SCARBOROUGH, MAINE

AGENDA

Scarborough Planning Board

Regular Meeting – 6:30 PM

Monday, December 12, 2022

TO VIEW DECEMBER 12 PLANNING BOARD MEETING (YouTube – VIEW ONLY): https://www.youtube.com/channel/UCD5Y8CFy5HpXMftV3xX73aw/videos

TO ATTEND DECEMBER 12 PLANNING BOARD MEETING (ZOOM): https://scarboroughmaine.zoom.us/j/86732138859

This meeting of the Scarborough Planning Board will be conducted as a hybrid virtual meeting. Applicants and Board members should attend in person, members of the public are encouraged to attend virtually.

- 1. Call to Order (6:30 P.M.)
- 2. Pledge of Allegiance
- 3. Roll Call
- 4. Approval of Minutes (November 21, 2022)
- 5. The Planning Board will conduct a Public Hearing to receive comment on proposed amendments to the Town of Scarborough Zoning Ordinance. The proposal would amend Section XI. Off Street Parking Regulations to add subsection L, to prepare for installation of and/or install electric vehicle infrastructure in new development and redevelopment.*
- 6. The Planning Board will conduct a Public Hearing to receive comment on proposed amendments to the Town of Scarborough Site Plan Review Ordinance. The proposal would amend Section II.B. Activities Exempt from Site Plan Review to require Site Plan Review for projects proposing more than one single family or two family dwellings on a single lot under unified ownership.*
- 7. The Planning Board will conduct a Public Hearing to receive comment on proposed amendments to Section II.D(9) of the Town of Scarborough Zoning Ordinance. The proposal would add requirements to permit multiple buildings on one lot for multi-family and multi-plex uses where permitted.*

- **8.** Taylor Goble requests subdivision termination of Whitten Woods Subdivision located at 34 New Road, Assessor's Map R35, Lot 17.*
- **9.** DPR, LLC requests a site plan amendment for installation of several concrete pads, four utility van parking spaces, and an updated landscape plan for 45 Center Street. The property is further identified as Assessor's Map U53, Lot 51.*
- **10.** Dunstan Tap & Table requests a Master Plan amendment of the Dunstan Village Master Plan approved by the Planning Board in August 2015. The amendment includes updating required parking and building footprint as part of site plan amendment for the restaurant.
- **11.** Dunstan Tap & Table requests a site plan amendment review of Dunstan Tap & Table for a 1,008 square foot building addition for seating and restaurant space. The property is further identified as 6 Stewart Drive, Assessor's Map U30, Lot 1603.*
- 12. Nonesuch Development, LLC requests review of the fourth amended Mitchell Hill Heights Subdivision. The proposal would further subdivide Lot 50 of the approved subdivision into 5 additional lots along Martell Way. The property is further identified as Assessor's Map R09, Lot 650.*
- **13.** Growth Management Ordinance Questionnaire and Responses.
- 14. Staff Report
- 15. Administrative Amendment Report
- 16. Minor Development Reviews (Staff Review)
- 17. Correspondence
- 18. Planning Board Comments
- **19.** Adjournment

*Public comment will be allowed on this item.

NO NEW ITEMS SHALL BE TAKEN UP AFTER 10:00 PM

Item #5

The Planning Board will conduct a Public Hearing to receive comment on proposed changes to the Town of Scarborough Zoning Ordinance. The proposal would amend Section XI. Off Street Parking Regulations to add subsection L to prepare for installation of and/or install electric vehicle infrastructure in new development and redevelopment projects.



MEMO

To:	Town Council
From:	Jami Fitch, Sustainability Coordinator
Date:	November 4, 2022
	Electric Vehicle (EV) Charging Regulations
Enci:	Proposed EV Charging Ordinance, Planning Director memo re: parking analysis

On behalf of the Sustainability Committee, staff looks forward to continuing the discussion around the Town's policies and regulations related to electric vehicle charging stations (EVCS) for electric vehicles (EV). The Sustainability Committee has spent time framing the issues and discussing regulatory approaches, and it looks forward to continuing to move forward in this process.

Purpose

The Sustainability Committee recommends that the Town's regulatory ordinances be updated to require new development and re-development to, at a minimum, prepare for EVCS installation.

According to the Maine Climate Council, transportation is responsible for more than half of Maine's greenhouse gas emissions. Reducing carbon emissions from the transportation sector is a local, state, and national priority:

- Locally, Scarborough's 2021 Comprehensive Plan calls for "increased energy conservation and efficiency," and the Town's 2017 Comprehensive Energy and Sustainability Plan aims to "reduce vehicle emissions where possible through diverse measures."
- Maine's 2020 climate action plan, *Maine Won't Wait*, identifies increased adoption of electric vehicles (EV) as a key strategy to reduce transportation-related greenhouse gas emissions.
- Nationally, the 2021 infrastructure bill provides \$7.5 Billion for EV charging infrastructure and sets a goal of 500,000 EV charging stations nationwide by 2030. The 2022 Inflation Reduction Act also includes significant funding for EVs, including the following:
 - Clean Commercial Vehicle Credit for 30% of the difference between the cost of the clean vehicle and its gas-powered counterpart – up to \$40,000 per medium/heavy duty commercial EV.
 - Alternative Fuel Vehicle Refueling Property Credit for 30% of total costs of purchase and installation of charging equipment.
 - Renewal of the existing \$7,500 Clean Vehicle Credit for passenger and light-duty vehicles.

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- Previously-Owned Clean Vehicles Credit of \$4,000 or 30% of the vehicle sale price (whichever is lower) for used EVs.
- Major car companies are pledging to transform their vehicle offerings to all electric, most within the next 10 years.

A crucial step in increasing the number of EVs on the roads, thereby increasing energy efficiency and reducing greenhouse gas emissions, is to expand EV charging infrastructure. The Sustainability Committee recognizes that municipalities play a vital role in expanding EV charging infrastructure through local zoning ordinances.

Work Completed to Date

Ordinance Development

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The Sustainability Committee has reviewed Scarborough's existing parking standards and EV charging requirements in other areas of the country. The Committee also utilized the Municipal EV Readiness Toolkit, which was recently developed by the Southern Maine Planning and Development Commission and GPCOG. This document provided recommendations of best practices and model EV charging language that the Committee used as a guide for developing recommendations for Scarborough's EV charging ordinance.

Feedback from stakeholders, Councilors, and Planning staff was sought throughout the ordinance development process (briefly outlined below). This feedback has been incorporated into the proposed language provided.

Commercial Stakeholder Workshop

On December 9, 2021, the Sustainability Committee hosted a workshop with developers who frequently work in Scarborough to introduce the idea of an EV charging regulations and get initial feedback. Representatives from the Long Range Planning Committee and the SEDCO board also participated. A total of 21 people attended the workshop, including developers of single family, multi-family, and commercial properties; committee members; and Scarborough staff. The proposed requirements were revised based on feedback form the workshop.

Town Council Workshop

The Sustainability Committee met with the Town Council on April 6, 2022 to introduce the concept of the EV charging ordinance and receive feedback.

Ordinance Committee

Staff presented the proposed ordinance language to the Ordinance Committee on February 28, September 15, and October 27, 2022. At the October meeting, staff also provided review of the ordinance as it relates to the Town's existing parking standards. The Planning Director's memo to the Ordinance Committee is attached.

SECTION XI. OFF-STREET PARKING REGULATIONS. [amended 01/06/2010]

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SECTION XI. OFF-STREET PARKING REGULATIONS. [amended 01/06/2010]

Off-street parking spaces shall be provided in all districts whenever any structure is constructed, altered, or enlarged; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity. Such spaces shall be provided in accordance with the provisions of this Section, prior to the issuance of a certificate of occupancy for the structure or use. Single family and two family dwellings in existence as of January 6, 2010, shall be exempt from this provision. [adopted 01/06/10]

As provided for under the requirements of the Site Plan Review Ordinance, site plan approval is required before any parking or vehicular use is established, enlarged or changed. [adopted 01/06/10]

Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve uses located in any district. [amended 01/06/10]

A. Off-street parking shall be designed, constructed and maintained as follows: [amended 01/06/10]

1. For all uses, each off-street parking space must have an area no less than 9 feet wide by 18 feet long, except that the size of parking spaces may be determined by the Planning Board in accordance with the requirements of Section IV(D)(1) of the Site Plan Ordinance.

2. Where required by applicable federal or state law, all off-street parking areas shall include handicapped accessible parking spaces in accordance with the ADA Standards for Accessible Design and the Site Plan Review Ordinance.

3. For all uses, parking spaces must be adequately served by isles and drives in accordance with the requirements of Section IV of the Site Plan Review Ordinance.

B. The following minimum off-street parking requirements shall be provided and maintained. Where a use is not specifically mentioned in this provision, the Planning Board shall determine the minimum parking requirements. The number of parking spaces required shall be determined by the Planning Board based on the nature of the use, the intensity of the proposed use and the parking demand expected to be generated by the specific proposal.

1. Standards for off-street parking.

USE	Number of Parking Spaces Require *FA=Floor Area *GLA=Gross Leaseable Area
Dwellings a. Single Family b. Two Family	2 for each dwelling unit. 2 for each dwelling unit

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c. Multi-family	2 for each dwelling unit containing 2 or more
	bedrooms
	1.5 for each dwelling unit containing fewer than 2
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d. Accessory Unit	1 for each unit
e. Senior housing	1 parking space per dwelling unit and 1 parking space
	for each employee based on the expected average
	employee occupancy.
Hotels, motels and other transien lodging establishments	t 1 for each guest room.
Schools	1 per teacher and staff member, plus 1 space per 2
a. Elementary and Middle School:	
b. High School:	1 per teacher and staff member on the largest shift,
	plus 1 space per 5 non-bused students.
c. College:	1 space per staff member on the largest shift, plus 1
	space per 2 students of the largest class attendance
1	period.
d. Group Day Care Homes, Day	
Care Centers, Nursery Schools	each employee required by the State of Maine
	licensing standards for child to staff ratio
Hospitals, Boarding Care Facilities for	1 per 3 beds, plus 1 for each employee based on the
the Elderly, nursing homes, residential	expected average employee occupancy.
and long-term care facilities for the ill,	
aged or disabled	
Place of assembly, amusement, culture	1 for each 4 seats or for each 100 square feet or major
and places of worship	fraction thereof of assemblage space if no fixed seats.
Retail sales & services	4 per 1,000 sy. ft. of FA
Business services and business offices;	4 per 1,000 sq. ft. of GLA
Professional offices	
Financial, Insurance and Real Estate	3.5 per 1,000 sq. ft. of GLA
Offices	
Personal services	3.5 per 1,000 sq. ft. of GLA
High Technology Facility	2 per 1,000 sq. ft. of FA
	6 per 1.000 sq. ft. of GLA
	4 per 1,000 sq. ft. of GLA
	1 per 4 table or booth seats, plus 1 per 2 counter or
	bar seats, plus 1 for each 60 square feet of customer
1	standing or waiting area, plus 1 for every 2
	employees, based on highest employee occupancy

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Restaurants & drinking establishments with drive-thru and/or take out services	minimum number of parking spaces is 10, plus o states spaces for each drive-up window, at least 3 of which must be designated for the ordering station, located so as not to impede pedestrian or vehicular circulation on the site of any adjacent street
Work space in a live/work unit	2.5 per 1,000 sq. ft. of GLA, provided that the Planning Board has required, as a condition of approval of the site plan or subdivision plan which includes the live/work unit, that the work space shall be principally used by one or more of the residents of the live/work unit and provided that the work space is in fact so used. That restriction on the use of the work space must be incorporated into all deeds to or leases of the live/work unit or any part thereof. Alternatively, 4 per 1,000 sq. ft. of GLA, when the non-residential space is not required to be principally used by one or more of the residents of the live/work
	unit.
Industry, manufacturing, warehousing and distribution [amended 01/06/2010]	2 per 1,000 sq. ft. of FA (additional spaces required for area(s) occupied for office and/or sales use) [amended 01/06/2010]
Health Club [amended 01/06/2010]	3.5 per 1,000 sq. ft. Of FA, except that areas occupied by, and only to be used for specific activities (i.e. tennis or racquetball courts, exclusive of gymnasiums) require 3 per court.
Funeral Home	10 per 1,000 sq. ft. of FA in slumber rooms, parlors, and individual service rooms
Water Dependent Golf Driving Ranges	1.5 spaces for each tee area.

C. In specific cases where it is demonstrated that a particular building can be occupied or use carried on with fewer parking spaces than required under this section, the Planning Board may reduce the requirements for off-street parking upon finding the following requirements are met:

1. That the undeveloped parking spaces are shown on an approved site plan as reserved future parking spaces. Such reserved future parking spaces shall be designed to meet all requirements of this Ordinance and of the Site Plan Review Ordinance and shall be treated by the Planning Board in the same manner as developed parking spaces for purposes of determining the compliance of the site plan with ordinance standards, including, but not limited to, stormwater management standards, grading, vehicular access and circulation.

2. If at any time after construction of the development the Code Enforcement Officer determines that actual need for parking exceeds the number of spaces actually developed, the Code Enforcement Officer may order the owner of the property to

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appear before the Planning Board for a determination by the Board as to whether some or all of the reserved future parking spaces must be developed.

D. In specific cases where two or more uses listed in section B(1), above, occupy segregated areas of the same building or structure the off-street parking requirements shall be based on the total area occupied by each distinct use.

E. The Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

F. In specific cases where it is demonstrated that a particular building can be occupied or use carried on with fewer parking spaces than required under this section, the Board of Appeals may reduce the requirements for off-street parking upon finding that such reduction will not detract from neighborhood values, inconvenience the public, or increase congestion in the street. The granting of such reduction shall not be construed as the granting of a variance to relieve undue hardship.

G. On-street parking cannot be used to satisfy the requirements of this section unless it is specifically authorized in another section of this Ordinance.

H. Required off-street parking in all districts shall be located on the same lot as the principal building or use except that the Planning Board may authorize residential off-street parking to be located within 300 feet of principal residential uses, measured along lines of public access, where it cannot reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

I. Required off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the Planning Board may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along lines of public access, if the premises to be used for parking are held under the same ownership or lease. Evidence of such control or lease shall be required and such lots shall be located within business or industrial districts.

J. Where off-street parking for uses other than single or two-family dwellings is required or provided on a lot and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met.

1. Where vehicles are to be or may be parked within ten feet of any street line a continuous guard curb, rectangular in cross-section, at least six inches in height and permanently anchored shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches

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in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.

