

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

SITE PLAN APPLICATION FORM

☒ **Minor** ☐ **Major**

Date: 11/5/2021 **Zoning District** Village Center ^{CD4} **Map** 042 **Lot** 061 **Ext** 00A

Site Location 33 Yarmouth Crossing
Property Owner 33 Next Gen LLC
Mailing Address 100 Old Field Road Yarmouth
E-mail Address gawtry23@gmail.com
Phone 207-233-8333 **Fax** _____

Name of Project Farmhouse Floral
Existing Use _____
Proposed Use Retail Floral Shop

Amendment to a previously approved site plan? Yes _____ No X
Special exception use? Yes _____ No X

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 Tammy Estabrook
Mailing Address 337 East Main St Yarmouth
E-mail Address Tammye.estabrook@online.com
Phone 207-252-5891 **Fax** _____

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

Tammy Estabrook

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."

Tammy E Estabrook

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) _____ Lot number(s) _____

3. Existing zone(s) of the site _____

Shoreland Overlay District _____ Yes _____ No

Affordable Housing District _____ Yes _____ No

Mobile Home Park Overlay _____ Yes _____ No

4. a. Total land area of site (all contiguous land in same ownership) _____

b. Total floor area of each proposed building in square feet _____

c. Footprint of each proposed building in square feet _____

d. Height of proposed building(s) _____ feet _____ stories

e. Total number of proposed parking spaces _____

f. Number of proposed handicap parking spaces _____

C. Existing conditions

1. Existing land use _____

2. Total floor area of each existing building in square feet _____

3. Footprint of each existing building in square feet _____

D. Attach as Exhibit #1 a map such as the Maine Atlas and Gazetteer map (clean photocopies are acceptable). Indicate the location of your project on map.

E. Construction sequence

1. Estimated time of start of project 11/15/2021
Estimated time of completion of project 12/31/2021

2. Is this to be a phased project? Yes _____ No X

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.

2. RIGHT, TITLE, OR INTEREST

A. Name and mailing address of record owner of the site

33 Next Gen LLC
100 Old Field Road
Yarmouth ME 04096

Phone 207-233-8333 Fax _____

B. Attach as Exhibit #3 evidence of corporate or partnership status, if applicant is not an individual.

- 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)
- 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:

- 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

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 1' 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.

COMMERCIAL LEASE
33 YARMOUTH CROSSING DRIVE, YARMOUTH, ME 04096

1. **PARTIES** 33 NexGen, LLC, with a mailing address of 100 Old Field Road, Yarmouth, Maine, 04096, ("LANDLORD"), hereby leases to Estabrook's Farm and Greenhouse, Inc, with a mailing address of 337 East Main Street, Yarmouth, Maine, 04096, ("TENANT"), and TENANT hereby leases from LANDLORD the following described premises.
2. **PREMISES** The Premises is located at 33 Yarmouth Crossing Drive, Yarmouth, Maine, 04096. The Premises are deemed to contain 1,344+/- square feet of commercial space, and the land owned by LANDLORD at 33 Yarmouth Crossing Drive. The leased premises are accepted in "as is" condition except if specifically set forth to the contrary in this Lease (including in Section 12 and Exhibit A). TENANT acknowledges that: a) LANDLORD has made no representations and TENANT is not relying on any representations about the leased premises, their suitability for any particular use and/or the physical condition thereof; and b) that TENANT has conducted its own due diligence inquiries with respect to the leased premises and is satisfied with the results thereof.
3. **TERM** The term of this Lease shall be for three (3) years, unless sooner terminated as herein provided, commencing on November 15, 2021 (the "Commencement Date") and ending on November 30, 2024. LANDLORD shall deliver possession of the leased premises to TENANT on or before November 15, 2021 provided, however, that all of TENANT's obligations under this Lease shall commence upon delivery, except for those obligations that expressly commence on the Commencement Date.
4. **RENT** Commencing on the Commencement Date, TENANT shall pay to LANDLORD the following base rent:

