now or formerly of James H. Brady and Julia L. Brady, a distance of 70.00 feet to a point.

THENCE, turning and running North 81° 38' 43" East, by remaining land now or formerly of James H. Brady and Julia L. Brady, a distance of 10.00 feet to a point in the boundary between Lot 28 and Lot 29 as shown on said Plan;

THENCE, turning and running South 08° 38' 43" West, by land of Kate S. Debevoise, along the boundary between Lot 28 and Lot 29 as shown on said Plan, a distance of 70.00 feet to the point of beginning.

Being the same premises conveyed to Kate S. Debevoise by virtue of a deed from James H. Brady and Julia L. Brady dated July 29, 2004, and recorded in Cumberland Registry of Deeds in Book 21686, Page 39.

Reference is made to Subdivision Amendment Plan of Lots 28 and 29 as Shown on "Plan of Seaborne of Yarmouth for Drinkwater Shores, Inc. Yarmouth, Maine" recorded in the Cumberland County Registry of Deeds in Plan Book 00220, Page 137.

Being the same premises conveyed to Kate S. Debevoise, by virtue of Divorce Decree by and between Kate Stephenson Debevoise and Richard Henry Bowen dated June 23, 1998, an Abstract of which is recorded in the Cumberland County Registry of Deeds in Book 14060, Page 179 and a deed from James. H. Brady and Julia L. Brady dated July 29, 2004 and recorded in Book 21868, Page 39.

The premises are conveyed subject to any easements and restrictions of record, and together with all rights, easements, privileges and appurtenances belonging to the premises described herein.

WITNESS my hand this 29th day of May, 2020.

Witness

Kate - iM Kate S. Debevoise

7.50

#### STATE OF MAINE COUNTY OF CUMBERLAND

May 29, 2020

Personally appeared the above-named Kate S. Debevoise and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Raid Notary Public or Attorney at Law

.

<u>After recording return to:</u> Emily Rowe and Justin T. Rowe 21 Seaborne Drive, Yarmouth, ME 04096 4



200654-S

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#### Seaborne of Yarmouth deed restrictions as transcribed from 1968 deed from Drinkwater Shores Inc. to Leslie R. Fenderson, Sr. and Helen T. Fenderson, recorded in the Cumberland County Registry of Deeds in Book 3047, Page 705.

The property hereby conveyed is conveyed subject to the following restrictions and covenants, which shall run with the land and shall be binding for a period of ten (10) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the then owners of three-fourths (3/4) of the lots on said Plan has been recorded, agreeing to revoke or alter said covenants in whole or in part:

1. The design, specifications and site plan of all structures, sewerage disposal systems and all other improvements must be approved by Seaborne of Yarmouth Association, which approval shall not be unreasonably withheld.

2. The aforesaid lot shall be used only for residential purposes. No buildings shall be erected, altered or placed on said lot other than detached single—family dwellings and appurtenant garages.

3. No signs of any kind shall be displayed to the public view except one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

4. No lot or waterfront area shall be used as a dumping ground for trash, garbage or other waste. No such material shall be dumped into the sea. Trash, garbage or other waste shall not be kept except in sanitary containers.

#### 5. (Trees)

#### ORIGINAL LANGUAGE:

Trees of a diameter of more than three inches shall not be cut except with the written approval of Seaborne of Yarmouth Association.

#### 2005 LANGUAGE:

1. If a tree over twelve (12) inches in diameter is dead, diseased, partially blown down, damaged beyond repair, or poses an imminent threat to life or property, the homeowner shall notify the Ex. Comm. and then proceed with the removal of the tree.

2. Live trees over twelve (12) inches in diameter which are proposed for removal by the homeowner will be tagged and notice given to the Seaborne Homeowners' Association Ex. Comm. and to abutter neighbors. A request and notice should be made in writing to the Ex. Comm which shall promptly review the proposal and vote by a majority vote of the Ex. Comm to grant the affected homeowner's request within fourteen (14) days of receipt of notice from the homeowner seeking permission to remove such tree.

3. All trees under twelve (12) inches in diameter can be removed without notice or consent of Seaborne Homeowners' Association.

channel Point Rd

100 ft L

Google

Map data ©2022 Google



Diinkwater point Rd

Seaborne Dr

Seaborne Dr

Wepster I'U Home