2. No parking shall be located within a green strip buffer required pursuant to Section IV(F)(10) of the Town of Scarborough Site Plan Review Ordinance.

K. Where off-street parking for any use other than single or two-family dwellings is required or provided, the following construction requirements shall apply:

1. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided (see Site Plan Review Ordinance, Section IV for requirements). When access to parking areas is available from more than one street, ingress and egress to and from the lot shall have the approval of the Planning Board.

2. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability of fine gravel. Unless otherwise specifically approved by the Planning Board, the surface of driveways, maneuvering areas and parking areas in all Business Zones shall be paved.

3. A system of surface drainage shall be provided in such a way that the water runoff shall not run over or across any public sidewalk or street.

4. Where artificial lighting is provided cut-off fixtures shall be used to control glare, skyglow, and spillover onto adjacent properties.

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TOWN OF SCARBOROUGH, MAINE





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To: Ordinance CommitteeFrom: Autumn Speer, Planning DirectorDate: October 14, 2022

Re: Parking Standards

As requested at the Ordinance Committee's 9/15 meeting, I reviewed the proposed electric vehicle (EV) charging requirements and the Town's off-street parking standards to ensure consistency with current regulations and to identify potential areas of conflict. This memo summarizes the outcomes of my review.

Proposed EV charging requirements do not conflict with existing parking standards.

The proposed requirements in the EV charging ordinance largely align with the Town's existing parking standards. The primary difference relates to retail sales and service. The EV charging ordinance splits this land use into two categories: large (buildings 25,000 square feet or larger) and small (buildings less than 25,000 square feet). These categories have different initial installation requirements.

Proposed EV charging requirements should not impact restaurant parking.

Under the proposed EV charging requirements, new restaurants or parcels being redeveloped as restaurants are only required to prepare for future installation of EV chargers. Requirements include installing conduit under 25% of the parking lot and ensuring adequate electrical capacity is available for 5% of parking spaces to be equipped with chargers in the future. Restaurants will be able to install chargers without tearing out pavement to retrofit the parking lot if/when market forces dictate they do so.

The Town should consider reviewing restaurant and drinking establishment parking requirements, but not because of future EV charging needs.

Overall, I believe there are no conflicts between the proposed EV charging requirements and the Town's current off-street parking standards.

Planning & Code Enforcement

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Chapter 405 - Town of Scarborough Zoning Ordinance

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 405 the Zoning Ordinance of the Town of Scarborough, Maine, is amended by adding the new Section L below:

L. Electrical Vehicle Charging Infrastructure. The purpose of this provision is to facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, and to establish minimum requirements for such infrastructure to serve both long-term and short-term parking needs.

- 1. <u>All new or redevelopment parking facilities shall be required to install electrical vehicle charging station (EVCS) infrastructure according to Table 1 below. Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to transformer to support the additional potential future electric vehicle charging stations. For redeveloped parking facilities, EVCS standards shall apply to the redeveloped parking area(s) and not the parking facility as a whole.</u>
- 1. For commercial development, the requirements outlined in Table 1 may be revised upward or downward by the Planning Board as part of an application review based on verifiable information pertaining to parking. Sites where EVCS requirements are reduced will be subject to in-lieu fees outlined in section L.3.
- 1. For single family and two-family dwellings, the requirements in Table 1 may be waived by the Zoning Administrator as part of the building permit application process. An in-lieu fee will apply, as outlined in section L.3.
- 1. <u>Those who do not wish to meet EVCS requirements may pay an in-lieu fee to the Town of</u> <u>Scarborough in the following amounts:</u>

\$15,000 per required Level 3 EVCS-installed parking space
\$8,000 per required Level 2 EVCS-installed parking space
\$3,000 per required EVCS-ready parking space
\$1,000 per required EVCS-capable parking space

- 4.1 EVCS in-lieu fees collected by the Town shall be deposited into a specific account, segregated from the Town's general revenue, and created for supporting electric vehicle infrastructure in the Town of Scarborough. These funds shall be used in accordance with the following:
 - a. The funds contributed to the specific account, entitled the Electric Vehicle Charging Infrastructure Fund, shall be used to further the electric vehicle infrastructure within the Town. More specifically, these funds may be used for equipment, and/or construction costs of electric vehicle charging infrastructure in existing or new municipally-owned parking lots within Scarborough.

b. A portion of these funds may also be used for administrative, legal, engineering, or other costs related to the planning, design, permitting, and property acquisition for electric vehicle charging.

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- c. A portion of these funds may also be used to establish a grant or revolving loan program to provide direct financial assistance to offset the cost of retrofitting existing parking areas with electric vehicle charging infrastructure.
- d. The Electric Vehicle Charging Infrastructure Fund may be used in combination with other Town funds and other private, non-profit, and government funding for expanding electric vehicle charging infrastructure within Scarborough.
- e. The in-lieu fees contributed by a development shall not be used by the same or other developments to fund the electric vehicle charging infrastructure that is required to meet the minimum zoning standards.
- f. The in-lieu fees collected by the Town shall not be utilized to fund electric vehicle charging infrastructure that is otherwise required to included electric vehicle charging infrastructure in order to meet minimum zoning standards.

Table 1. EV Charging Infrastructure Requirements (*Table based on table in section B.1*)

<u>USE</u>	NumberofParkingSpacesRequired*FA = Floor Area*GLA = Gross Leasable Area	Requis	ic Vehicle rements <u>EVC</u> <u>S-</u> ready parki ng space <u>s</u>	e Chargi <u>EVC</u> <u>S-</u> <u>capab</u> <u>le</u> <u>parki</u> <u>ng</u> <u>space</u> s	ng Static TOTA L SPAC ES	Minim UMINIM UM type_of EVCS
Dwellings		C. C. L.S.		2	VI1.	
a. Single Family	2 for each dwelling unit.		<u>100%</u>	==	<u>100%</u>	Level 2
<u>b. Two</u> Family	2 for each dwelling unit	<u> </u>	100%		<u>100%</u>	Level 2
<u>c. Multi-</u> <u>family</u>	2 for each dwelling unit containing 2 or more bedrooms 1.5 for each dwelling unit containing fewer than 2 bedrooms *EVCS: 100% indoor parking spaces EVCS-ready	<u>5%</u>	<u>30%*</u>	<u>65%</u>	<u>100%</u>	Level 2
d. Accessory Unit	1 for each unit					
<u>e. Senior</u>	1 parking space per dwelling unit and	<u>10%*</u>	<u>20%*</u>	70%*	100%	Level 2

housing	1 parking space for each employee based on the expected average employee occupancy. **EVCS requirements apply only to residential parking spaces	*	*	*		
Schools		EVCS		<u>in fas</u>	ulty statt	
a. Elementar y and Middle School:	<u>1 per teacher and staff member, plus 1</u> space per 2 classrooms.	<u>5%</u>	<u>5%</u>	<u>15%</u>	25%	Level 2
b. High School:	1 per teacher and staff member on the largest shift, plus 1 space per 5 non- bused students.	<u>5%</u>	<u>5%</u>	<u>15%</u>	25%	Level 2
<u>c. College:</u>	1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period.	<u>5%</u>	<u>5%</u>	<u>15%</u>	25%	Level 2
d. Group Day Care Homes, Day Care Centers, Nursery Schools	1 per 4 children the facility is licensed for, plus 1 for each employee required by the State of Maine licensing standards for child to staff ratio		<u>5%</u>	<u>20%</u>	<u>25%</u>	Level 2
<u>Commerci</u> al						
Retail sales & services (> 25,000 sq. ft.)	<u>4 per 1.000 sq. ft. of FA</u>	<u>5%</u>	<u>10%</u>	<u>10%</u>	<u>25%</u>	50% Level 2 50% Level 3
Retail sales & services (< 25,000 sq. ft.)	<u>4 per 1,000 sq. ft. of FA</u>		<u>5%</u>	<u>20%</u>	<u>25%</u>	Level 2
Health Club	3.5 per 1,000 sq. ft. Of FA, except that areas occupied by, and only to be used for specific activities (i.e. tennis or racquetball courts, exclusive of gymnasiums) require 3 per court.	<u>5%</u>	<u>10%</u>	<u>10%</u>	<u>25%</u>	Level 2

Hotels,	1 for each guest room.	10%	10%	80%	100%	Level 2
motels and						
other						
transient						
lodging						
establishm						
ents						
All other	Refer to Table 1 in Ch. 405 Section		<u>5%</u>	<u>20%</u>	<u>25%</u>	Level 2
commercia	XI. Off-Street Parking Regulations for					
<u>l uses</u>	required number of parking spaces	l				

- 1. General Requirements for Electric Vehicle Infrastructure
 - 5.1 Electric vehicle charging stations within single-family and two-family residences are exempt from the below general requirements. This does not exempt electrical or other permit obligations.
- 5.2 General station requirements
 - 5.2.1 Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.

EVCS parking spaces are to be included in the calculation for both the number of minimum and maximum parking spaces required.

- 5.2.2 Equipment Standards and Protection. Where provided, parking for electric vehicle charging purposes shall meet the standards of subsections 5.2.2 (1) through (4) of this section.
 - 1. <u>Clearance. Charging station equipment mounted on pedestals, light posts,</u> <u>bollards or other devices shall be a minimum of 24 inches clear from the</u> <u>face of curb.</u>
 - 2. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
 - 3. Charging Station Equipment Protection. When the electric vehicle parking space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.
 - 4. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

- 5.2.3. Signage. Electric vehicle charging stations, other than in residential use, shall have posted signage allowing only charging electric vehicles to park in such spaces. For the purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.
- 5.2.4. The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.
- 5.2.5. Usage Fees. The property owner or operator is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.

5.3. Accessible Facilities

5.3.1. Where electric vehicle charging stations are provided in parking lots or parking garages, excluding garages in single-family or two-family residential units, accessible electric vehicle charging stations shall be provided according to the ratios shown in Table 2. The first column indicates the number of electric vehicle stations being provided on-site and the second column indicates the number of accessible charging stations that are to be provided for the corresponding number(s) of charging stations.

Table 2 Minimum Number of ADA Accessible Electric Vehicle (EV) Charging Stations

Number of EV charging stations	Minimum accessible EV charging stations
<u>1-50</u>	<u>1</u>
<u>51-100</u>	2
<u>101+</u>	<u>3</u>

5.3.2. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel.

5.4. Charging and Parking

- 5.4.1. EVCS parking spaces, where provided for public use, are reserved for parking and charging electric vehicles only.
- 6. Definitions Specific to Electric Vehicle Infrastructure

Charging levels means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

- Level 1 provides charging through a 120 volt (V), alternating-current (AC) plug
- Level 2 charging is through a 240V, AC plug
- Level 3 charging is through a 480V, direct-current (DC) plug.

EVCS-capable means parking spaces with necessary conduit installed but lacking required electrical capacity to install EVCS.

EVCS-installed means parking spaces equipped with electrified EVCS.

EVCS-ready means parking spaces with necessary conduit installed and electrical capacity available to install EVCS.

Electric vehicle infrastructure means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.

Electric vehicle parking space means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Electrical capacity shall mean, at minimum:

- Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;
- Conduit from an electric panel to future EVCS location(s).

Non-electric vehicle means any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.

Redevelopment means the excavation or grading (not including paving or fine grading) of existing parking areas in excess of 25% of the existing parking area.

Item #6

The Planning Board will conduct a Public Hearing to receive comment on proposed changes to the Town of Scarborough Site Plan Review Ordinance. The proposal would amend Section II.B. Activities Exempt from Site Plan Review to require Site Plan Review for projects proposing more than one single family or two family dwellings on a single lot under unified ownership.





MEMO

To: Planning Board

From: Autumn Speer, Director of Planning and Codes

Date: November 29, 2022

Re: Site Plan Review Applicability for Unified Ownership

The Planning Board recently reviewed a subdivision amendment for a single residential lot in which multiple single-family residential structures were permitted, but not required to go through site plan review. Due to the unique nature of this subdivision request, the Planning Board requested additional information more in line with site plan review. The applicant complied and the subdivision was approved, however this raised the question of site plan applicability as it relates to single family condos and single family for rent on individual lots.

As written, the Site Plan ordinance does not clearly apply to single family homes constructed under condo regimes or as for-rent products. Single family for rent is a current housing trend that includes single family type structures (cottages, duplexes) on a large common lot and is managed much like a typical multi-family housing project.

If submitted today, such projects that create three or more dwelling units would be subject to the Towns Chapter 406 Subdivision Ordinance, which requires information such as existing and proposed street rights-of-way, topography, lot lines, location and boundaries of wetlands and floodplain, utility locations and easements, etc. The dwelling units would be required to be on individual lots.

Chapter 405B Site Plan Review Ordinance builds upon the subdivision requirements with additional requirements such as existing and proposed buildings, parking spaces, driveways, landscaping, fences, walls, amenities and lighting. It also requires building plans showing the floor plans, exterior elevations, stormwater management systems and traffic flow pattern statement/impact study, etc. The Site Plan review process also includes the Commercial Design Standards. The standards pertain to commercial development, but some of the guidelines are used when reviewing multi-family developments.

Planning & Code Enforcement

259 US Route One | PO Box 360 | Scarborough, ME 04070 | P: 207.730.4040 | scarboroughmaine.org

EXISTING ORDINANCE – CHAPTER 405B II APPLICABILITY

Site Plan approval is required before any building or structure is erected or externally enlarged and before any parking, loading, or vehicular or pedestrian use is established, enlarged or changed, with some exceptions:

Exemptions:

1. The construction of, or addition to, single and two-family dwellings and their accessory buildings, structures and areas for parking and vehicular or pedestrian use.

2. Alterations to a building which in total do not increase the floor area of the building by more than 100 square feet.

 Municipal buildings or uses, but shall be reviewed by the Planning Board for an advisory opinion to the Town Council or the applicable Town Department.
 Buildings, structures and areas of impervious surface, the principal use of which is the conduct of accessory agriculture, commercial agriculture, or commercial animal husbandry, as are defined in Section VI. Definitions of the Town of Scarborough Zoning Ordinance.

5. Farm stands with no more than 400 square feet of retail sales area.

- 6. Temporary use of accessory storage containers.
- 7. Timber harvesting.

LONG RANGE PLANNING COMMITTEE MEETING

At the meeting on October 7, 2022, staff presented three options to address the applicability of site plan review for unified ownership of single- family structures on a single lot. The LRPC recommended moving the following forward to the Ordinance Committee.