<u>Lease Year</u>	<u>Annual Base Rent</u>	<u>Monthly Rent</u>
Year 1 (11/15/21 – 11/30/21)	\$896.00	\$896.00
Year 1 (12/1/21 – 11/30/22)	\$19,712.00	\$1,792.00
Year 2 (12/1/22 – 11/30/23)	\$22,149.12	\$1,845.76
Year 3 (12/1/23 – 11/30/24)	\$22,813.59	\$1,901.13

payable in advance in equal monthly installments on the first day of each month during the term of this Lease without deduction or setoff, said rent to be prorated for portions of a calendar month at the beginning or end of said term, all payments to be made to LANDLORD or to such agent and at such place as LANDLORD shall from time to time in writing designate, the following being now so designated: 33 NexGen, LLC, 100 Old Field Road, Yarmouth, Maine, 04096. If TENANT does not pay base rent, supplemental and additional rents, or other fees and charges when due pursuant to the term of this Lease, then LANDLORD, in its sole discretion, may charge, in addition to any other remedies it may have, a late charge for each month or part thereof that TENANT fails to pay the amount due on or before the seventh day after the due date. The late charge shall be equal to four percent (4%) of the amount due LANDLORD each month in addition to the rent then due.

COMMERCIAL LEASE
33 YARMOUTH CROSSING DRIVE, YARMOUTH, ME 04096

double sided slot on Main Street pylon, signage at the entry to the building, and on signage on the façade.

**32. CONDITION
TO TENANT'S
OBLIGATIONS**

TENANT'S obligations under this lease are conditioned upon TENANT's ability, using commercially reasonable efforts, to obtain all necessary permits and approvals from the Town of Yarmouth to operate its business in the premises. If Tenant is unable to obtain those permits and approvals by November 15, 2021, it may terminate this Lease by providing written notice of termination to LANDLORD. If TENANT terminates this lease as provided in this paragraph, LANDLORD shall retain TENANT's initial deposit, this lease shall terminate, and neither party shall have further obligations under this lease. TENANT agrees to provide LANDLORD on request with reasonable updates on its progress in obtaining its permits and approvals.

DISCLAIMER: THIS IS A LEGAL DOCUMENT. IF NOT FULLY UNDERSTOOD, CONSULT AN ATTORNEY.

IN WITNESS WHEREOF, the said parties hereunto set their hands and seals this 21st day of October, 2021.

TENANT: Estabrook's Farm and Greenhouse, Inc.

LANDLORD: 33NexGen, LLC



Estabrook's Farm and Greenhouse, Inc.



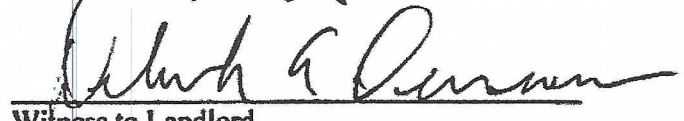
Lynne Gawtry/Manager



Michael Gawtry/Manager



Witness to Tenant



Witness to Landlord

Assessors Maps



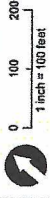
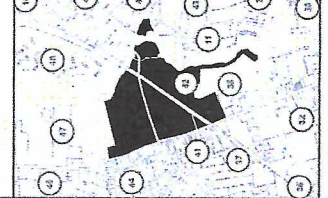
Property Boundary