 The construction of, or addition to, single and two-family dwellings and their accessory buildings, structures and areas for parking and vehicular or pedestrian use. <u>Single family or two-family dwellings developed under a condominium</u> <u>ownership regime or single common ownership are not exempt from site plan</u> <u>approval.</u>

After further review by the Town Attorney it is recommended that the ordinance changes move forward with the following exemption language:

The construction of, or addition to, single and two-family dwellings and their accessory buildings, structures and areas for parking and vehicular or pedestrian use. More than one single family or two-family dwellings developed on a single lot under unified ownership, as defined in Section II(D)(9) of the Zoning Ordinance, are not exempt from Site Plan Review.

The Zoning Ordinance uses the term "unified ownership" for this type of ownership and includes a definition in Section II(D)(9). This section outlines the districts that multiple

commercial, office, or mixed-use principal buildings are allowed. It does not specify where multiple residential structures may be constructed.

As a clean-up measure staff recommends we also consider adding clarification to Section II as well. (see below in red) The proposal as written includes only multi-family or multi-plex uses.

SECTION II. ZONING ORDINANCE EXCERPT

9. No more than one principal building shall be located on a single lot, except as follows:

In the case of a commercial, office or mixed use development (which may include residential uses) in the RPO, B-1, TVC, TVC-2, TVC-3, TVC-4, HP, B-2, B-3, BO-R, RH, RH2, CPD, I and I-O districts, the Planning Board may, through site plan approval (and, where required, subdivision approval), approve the location of multiple buildings on a single lot, provided that the lot will remain in unified ownership.

In the case of a residential development where multi-family dwellings or multiplex uses are permitted, the Planning Board may, through site plan approval (and, where required, subdivision approval), approve the location of multiple buildings on a single lot, provided that the lot will remain in unified ownership.

As used in this section, "unified ownership" means that the lot is restricted by condominium declaration, restrictive covenants, or other legally binding document against division into separate lots unless each of such separate lots would comply separately with all applicable space and bulk regulations of this Ordinance. The document creating such restrictions shall be reviewed by the Town's attorney before the Planning Board grants final site plan and/or subdivision approval. An ownership structure which provides for unified ownership may allow for ground leases or leases of individual buildings, provided that the property is developed and used as shown on the plan approved by the Planning Board. [11/02/2005]

ORDINANCE COMMITTEE MEETING

The Ordinance Committee reviewed the proposed changes on October 27, 2022, and made a recommendation to forward the amendments to the Town Council.

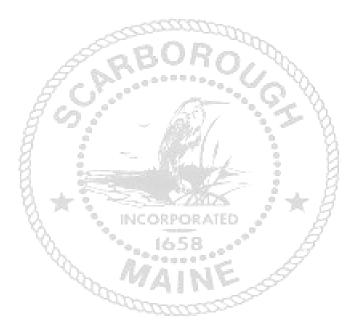
Amendments proposed:

1. Chapter 405B Site Plan Ordinance to add requirements for site plan review for more than one single family or two-family dwellings developed on a single lot under unified ownership.

2. Chapter 405 Zoning Ordinance to add requirements to permit multiple buildings on one lot for multi-family and multi-plex uses where permitted.

TOWN COUNCIL MEETING

On November 9, 2022, the Town Council held first reading for both items and referred to the Planning Board for a Public Hearing. Town Council will hear the items again on December 21, 2022.



CHAPTER 405B TOWN OF SCARBOROUGH SITE PLAN REVIEW

I. Purpose

The Town of Scarborough finds that uses and structures for which site plan submissions are required are potentially significant additions to the community's built and natural environment as well as to the residential, commercial or industrial neighborhood in which they are proposed. The purpose of site plan review is to ensure that the design, layout and construction of these additions to the community constitute suitable development and will not result in a detriment to the neighborhood, community or environment. The standards and requirements of this ordinance are intended to assure that adequate provisions are made for: traffic safety, access and circulation; emergency access and response; stormwater management; protection of natural features and the environment; water supply and sewage disposal; and minimizing impacts to abutting properties or uses.

II. Applicability

A. Activities Requiring Site Plan Review [amended 04/21/2021]

Site Plan approval is required before any building or structure is erected or externally enlarged and before any parking, loading, or vehicular or pedestrian use is established, enlarged or changed, with the exception of the activities found below in Section II(B). Activities subject to site plan review shall be divided into two classes: Major Development Review and Minor Development Review.

- 1. Major Development Review. Planning Board approval is required for any activity described above, except for any activity that may be eligible for Minor Development Review outlined below, or as exempt as provided in Section II.B.
- 2. Minor Development Review. Town Planner approval is required for any permitted uses in the Industrial District, the Light Industrial District, and those uses in the Crossroads Planned Development District which are permitted only within the "inclusionary area" as outlined in Section XX.C.I.B.iv of the Scarborough Zoning Ordinance.

Notwithstanding the above, the following activities in the Industrial District, the Light Industrial District, and those uses in the Crossroads Planned Development District which are permitted only within the "inclusionary area" as outlined in Section XX.C.I.B.iv require Major Development Review from the Planning Board:

- a. Activities with one-acre or more of disturbance;
- b. Activities that are forecasted to generate more than 35 trip ends during any peak hour; and
- c. Activities that require amendments to state or federal permits.

The Town Planner (or designee) may refer approval of a permitted use defined as requiring minor development review to the Planning Board for Major Development Review when the nature of the application warrants a public hearing or poses the potential for significant impacts on municipal facilities or natural resources, as determined by the Town Planner (or designee). Additionally, an applicant may request that a project be reviewed by the Planning Board through Major Development Review instead of Minor Development Review for any reason.

B. Activities Exempt from Site Plan Review [amended 05/05/2010]

The following activities shall not require site plan approval, however such activities may require building permits, plumbing permits or other local or State approvals:

- The construction of, or addition to, single and two-family dwellings and their accessory buildings, structures and areas for parking and vehicular or pedestrian use. <u>More than one single family or two-family dwellings developed on a single lot under</u> <u>unified ownership, as defined in Section II(D)(9) of the Zoning Ordinance, are not</u> <u>exempt from Site Plan Review.</u>
- 2. Alterations to a building which in total do not increase the floor area of the building by more than 100 square feet.
- 3. Municipal buildings or uses, but shall be reviewed by the Planning Board for an advisory opinion to the Town Council or the applicable Town Department.
- 4. Buildings, structures and areas of impervious surface, the principal use of which is the conduct of accessory agriculture, commercial agriculture, or commercial animal husbandry, as are defined in Section VI. Definitions of the Town of Scarborough Zoning Ordinance.
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Item #7

The Planning Board will conduct a Public Hearing to receive comment on proposed changes to the Town of Scarborough Zoning Ordinance. The proposal would amend Section II.D(9) to permit multiple buildings on one lot for multi family and multiplex uses where permitted.





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From: Autumn Speer, Director of Planning and Codes

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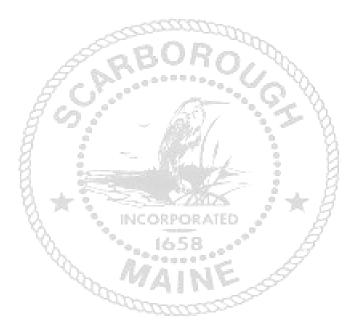
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Chapter 405 - Town of Scarborough Zoning Ordinance

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 405 the Zoning Ordinance of the Town of Scarborough, Maine, Section II. Zoning Ordinance . D Conformity – 9; by adding the new language underlined below:

SECTION II. ZONING ORDINANCE

D. CONFORMITY

1.

ب ۲

- a. No building or structure shall be erected, altered, enlarged, rebuilt, moved or used and no land shall be used unless in conformity with the provisions of this Ordinance.
- b. No lot, other than a lot of record lawfully created prior to November 5, 2003, shall be built upon unless there is access to the lot. "Access" means either frontage on a public way or connection to a public way over one or more private ways accepted_by the Planning Department under Section IX.I of this Ordinance or by the Planning Board under the Scarborough Subdivision Regulations. [Amended November 5, 2003]

2. The regulations specified by this Ordinance for each class of district shall be minimum requirements and shall apply uniformly to each class or kind of structure or land.

3. Land within the lines of a street on which a lot abuts shall not be considered as part of such lot for the purpose of meeting the Space and Bulk requirements of this Ordinance notwithstanding the fact that the fee to such land may be in the owner of such lot.

4. No part of a yard, open space, off-street parking space of loading space required to allow any building, structure or use to comply with this Ordinance, shall be included as part of a yard, open space, off-street parking space or loading space similarly required for any other building, structure or use.

5. When a lot of record at the effective date of adoption or amendment of this Ordinance is transected by a zoning district boundary, the regulations set forth in this Ordinance applying to the larger part by area of such lot may also be deemed to govern in the smaller area beyond such zoning district boundary but only to an extent not more than fifty (50) linear feet in depth beyond said zoning district boundary.

6. If two or more lots of record in continuous frontage, any of which does not meet the requirements for lot width and area as established by this Ordinance, are in single or common ownership at the effective date of adoption or amendment of this ordinance or any time thereafter, such lots shall be considered to be a single lot for the purposes of this ordinance, and no portion of such single lot shall be built upon except in compliance with all Space and Bulk requirements of this ordinance. The provisions of this subparagraph (6) shall not apply to lots of record shown in Subdivision plans approved by the Planning

SECTIONS I & II TITLE AND ZONING ORDINANCE

Board and recorded in the Cumberland County Registry of Deeds between January 1, 1967 and August 5, 1970.

7. Recorded lots in single ownership and on continuous frontage with lots in the same ownership shall comply with the provisions of this ordinance except those which are included in Subdivisions approved by the Planning Board and recorded in the Cumberland County Registry of Deeds between January 1, 1967 and August 5, 1970.

8. Any use not specifically allowed as either a permitted use or a Special Exception in any district shall be considered prohibited in that district.

9. No more than one principal building shall be located on a single lot, except as follows:

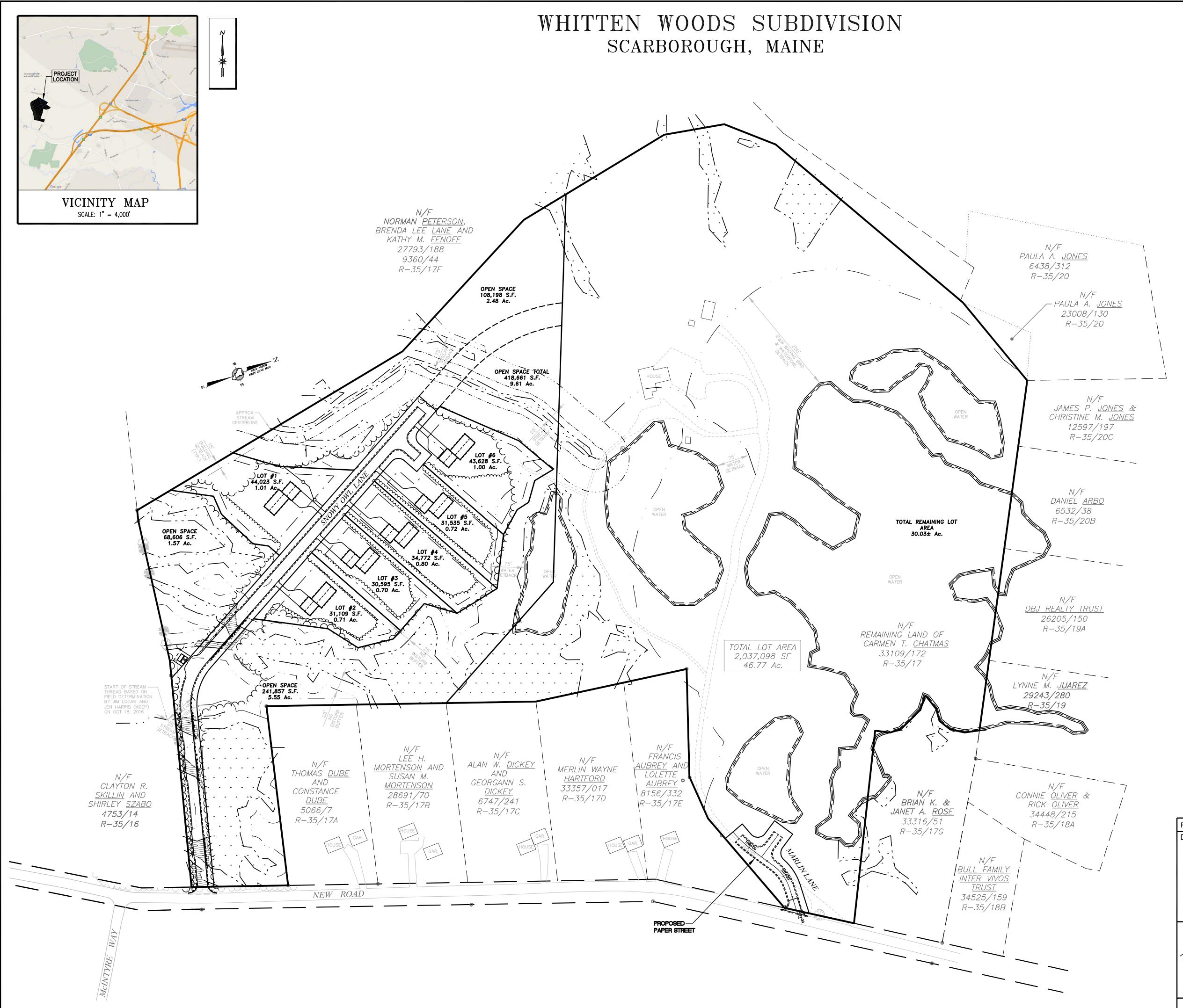
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As used in this section, "unified ownership" means that the lot is restricted by condominium declaration, restrictive covenants, or other legally binding document against division into separate lots unless each of such separate lots would comply separately with all applicable space and bulk regulations of this Ordinance. The document creating such restrictions shall be reviewed by the Town's attorney before the Planning Board grants final site plan and/or subdivision approval. An ownership structure which provides for unified ownership may allow for ground leases or leases of individual buildings, provided that the property is developed and used as shown on the plan approved by the Planning Board. [11/02/2005]

Item #8

Taylor Goble requests a subdivision termination of Whitten Woods Subdivision located at 34 New Road. The subdivision was previously approved by the Planning Board in 2019, creating 6 lots off of New Road which would have been served by Snowy Owl Lane. The developer of the subdivision no longer intends to develop the subdivision and has since sold the land approved as Whitten Woods, which the applicant proposes to consolidate back into one lot. The remaining land currently identified as 34 New Road would remain in possession of the current owner.



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- 1. COVER/INDEX/VICINITY MAP
- 2. PROPOSED SUBDIVISION PLAT
- 3. EXISTING CONDITIONS PLAN
- 4. SITE, LAYOUT & UTILITY PLAN SHEET 1 5. SITE, LAYOUT & UTILITY PLAN - SHEET 2
- 6. GRADING & DRAINAGE PLAN SHEET 1
- 7. GRADING & DRAINAGE PLAN SHEET 2
- 8. ROAD PROFILE SHEET 1
- 9. ROAD PROFILE SHEET 2
- 10. EROSION & SEDIMENTATION CONTROL PLAN
- 11. EROSION & SEDIMENTATION CONTROL NOTES AND DETAILS
- 12. UNDERDRAINED SOIL FILTER #1 & CONSTRUCTION DETAILS
- 13. UNDERDRAINED SOIL FILTER #2 & CONSTRUCTION DETAILS
- 14. CONSTRUCTION DETAILS
- 15. PRIVATE WAY PLAN MARLIN LANE

		ABUTTERS
ASSESSOR'S MAP	PARCEL NUMBER	OWNER'S NAME
R-35	16	CLAYTON R. SKILLIN & SHIRLEY SZABO 30 SACO STREET, SCARBOROUGH, ME 04074 BOOK 4753, PAGE 14
R-35	17F	BRENDA LEE LANE, KATHYM. FENOOF & NORMAN PETERSON 3026 DANIELS FARM ROAD, WATERFORD, VT 05819 BOOK 27793, PAGE 188 & BOOK 9360, PAGE 44
R-35	20	PAULA A. JONES 75 RUNNING HILL ROAD, SCARBOROUGH, ME 04074 BOOK 6438, PAGE 312
R-35	20C	JAMES P. JONES & CHRISTINE M. JONES 77 RUNNING HILL ROAD, SCARBOROUGH, ME 04074 BOOK 12597, PAGE 197
R-35	20B	DANIEL ARBO PO BOX 1182, PORTSMOUTH, NH 03082 BOOK 6532, PAGE 38
R-35	19A	DBJ REALTY TRUST, DANIEL L. ARBO TRUSTEE PO BOX 1182, PORTSMOUTH, ME 03802 BOOK 26205, PAGE 150
R-35	19	LYNNE M. JUAREZ 89 RUNNING HILL ROAD, SCARBOROUGH, ME 04074 BOOK 29243, PAGE 280
R-35	18	GERTRUDE M. POOLER 93 RUNNIG HILL ROAD, SCARBOROUGH, ME 04074 BOOK 31279, PAGE 113
R-35	17E	FRANCIS & LOLETTE AUBREY 32 NEW ROAD, SCARBOROUGH, ME 04074 BOOK 8156, PAGE 332
R-35	17D	MERLIN W. HARTFORD 30 NEW ROAD, SCARBOROUGH, ME 04074 BOOK 33357, PAGE 17
R-35	17C	ALAN W. & GEORGANN S. DICKEY 26 NEW ROAD, SCARBOROUGH, ME 04074 BOOK 6747, PAGE 241
R-35	17B	SUSAN M. MORTENSON, LEE H. MORTENSON 22 NEW ROAD, SCARBOROUGH, ME 04074 BOOK 28691, PAGE 70
R-35	17A	THOMAS & CONSTANCE DUBE 20 NEW ROAD, SCARBOROUGH, ME 04074 BOOK 5066, PAGE 7
R-35	17G	BRIAN K. ROSE, JANET A. ROSE 36 NEW ROAD, SCARBOROUGH, ME 04074 BOOK 33316, PAGE 51
R-35	18A	CONNIE OLIVER & RICK OLIVER 62 NOTCHED POND ROAD, RAYMOND, ME 04071 BOOK 34448, PAGE 215
R-35	18B	BULL FAMILY INTER VIVOS TRUST 97 JOHNSON ROAD, WINDHAM, ME 04062 BOOK 34525, PAGE 159

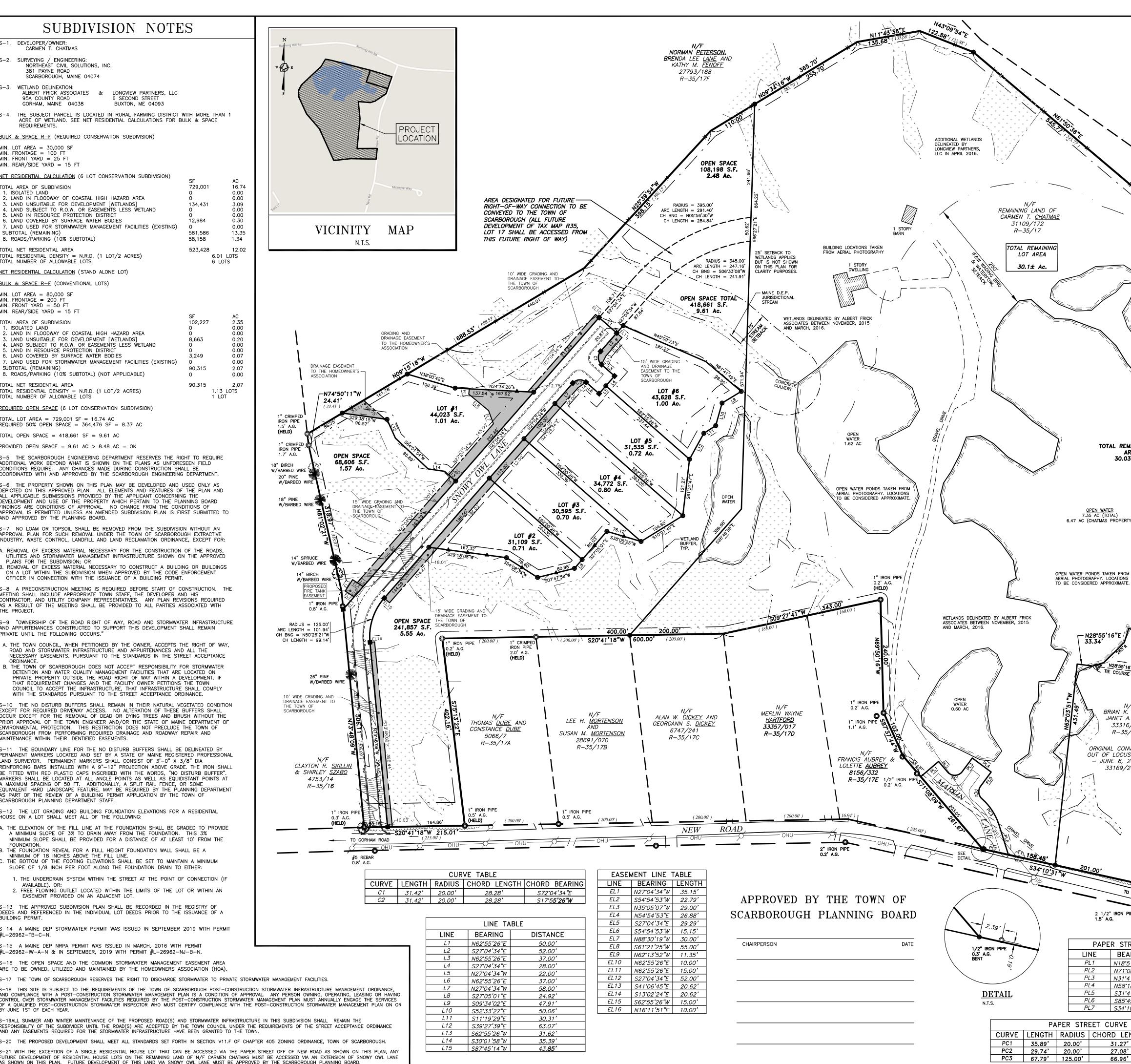
THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION OR RECORDING

	Revision:	By:	Date:	Change:			
	7	SMA	9/26/19	REVISED PER	NOTICE O	F DECISION	
	6	SMA	9/9/19	REVISED PER			
	5	SMA	, ,	REVISED PER			
	4	SMA	8/5/19	REVISED PER			
	3	SMA		REVISED PER			
	2	SMA	, ,	SUBMITTED FO			
	1	SMA	5/24/19	SUBMITTED FO			1
PROJECT NUMBER: 40516.1	ACAD F	ILE: 405	16.1–CO\	/ER.DWG	SCA	LE: 1" = 100'	DATE: MAY 8, 2019
DRAWING STATUS	Drawing No	ame:					
□ SUBDIVISION PLAN	COV	'ER/	INDE	EX/VICIN	VITY	MAP	
		,		,			
□ MDEP REVIEW	Project Name:						
🗙 PLANNING BOARD	WHITTEN WOODS SUBDIVISION						
□ SKETCH PLAN	SCARBO	SCARBOROUGH, MAINE, 04074					
	Owner/App	licant:					
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SS STENSENGILL				207.883.10	000	207.883.1001	info@northeastcivilsolutions.c