Paper Streets

Water Body

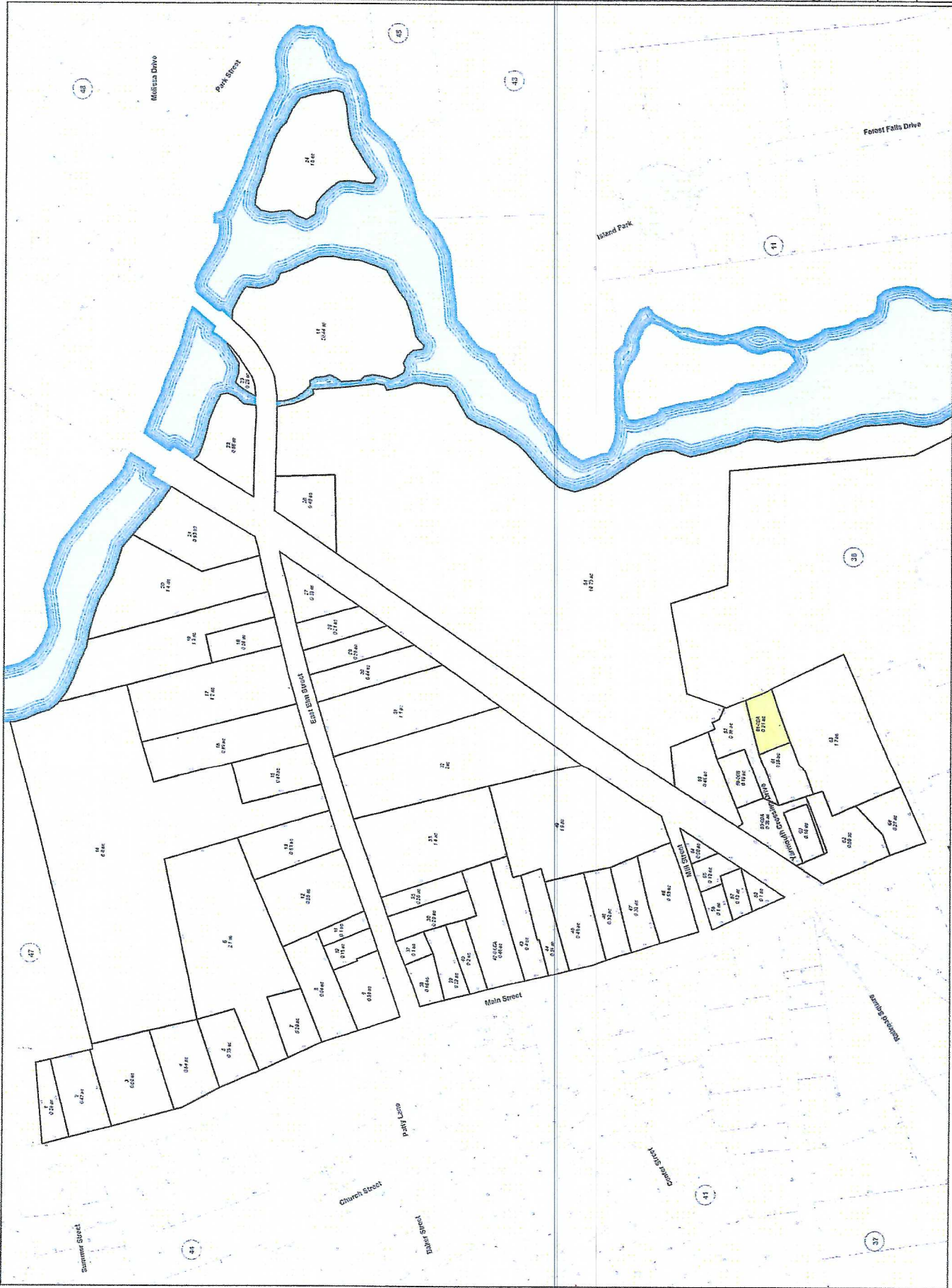
Map Number

Sample Property Label

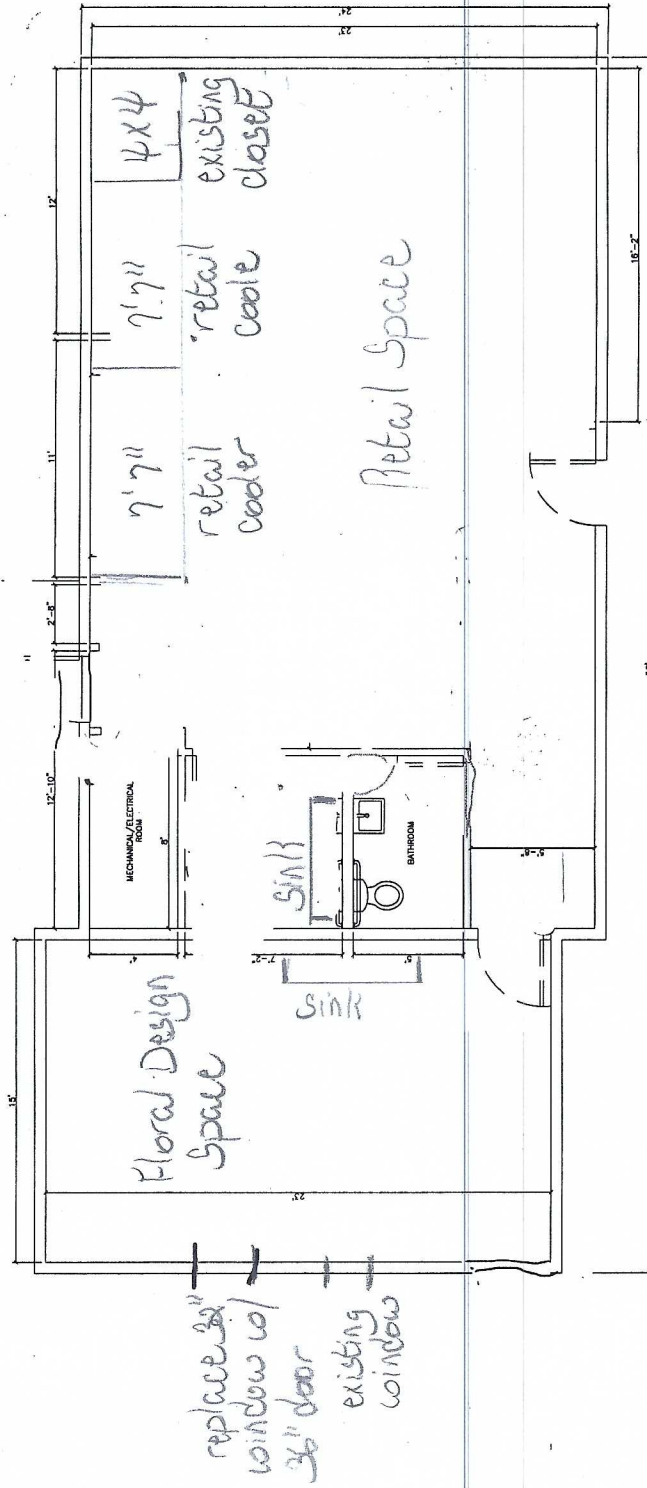


The Town of Hiram shall not be held liable for any errors or omissions in this map. The accuracy of these maps is based on the current data provided to the town. Maps are for informational purposes only. Maps revised to 2023.