SHEET 1 OF 15

SUBDIVISION NOTES S-1. DEVELOPER/OWNER: CARMEN T. CHATMAS S-2. SURVEYING / ENGINEERING: NORTHEAST CIVIL SOLUTIONS, INC. 381 PAYNE ROAD SCARBOROUGH, MAINE 04074 S-3. WETLAND DELINEATION: ALBERT FRICK ASSOCIATES & LONGVIEW PARTNERS, LLC 6 SECOND STREET 95A COUNTY ROAD GORHAM, MAINE 04038 BUXTON, ME 04093 S-4. THE SUBJECT PARCEL IS LOCATED IN RURAL FARMING DISTRICT WITH MORE THAN ACRE OF WETLAND. SEE NET RESIDENTIAL CALCULATIONS FOR BULK & SPACE **REQUIREMENTS** BULK & SPACE R-F (REQUIRED CONSERVATION SUBDIVISION) MIN. LOT AREA = 30.000 SF MIN. FRONTAGE = 100 FT MIN. FRONT YARD = 25 FT MIN. REAR/SIDE YARD = 15 FTET RESIDENTIAL CALCULATION (6 LOT CONSERVATION SUBDIVISION) AC 16.74 TOTAL AREA OF SUBDIVISION 729,001 1. ISOLATED LAND 0.00 2. LAND IN FLOODWAY OF COASTAL HIGH HAZARD AREA 0.00 3. LAND UNSUITABLE FOR DEVELOPMENT [WETLANDS] 134,431 3.09 0.00 4. LAND SUBJECT TO R.O.W. OR EASEMENTS LESS WETLAND 5. LAND IN RESOURCE PROTECTION DISTRICT 0.00 0.30 12.984 6. LAND COVERED BY SURFACE WATER BODIES 7. LAND USED FOR STORMWATER MANAGEMENT FACILITIES (EXISTING) 0.00 SUBTOTAL (REMAINING) 581.586 13.35 8. ROADS/PARKING (10% SUBTOTAL) 58,158 1.34 TOTAL NET RESIDENTIAL AREA 523,428 12.02 TOTAL RESIDENTIAL DENSITY = N.R.D. (1 LOT/2 ACRES) 6.01 LOTS TOTAL NUMBER OF ALLOWABLE LOTS 6 LOTS NET RESIDENTIAL CALCULATION (STAND ALONE LOT) BULK & SPACE R-F (CONVENTIONAL LOTS) MIN. LOT AREA = 80,000 SF MIN. FRONTAGE = 200 FT MIN. FRONT YARD = 50 FT MIN. REAR/SIDE YARD = 15 FT TOTAL AREA OF SUBDIVISION 102,227 2.35 1. ISOLATED LAND 2. LAND IN FLOODWAY OF COASTAL HIGH HAZARD AREA 0.00 0.00 3. LAND UNSUITABLE FOR DEVELOPMENT [WETLANDS] 0.20 0.00 8,663 4. LAND SUBJECT TO R.O.W. OR EASEMENTS LESS WETLAND 5. LAND IN RESOURCE PROTECTION DISTRICT 0.00 0.07 6. LAND COVERED BY SURFACE WATER BODIES 3.249 7. LAND USED FOR STORMWATER MANAGEMENT FACILITIES (EXISTING) 0.00 2.07 SUBTOTAL (REMAINING) 90,315 8. ROADS/PARKING (10% SUBTOTAL) (NOT APPLICABLE) 0.00 2.07 TOTAL NET RESIDENTIAL AREA 90,315 TOTAL RESIDENTIAL DENSITY = N.R.D. (1 LOT/2 ACRES)1.13 LOTS TOTAL NUMBER OF ALLOWABLE LOTS 1 LOT REQUIRED OPEN SPACE (6 LOT CONSERVATION SUBDIVISION) TOTAL LOT AREA = 729,001 SF = 16.74 ACREQUIRED 50% OPEN SPACE = 364,476 SF = 8.37 AC TOTAL OPEN SPACE = 418,661 SF = 9.61 AC PROVIDED OPEN SPACE = 9.61 AC > 8.48 AC = OK S-5 THE SCARBOROUGH ENGINEERING DEPARTMENT RESERVES THE RIGHT TO REQUIRE ADDITIONAL WORK BEYOND WHAT IS SHOWN ON THE PLANS AS UNFORESEEN FIELD CONDITIONS REQUIRE. ANY CHANGES MADE DURING CONSTRUCTION SHALL BE COORDINATED WITH AND APPROVED BY THE SCARBOROUGH ENGINEERING DEPARTMENT. S-6 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 LL APPLICABLE SUBMISSIONS PROVIDED BY THE APPLICANT CONCERNING THE DEVELOPMENT AND USE OF THE PROPERTY WHICH PERTAIN TO THE PLANNING BOARD INDINGS ARE CONDITIONS OF APPROVAL. NO CHANGE FROM THE CONDITIONS OF PPROVAL IS PERMITTED UNLESS AN AMENDED SUBDIVISION PLAN IS FIRST SUBMITTED TO AND APPROVED BY THE PLANNING BOARD. S-7 NO LOAM OR TOPSOIL SHALL BE REMOVED FROM THE SUBDIVISION WITHOUT AN APPROVAL PLAN FOR SUCH REMOVAL UNDER THE TOWN OF SCARBOROUGH EXTRACTIVE NDUSTRY, WASTE CONTROL, LANDFILL AND LAND RECLAMATION ORDINANCE, EXCEPT FOR: . REMOVAL OF EXCESS MATERIAL NECESSARY FOR THE CONSTRUCTION OF THE ROADS, UTILITIES AND STORMWATER MANAGEMENT INFRASTRUCTURE SHOWN ON THE APPROVED PLANS FOR THE SUBDIVISION; OR AL OF EXCESS MATERIAL NECESSARY TO CONSTRUCT A BUILDING OR BUILDINGS ON A LOT WITHIN THE SUBDIVISION WHEN APPROVED BY THE CODE ENFORCEMENT OFFICER IN CONNECTION WITH THE ISSUANCE OF A BUILDING PERMIT. S-8 A PRECONSTRUCTION MEETING IS REQUIRED BEFORE START OF CONSTRUCTION. THE MEETING SHALL INCLUDE APPROPRIATE TOWN STAFF, THE DEVELOPER AND HIS CONTRACTOR, AND UTILITY COMPANY REPRESENTATIVES. ANY PLAN REVISIONS REQUIRED AS A RESULT OF THE MEETING SHALL BE PROVIDED TO ALL PARTIES ASSOCIATED WITH THE PROJECT. S-9 "OWNERSHIP OF THE ROAD RIGHT OF WAY, ROAD AND STORMWATER INFRASTRUCTURE AND APPURTENANCES CONSTRUCTED TO SUPPORT THIS DEVELOPMENT SHALL REMAIN PRIVATE UNTIL THE FOLLOWING OCCURS." A. THE TOWN COUNCIL, WHEN PETITIONED BY THE OWNER, ACCEPTS THE RIGHT OF WAY, ROAD AND STORMWATER INFRASTRUCTURE AND APPURTENANCES AND ALL THE NECESSARY EASEMENTS, PURSUANT TO THE STANDARDS IN THE STREET ACCEPTANCE ORDINANCE THE TOWN OF SCARBOROUGH DOES NOT ACCEPT RESPONSIBILITY FOR STORMWATER DETENTION AND WATER QUALITY MANAGEMENT FACILITIES THAT ARE LOCATED ON PRIVATE PROPERTY OUTSIDE THE ROAD RIGHT OF WAY WITHIN A DEVELOPMENT IF THAT REQUIREMENT CHANGES AND THE FACILITY OWNER PETITIONS THE TOWN COUNCIL TO ACCEPT THE INFRASTRUCTURE, THAT INFRASTRUCTURE SHALL COMPLY WITH THE STANDARDS PURSUANT TO THE STREET ACCEPTANCE ORDINANCE. S-10 THE NO DISTURB BUFFERS SHALL REMAIN IN THEIR NATURAL VEGETATED CONDITION EXCEPT FOR REQUIRED DRIVEWAY ACCESS. NO ALTERATION OF THESE BUFFERS SHALL OCCUR EXCEPT FOR THE REMOVAL OF DEAD OR DYING TREES AND BRUSH WITHOUT THE PRIOR APPROVAL OF THE TOWN ENGINEER AND/OR THE STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION. THIS RESTRICTION DOES NOT PRECLUDE THE TOWN OF SCARBOROUGH FROM PERFORMING REQUIRED DRAINAGE AND ROADWAY REPAIR AND MAINTENANCE WITHIN THEIR IDENTIFIED EASEMENTS. S-11 THE BOUNDARY LINE FOR THE NO DISTURB BUFFERS SHALL BE DELINEATED BY PERMANENT MARKERS LOCATED AND SET BY A STATE OF MAINE REGISTERED PROFESSIONAL AND SURVEYOR. PERMANENT MARKERS SHALL CONSIST OF 3'-0" X 3/8" DIA REINFORCING BARS INSTALLED WITH A 9"-12" PROJECTION ABOVE GRADE. THE IRON SHALL 3E FITTED WITH RED PLASTIC CAPS INSCRIBED WITH THE WORDS. "NO DISTURB BUFFER". MARKERS SHALL BE LOCATED AT ALL ANGLE POINTS AS WELL AS EQUIDISTANT POINTS AT A MAXIMUM SPACING OF 50 FT. ADDITIONALLY, A SPLIT RAIL FENCE, OR SOME QUIVALENT HARD LANDSCAPE FEATURE, MAY BE REQUIRED BY THE PLANNING DEPARTMENT S PART OF THE REVIEW OF A BUILDING PERMIT APPLICATION BY THE TOWN OF SCARBOROUGH PLANNING DEPARTMENT STAFF. -12 THE LOT GRADING AND BUILDING FOUNDATION ELEVATIONS FOR A RESIDENTIAL HOUSE ON A LOT SHALL MEET ALL OF THE FOLLOWING: A. THE ELEVATION OF THE FILL LINE AT THE FOUNDATION SHALL BE GRADED TO PROVIDE A MINIMUM SLOPE OF 3% TO DRAIN AWAY FROM THE FOUNDATION. THIS 3% MINIMUM SLOPE SHALL BE PROVIDED FOR A DISTANCE OF AT LEAST 10' FROM THE FOUNDATION B. THE FOUNDATION REVEAL FOR A FULL HEIGHT FOUNDATION WALL SHALL BE A MINIMUM OF 18 INCHES ABOVE THE FILL LINE. THE BOTTOM OF THE FOOTING ELEVATIONS SHALL BE SET TO MAINTAIN A MINIMUM SLOPE OF 1/8 INCH PER FOOT ALONG THE FOUNDATION DRAIN TO EITHER: 1. THE UNDERDRAIN SYSTEM WITHIN THE STREET AT THE POINT OF CONNECTION (IF AVAILABLE). OR: 2. FREE FLOWING OUTLET LOCATED WITHIN THE LIMITS OF THE LOT OR WITHIN AN EASEMENT PROVIDED ON AN ADJACENT LOT. S-13 THE APPROVED SUBDIVISION PLAN SHALL BE RECORDED IN THE REGISTRY OF DEEDS AND REFERENCED IN THE INDIVIDUAL LOT DEEDS PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. S-14 A MAINE DEP STORMWATER PERMIT WAS ISSUED IN SEPTEMBER 2019 WITH PERMIT #L-26962-TB-C-N. S-15 A MAINE DEP NRPA PERMIT WAS ISSUED IN MARCH, 2016 WITH PERMIT #L-26962-IW-A-N & IN SEPTEMBER, 2019 WITH PERMIT #L-26962-NJ-B-N. S-16 THE OPEN SPACE AND THE COMMON STORMWATER MANAGEMENT EASEMENT AREA ARE TO BE OWNED, UTILIZED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION (HOA). S-17 THE TOWN OF SCARBOROUGH RESERVES THE RIGHT TO DISCHARGE STORMWATER TO PRIVATE STORMWATER MANAGEMENT FACILITIES. S-18 THIS SITE IS SUBJECT TO THE REQUIREMENTS OF THE TOWN OF SCARBOROUGH POST-CONSTRUCTION STORMWATER INFRASTRUCTURE MANAGEMENT ORDINANCE. AND COMPLIANCE WITH A POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN IS A CONDITION OF APPROVAL. ANY PERSON OWNING, OPERATING, LEASING OR HAVING CONTROL OVER STORMWATER MANAGEMENT FACILITIES REQUIRED BY THE POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN MUST ANNUALLY ENGAGE THE SERVICES OF A QUALIFIED POST-CONSTRUCTION STORMWATER INSPECTOR WHO MUST CERTIFY COMPLIANCE WITH THE POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN ON OR

w Charles PROJEC[®] McIntyre Way VICINITY MAP N.T.S.



	LINE TA	BLE
LINE	BEARING	DIST
L1	N62*55'26"E	50
L2	S27°04'34"E	52
L3	N62°55'26"E	37
L4	S27°04'34"E	28
L5	N27°04'34"W	22
L6	N62*55'26"E	37
L7	N27°04'34"W	58
L8	S27°05'01"E	24
L9	S09°34'02"E	47
L10	S52°33'27"E	50
L11	S11°19'29"E	30
L12	S39°27'39"E	63
L13	S62*55'26"W	31
L14	S30°01'58"W	35
L15	S87°45'14"W	43

RESPONSIBILITY OF THE SUBDIVIDER UNTIL THE ROAD(S) ARE ACCEPTED BY THE TOWN COUNCIL UNDER THE REQUIREMENTS OF THE STREET ACCEPTANCE ORDINANCE AND ANY EASEMENTS REQUIRED FOR THE STORMWATER INFRASTRUCTURE HAVE BEEN GRANTED TO THE TOWN. S-20 THE PROPOSED DEVELOPMENT SHALL MEET ALL STANDARDS SET FORTH IN SECTION V11.F OF CHAPTER 405 ZONING ORDINANCE, TOWN OF SCARBOROUGH.

BY JUNE 1ST OF EACH YEAR.

S-21 WITH THE EXCEPTION OF A SINGLE RESIDENTIAL HOUSE LOT THAT CAN BE ACCESSED VIA THE PAPER STREET OFF OF NEW ROAD AS SHOWN ON THIS PLAN, ANY FUTURE DEVELOPMENT OF RESIDENTIAL HOUSE LOTS ON THE REMAINING LAND OF N/F CARMEN CHATMAS MUST BE ACCESSED VIA AN EXTENSION OF SNOWY OWL LANE AS SHOWN ON THIS PLAN. FUTURE DEVELOPMENT OF THIS LAND VIA SNOWY OWL LANE MUST BE APPROVED BY THE SCARBOROUGH PLANNING BOARD.

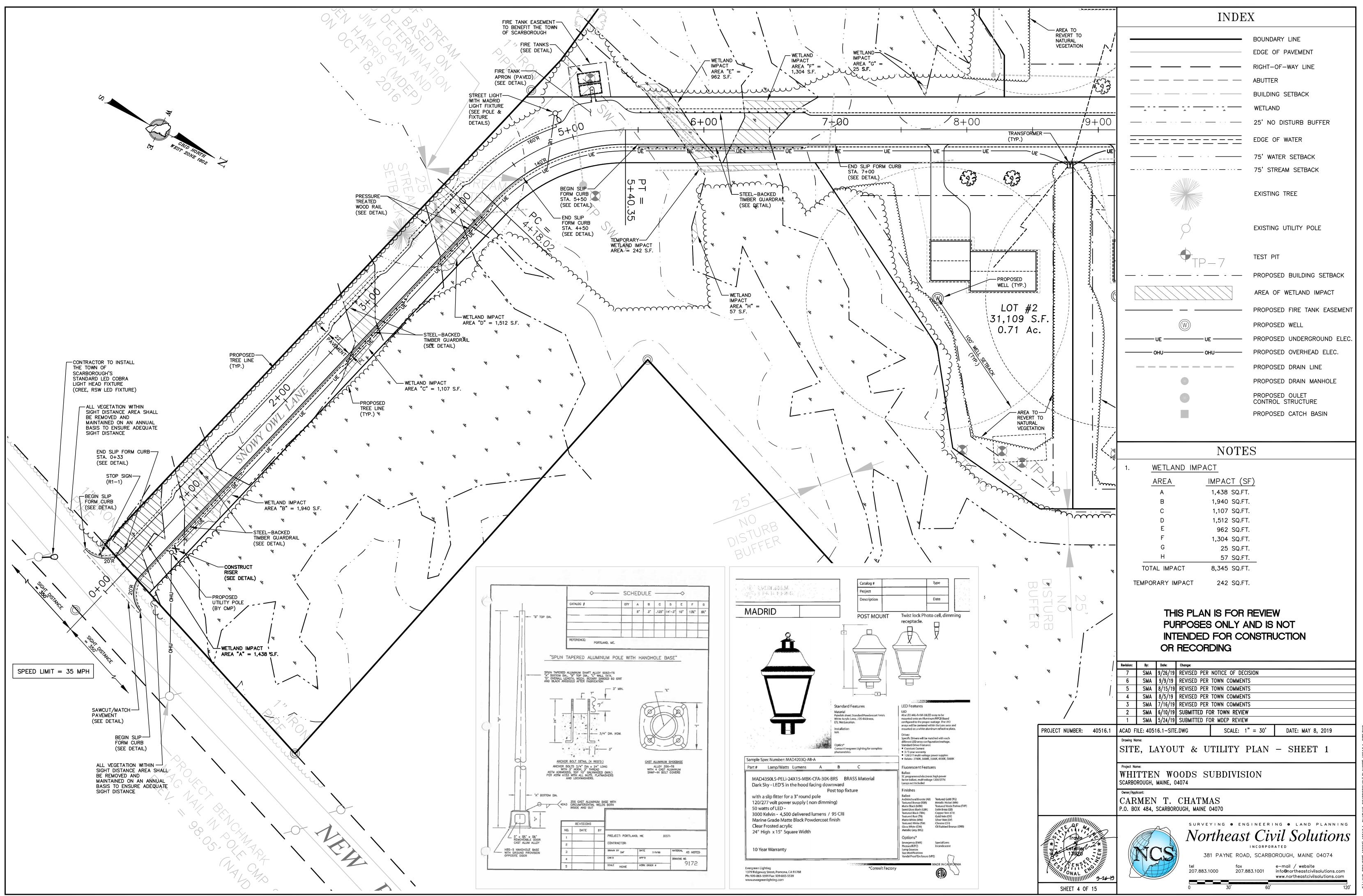
	NT			LEG	END		
SEE NOTE 3	RID NORTH GRID NORTH PAULA A. JONES 6438/312 R-35/20 N/F PAULA A. JONES 23008/130 R-35/20	123 R-	■ GR ■ GR ■ GR #3 "NO # "NO #3 "NO #3 "NO #3 " " "NO # " " " "NO # " " " " " " " " " " " " "	EDGE OF EDGE OF RIGHT-OF ABUTTER WETLAND BUILDING NOW OR DEED BO TAX MAP-	WITH PLASTIC C WENTATION SHOW! BY NCS, INC. AND OD BUFFER PIN PLASTIC CAP S (SEE NOTE 11) & TYPE AS NOT ER AS NOTED) TREE (SIZE & T TREE (SIZE & T T	ED BY CCRD)	Y PLAT MAY OR DONE UPON
OPEN WATER 0.78 AC	/ -S64*00'52"E 9.02' / JAMES P. JONES &		BC	UNDAR	Y NOT	ГES	
AAINING LOT REA 3± Ac.		 DEED FRO ESTATE OF BOOK 311 2. THE PARCE MAP AS R 3. THE BEARIN COORDINA 4. REFERENCE a. FINAL 3 CONST 1983, b. PLAN " DATED IN c. "FINAL OCTOBE 5. THE WIDTH LAYOUT IS 6. REFERENCE a. WATERL DESCRIFIES 5. THE WIDTH LAYOUT IS 6. REFERENCE a. WATERL DESCRIFIES b. EXCEPT PATRICIES c. THIS P. SCARB PARCE 7. OTHER MUI PROCEEDIN APPLICABL 8. THE UTILITI THERE MA SAFE (888) 9. THE PARCE 	M LOWELL A. F PATRICIA M. 1 09, PAGE 172 L SURVEYED IS -35, LOT 17. NGS SHOWN ON TE SYSTEM, WE IS MADE TO SUBDIVISION PL RUCTION, INC., RECORDED IN REPRESENTING NOVEMBER 23, SUBDIVISION PL R, 2016, RECO OF NEW ROAD BASED ON SA IS MADE TO INE EASEMENT BED AND RECO ING AND RESE IA PEASE TO F AND RECORDED AND RECORDED ARCEL IS SUBJ OROUGH PLANN L "SHALL NOT NICIPAL AND ST NG ON ANY PR E SETBACKS A ES SHOWN ON Y BE OTHER U B)DIG—SAFE PR	PARCEL SURVEYED PEASE, INDIVIDUALL PEASE, DATED OCT IN THE CUMBERL IDENTIFIED ON T I THIS PLAN ARE ST ZONE 1802, G THE FOLLOWING PI AN, "NEW ROAD S GORHAM, MAINE. PLAN BOOK 137, PARCEL OF SOLOI 1888, RECORDED AN, LAND OF MEI RDED IN PLAN BO IS 49.5' (3 ROD ID PLAN AND MON THE FOLLOWING EA RIGHTS ALONG LA RIGHTS ALONG LA RIGHTS ALONG LA RIGHTS ALONG LA RIGHTS ALONG LA RIGHTS ALONG S OR TO AND SP IN DEED BOOK S ECT TO A PROHIB ING BOARD, WHIC BE USED FOR AN ATE OVERLAY ZON OJECT WE RECOMING ID RESTRICTIONS THIS PLAN WERE TILITIES EXISTING OR TO ANY EXCAN IN ZONE C AS S TH AN EFFECTIVE	Y AND AS PERSOBER 18, 2013 AND COUNTY RE HE TOWN OF SC BASED ON THE RID NORTH. ANS: UBDIVISION", FC BY LAND USE OF PAGE 2. MON LIBBY" BY IN PLAN BOOK RLE HARTFORD DOK 217, PAGE WIDTH) BASED UMENTATION FC ASEMENTS/RESTI AND N/F OF PA OK 23011, PAGE CL OF LAND CO ROPERTY BY IN 23008, PAGE 13 ITION, IMPOSED H STATES THAT Y GRAVEL PIT CO IES MAY EXIST A MEND VERIFYING WITH THE APPR FROM FIELD OF THAT ARE NOT ATION WORK. SHOWN ON FIRM	SONAL REPRESE SAND RECORDE EGISTRY OF DEE CARBOROUGH AS MAINE STATE OR SHAW BROTH CONSULTANTS, D WILLIAM MOULT 6, PAGE 53 C PAINTING, LLC" 134. ON REF. PLAN DUND. RICTIONS OF RE ULA A. JONES A SE 078 CCRD. NVEYED BY LOW STRUMENT DATE 30, CCRD. BY THE TOWN THIS SAID HER OR EXTRACTIVE OF AND APPLY. BI CURRENT ZON OPRIATE AGENCI SSERVATION ONL SHOWN. CONTA	NTATIVE OF THE D IN DEED DDS (CCRD). SSESSOR'S TAX ERS DATED MARCH 16, ON, SURVEYOR, CRD. BY BH2M, DATED 4a. THE CORD: AS /ELL AND D AUGUST 8, OF EIN SURVEYED DPERATION". EFORE E AND ALL ES. Y. CT DIG-
6.55' 2'06"E	γ	Revision: By:	Date: Change:				
S N/F BULL FAMILY							
<u>INTER_VIVOS</u> <u>TRUST</u> 34525/159 R-35/18B	N/F <u>MERLE</u> <u>HARTFORD</u> PAINTING, LLC	1 SMA PROJECT: 4051	, ,	ED SUBDIVISION NO DRAWING NAME:		TREET LINE LABE	LS
l i	33453/135 R=35/18		Г 9, 2019	SCALE: 1"=100'	<u> </u>	DRAWN BY:	JAP
1" IRON PIPE 0.3' A.G. (HELD)		FIELDED BY: I Drawing Name and Loca	,	FIELD DATE:	01/28/2016	CHECKED BY:	DMM / TFM
		PROPOS 34 NEW ROAD, owner:		DIVISION MAINE 04074	PLAT		
	PROJECT NUMBER: 40516	CARMEN P.O. BOX 484,					
REET LINE TABLEARINGDISTANCE51'51''W50.00'	CE OF MA	Prepared For: CARMEN					
08'09"E 29.76' 41'18"W 35.90' 18'42"E 50.00' 41'18"E 37.51' 49'29"E 66.35' 10'31"W 56.38' TABLE NGTH CHORD N19'43'26"E	TROY F. McDONALD #2080 SURVE 9/16/2019 		s M te	URVEYING • Jortheo 381 PAYNE		ATED	utions 04074 e vilsolutions.com
S74°17'31"E S78°38'23"W	SHEET 1 OF 1 FOR RECORDING SHEET 2 OF 15		0	100'	200'		400'
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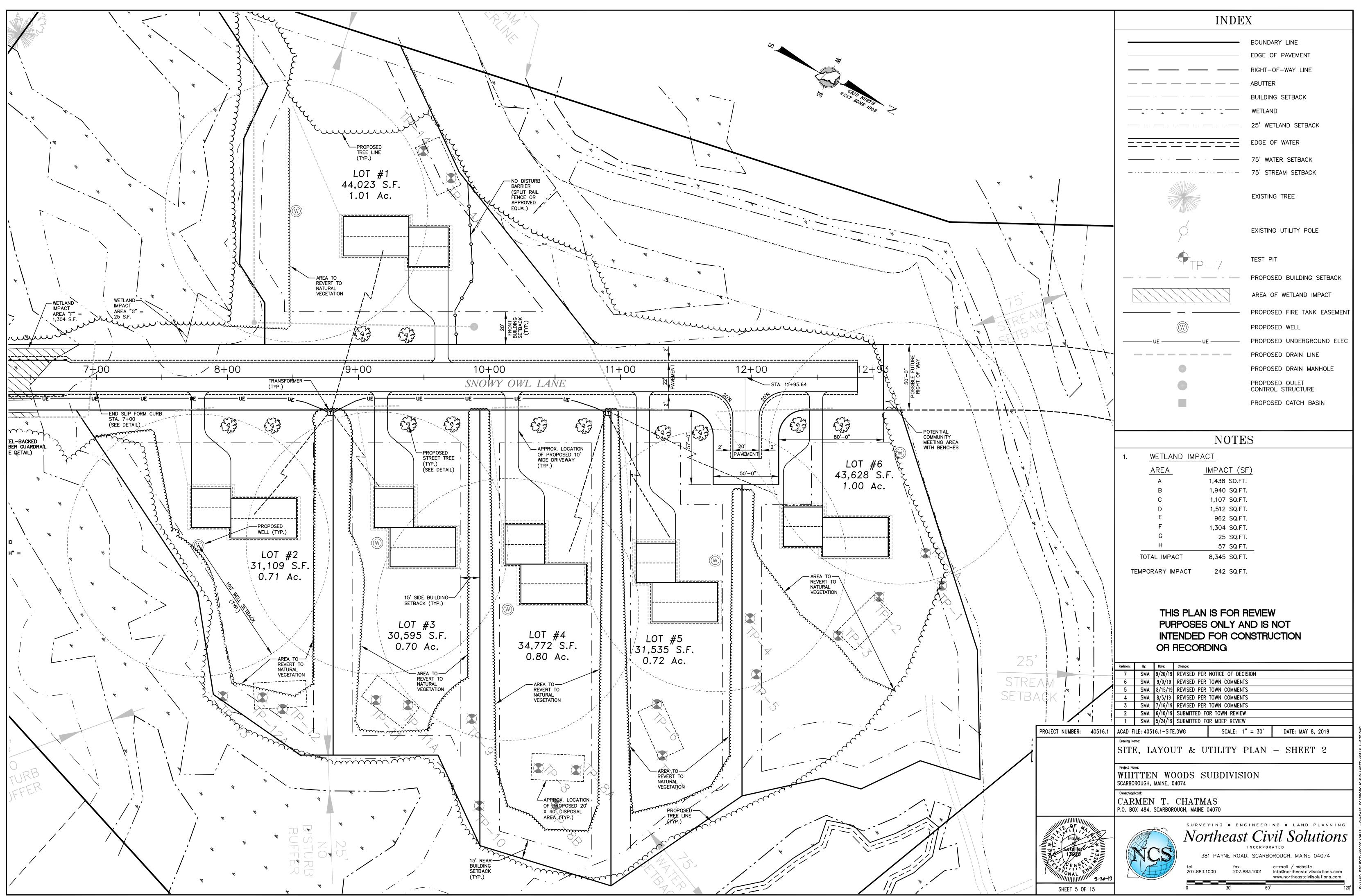