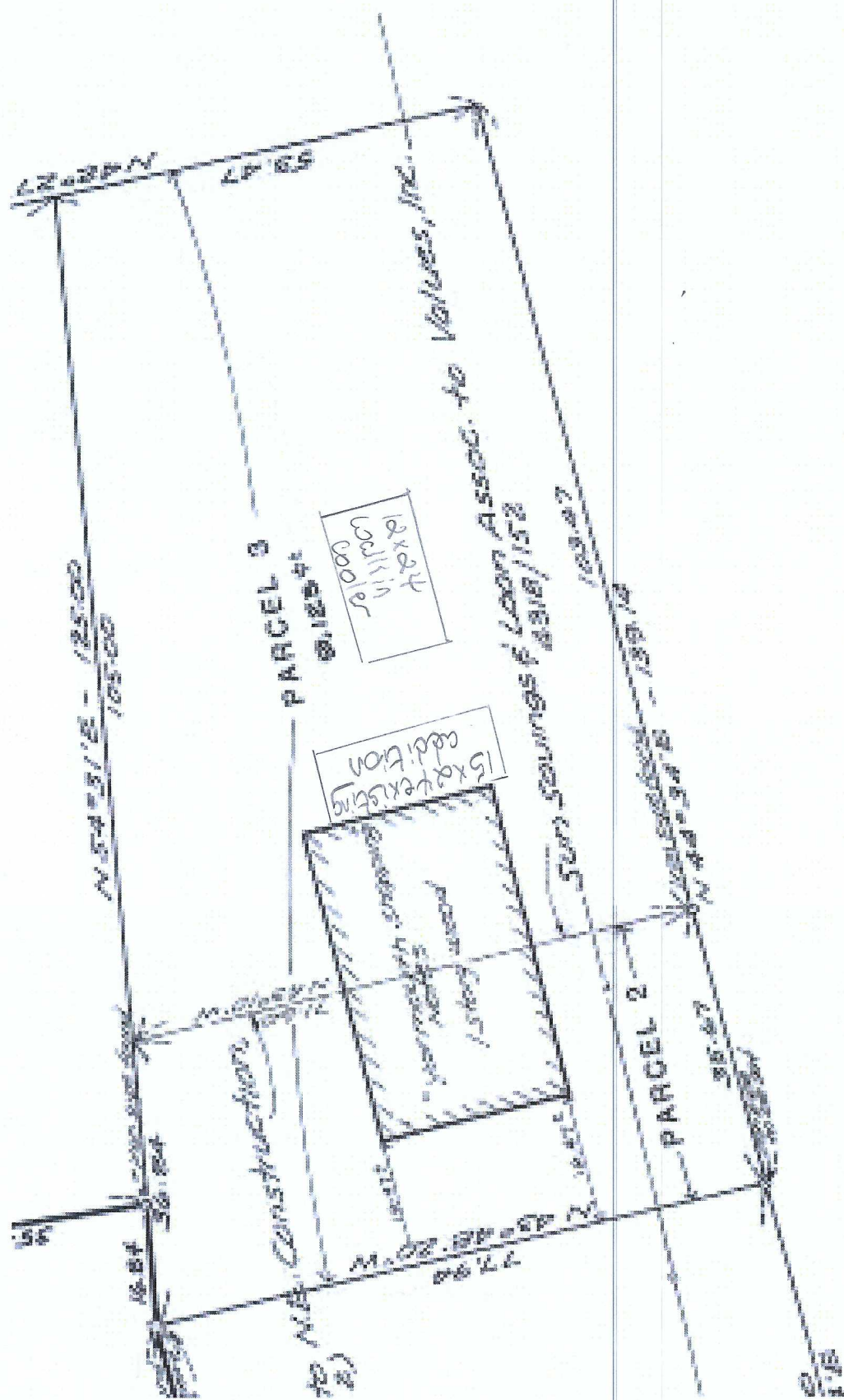
MAP 42



NOT FOR CONSTRUCTION



PROPOSED BUILDING LAYOUT
Scale: 3/8" = 1'-0"



Farmhouse Floral
33 Yarmouth Crossing
Yarmouth, ME 04096

Primary Contact Info:

Tammy Estabrook
(207)252-5891 cell
tammy@estabrooksonline.com

Description of Project:

Farmhouse Floral lease for 33 Yarmouth Crossing begins on November 15, 2021. The building will be used for a retail floral shop and floral design workspace to support the weddings and events. There will be no residential units.

Construction Sequence:

Gravel pad to be installed by YSS Excavating beginning mid-November to be completed by early December.

Exterior walk-in cooler to be installed by North Cold Restaurant Equipment mid-December.