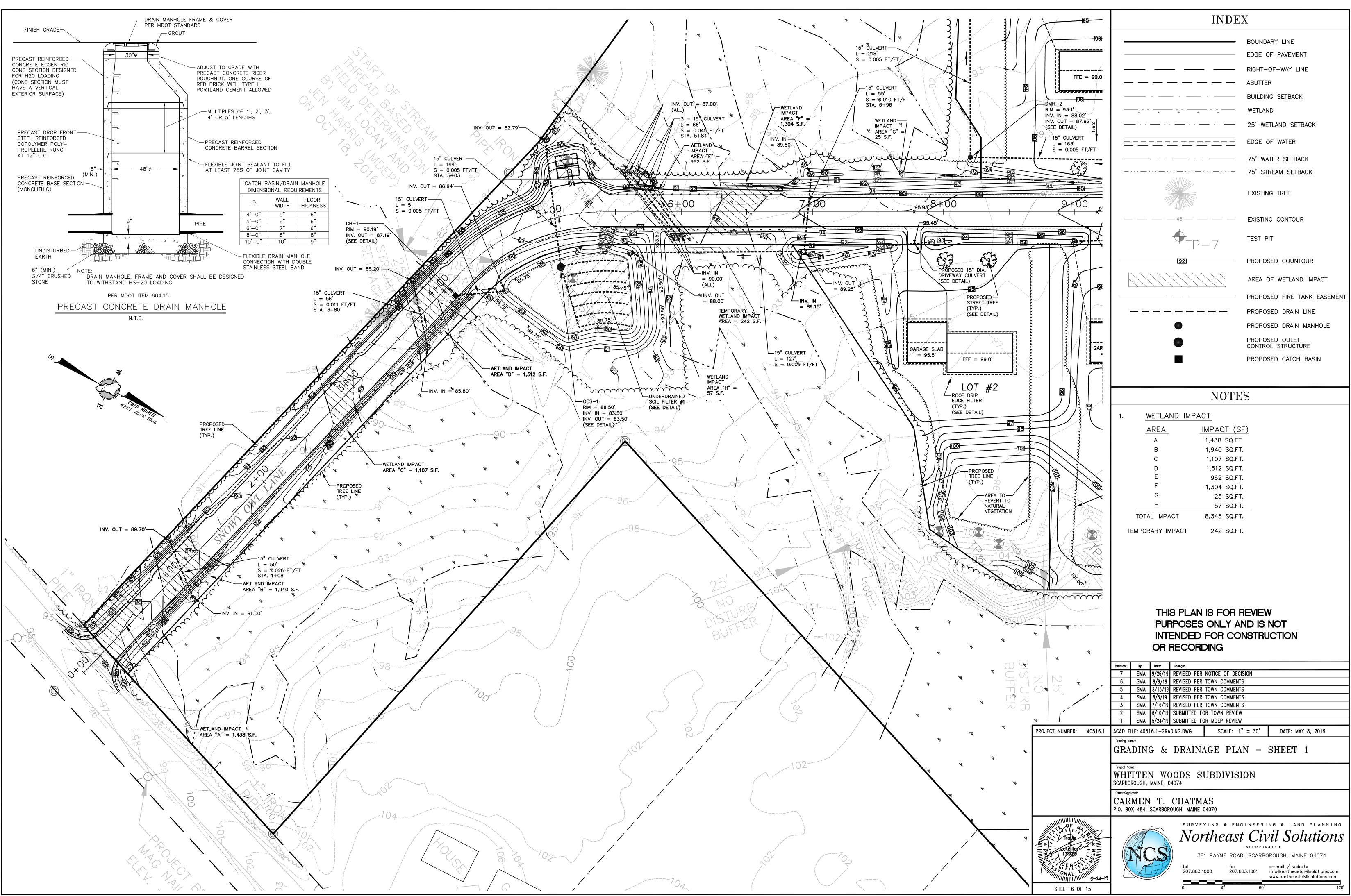
	INDEX			
	BOUNDARY LINE EDGE OF PAVEMENT RIGHT-OF-WAY LIN ABUTTER BUILDING SETBACK WETLAND 25' NO DISTURB B EDGE OF WATER 75' WATER SETBAC 75' STREAM SETBAC 98 EXISTING TREE		BOUNDARY LINE EDGE OF PAVEMENT RIGHT-OF-WAY LINE ABUTTER BUILDING SETBACK WETLAND 25' NO DISTURB BUFFE EDGE OF WATER 75' WATER SETBACK 75' STREAM SETBACK 250' IF&W BIRD SETBA EXISTING CONTOUR EXISTING TREE EXISTING TREE EXISTING UTILITY POLE SOIL BOUNDARY	IE BUFFER SK ACK SETBACK
	SYMBOL DeB Gp Sz WmB	SOILS I SOIL SOIL DEERFIELD LOAMY SAND, 0%-3% GRAVEL PITS SWANTON FINE SANDY LOAM WINDSOR LOAMY SAND, 0%-8% S	TYPE SLOPES	HSG A D C/D A
PROJECT NUMBER: 40516.1	THE SOURCE OF THE SOIL TYPES AND BOUNDARIES IS THE NATIONAL COOPERATIVE SOIL SURVEY (NCSS). THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION OR RECORDING Privation Private Privation Private Privation Private Priva			
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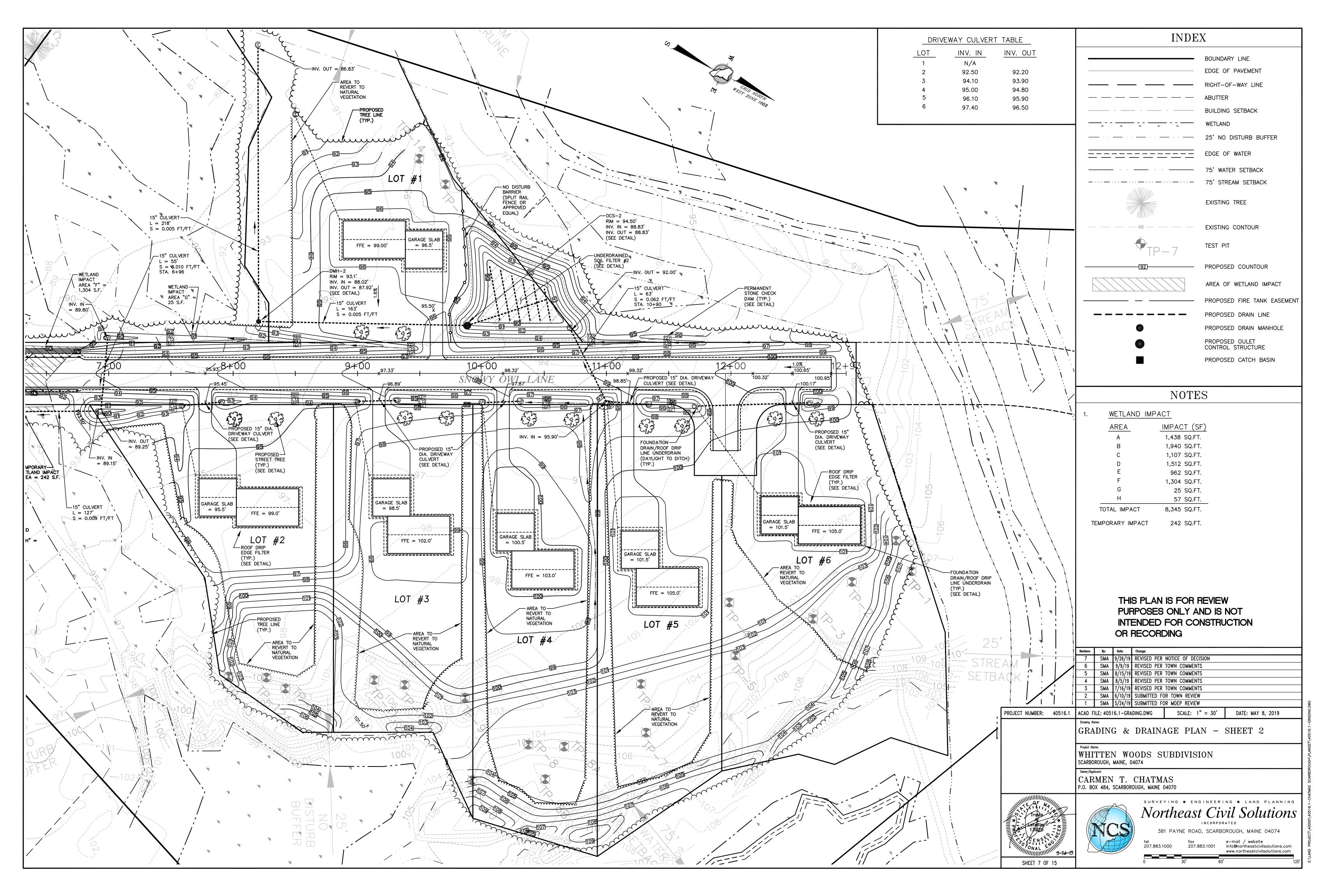
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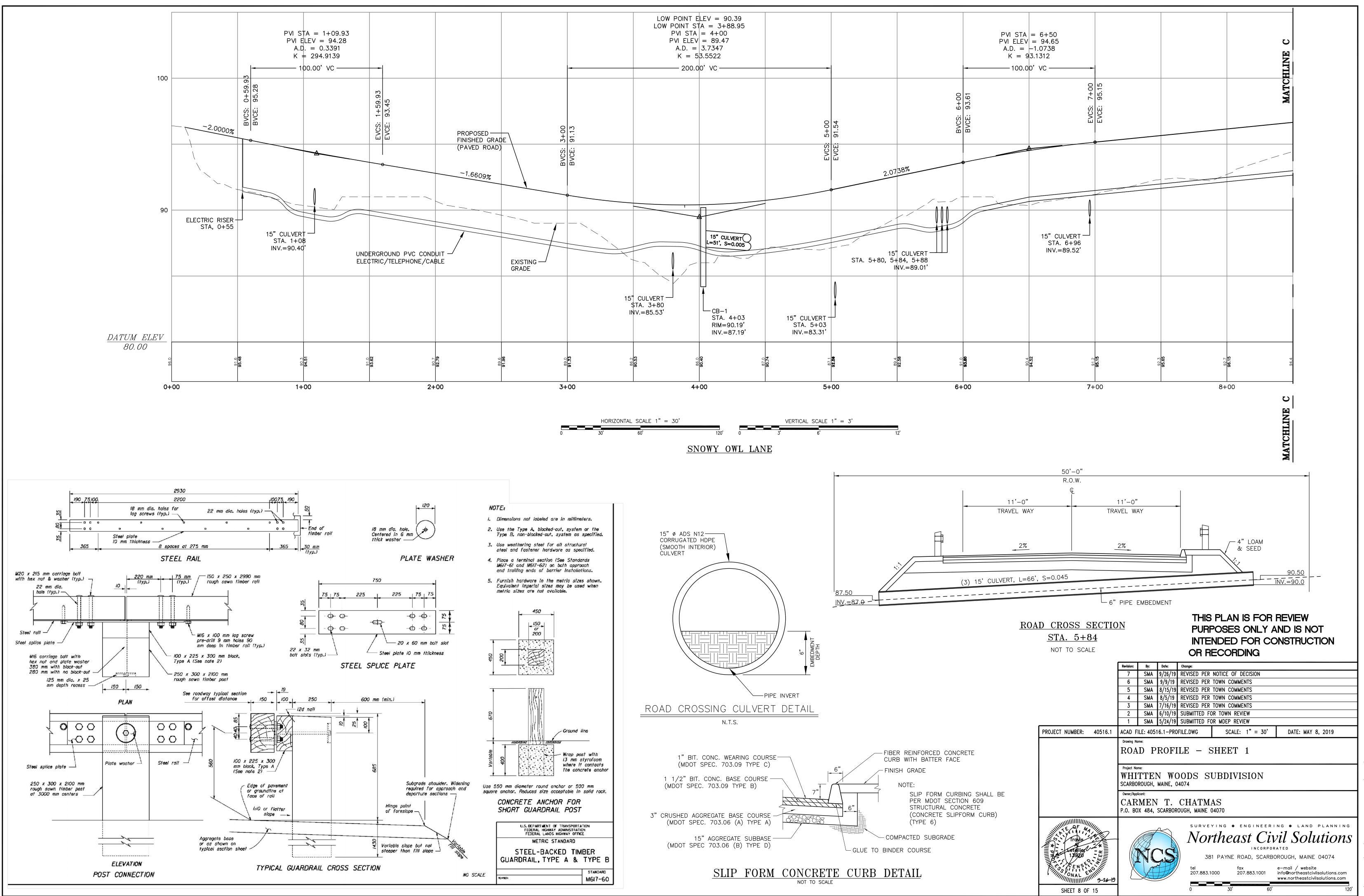
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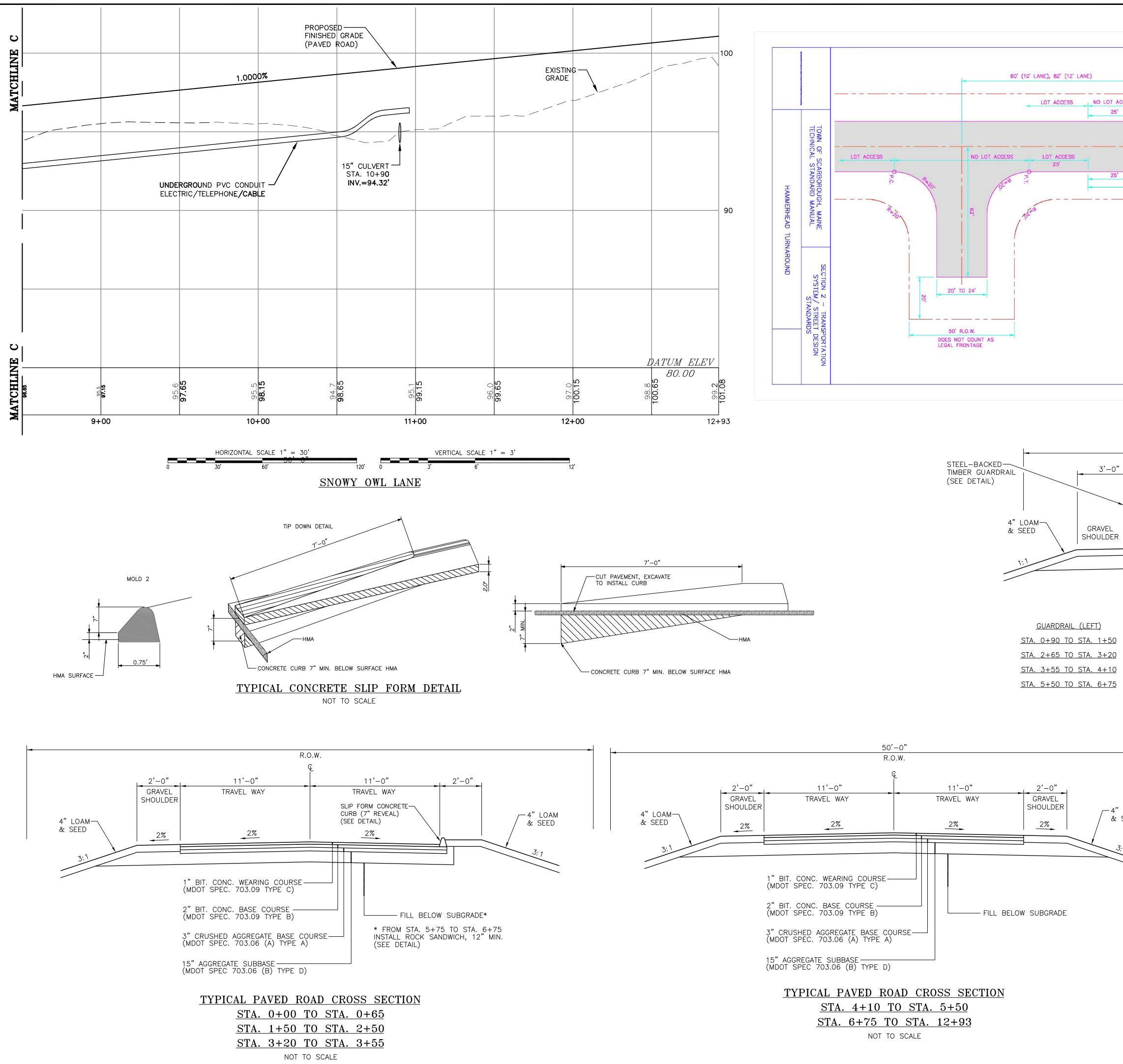


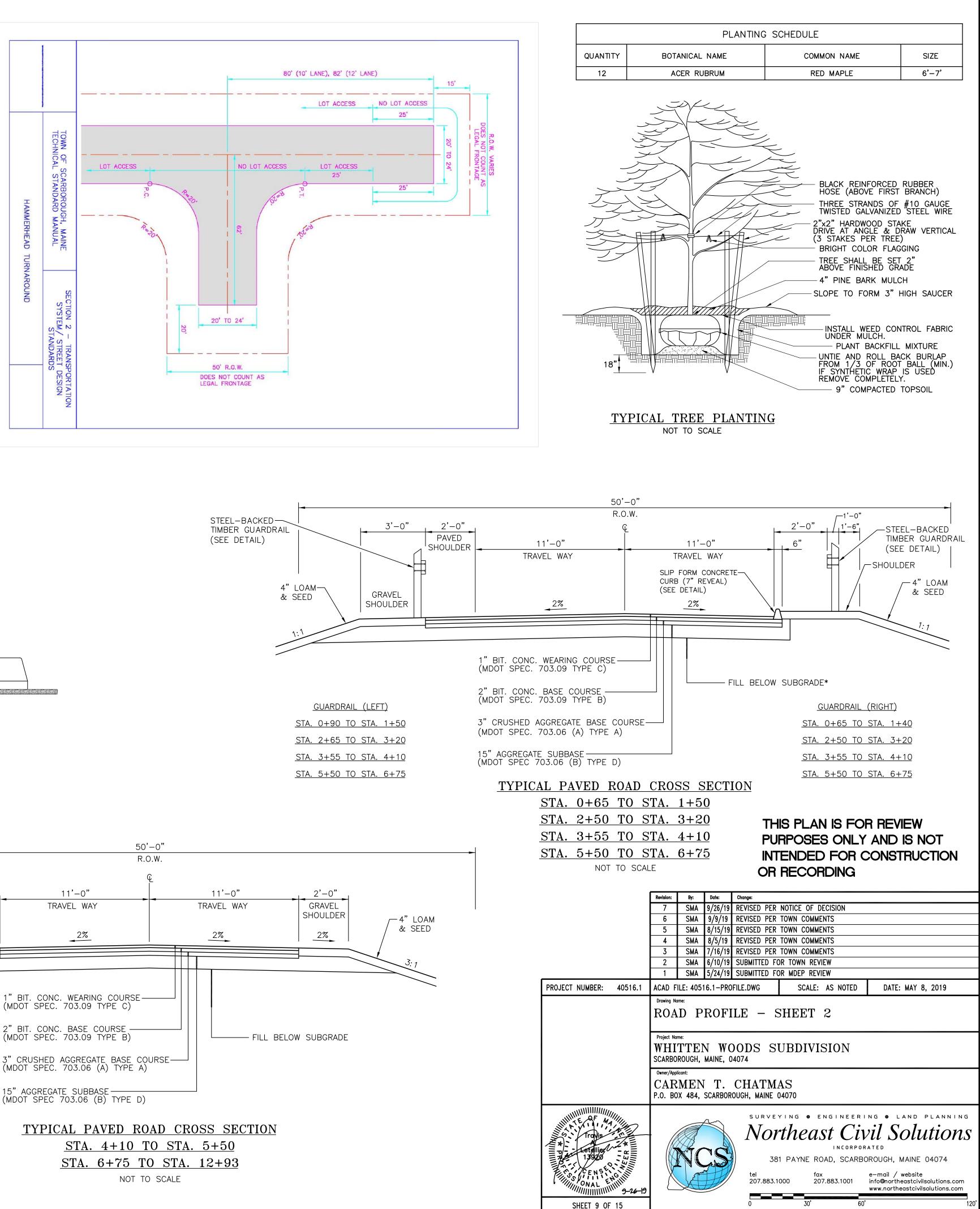


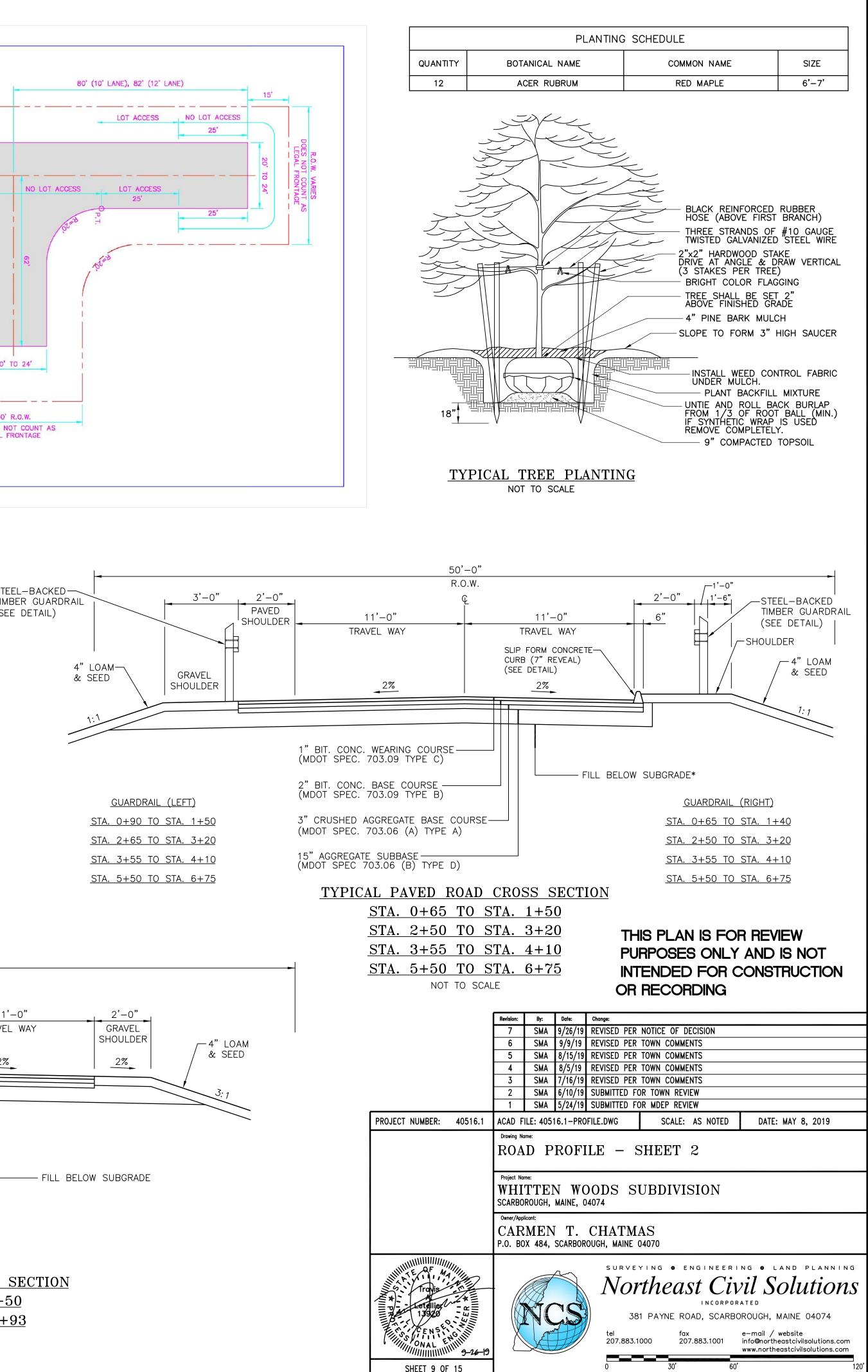




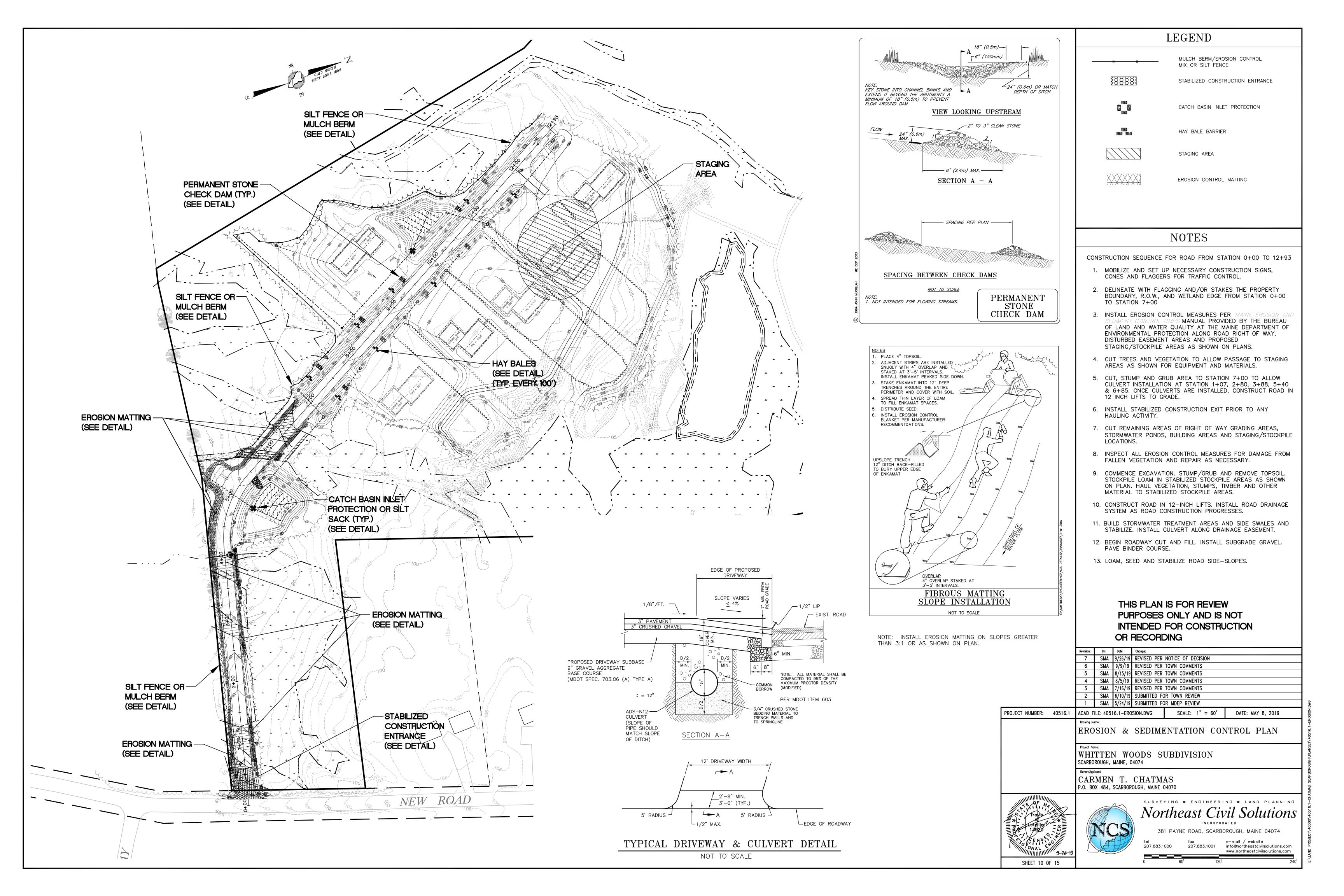
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SEDIMENTATION AND EROSION FOR THIS PROJECT IS BASED UPON SOUND CONSERVATION PRACTICES, AND ADHERES TO THE STANDARDS DETAILED IN THE MAINE EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES BY THE CUMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT AND THE MAIN DEPARTMENT OF ENVIRONMENTAL PROTECTION DATED MARCH 2015. THE CONTRACTOR SHALL MAKE HIMSELF FAMILIAR WITH THE AFOREMENTIONED PUBLICATION AND COMPLY WITH THE PRACTICES PRESENTED THEREIN.

A PERSON WHO CONDUCTS, OR CAUSES TO BE CONDUCTED, AN ACTIVITY THAT INVOLVES FILLING, DISPLACING OR EXPOSING SOIL OR OTHER EARTHEN MATERIALS SHALL TAKE MEASURES TO PREVENT UNREASONABLE EROSION OF SOIL OR SEDIMENT BEYOND THE PROJECT SITE OR INTO A PROTECTED NATURAL RESOURCE AS DEFINED IN 38 M.R.S. \$480-B. EROSION CONTROL MEASURES MUST BE IN PLACE BEFORE THE ACTIVITY BEGINS. MEASURES MUST REMAIN IN PLACE AND FUNCTIONAL UNTIL THE SITE IS PERMANENTLY STABILIZED. ADEQUATE AND TIMELY TEMPORARY AND PERMANENT STABILIZATION MEASURES MUST BE TAKEN.

EROSION AND SEDIMENTATION CONTROL

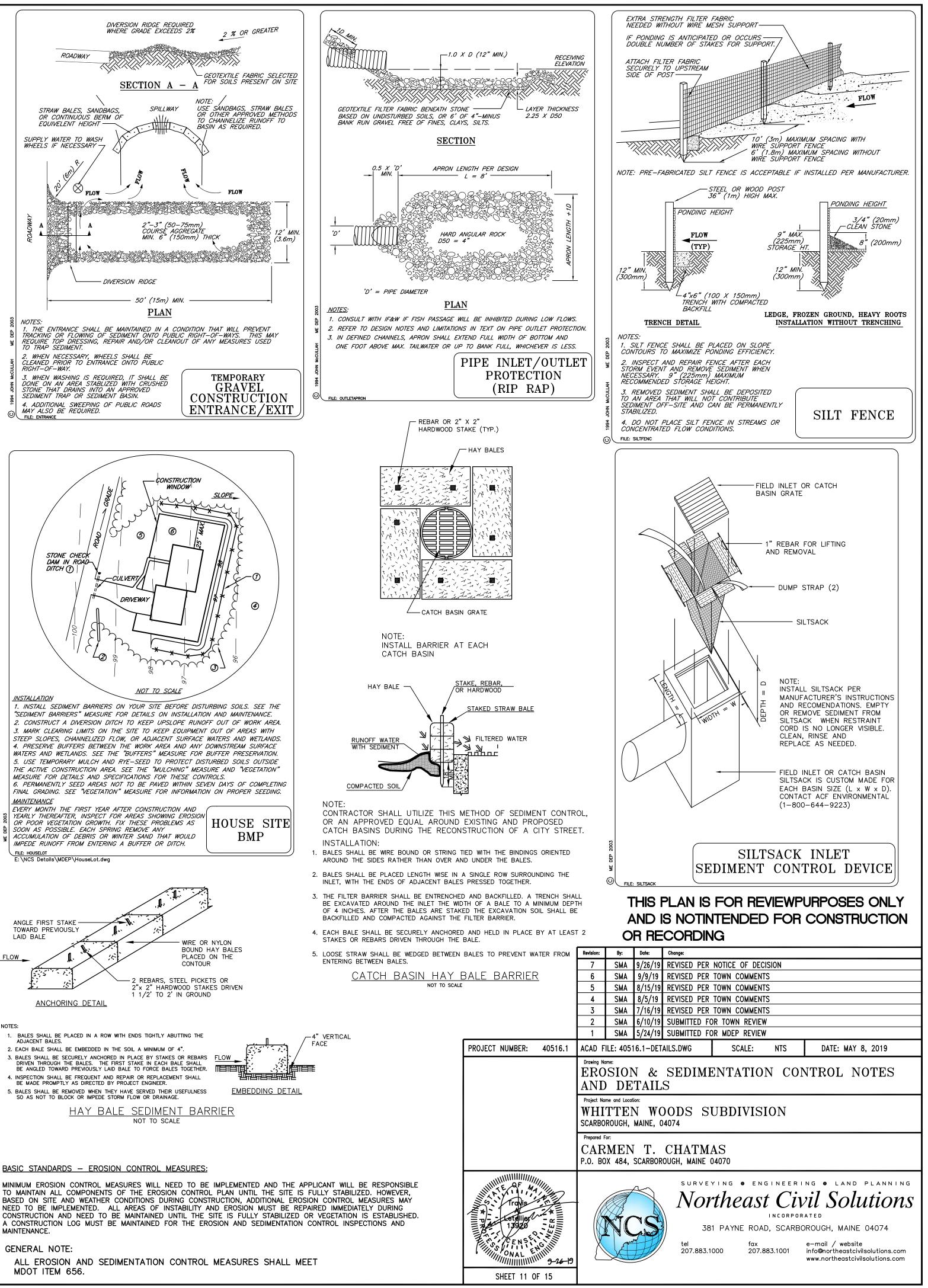
- POLLUTION PREVENTION. MINIMIZE DISTURBED AREAS AND PROTECT NATURAL DOWNGRADIENT BUFFER AREAS TO THE EXTENT PRACTICABLE. CONTROL STORMWATER VOLUME AND VELOCITY WITHIN THE SITE TO MINIMIZE SOIL EROSION. MINIMIZE THE DISTURBANCE OF STEEP SLOPES. CONTROL STORMWATER DISCHARGES, INCLUDING BOTH PEAK FLOW RATES AND VOLUME, TO MINIMIZE EROSION AT OUTLETS. THE DISCHARGE MAY NOT RESULT IN EROSION OF ANY OPEN DRAINAGE CHANNELS, SWALES, STREAM CHANNELS OR STREAM BANKS, UPLAND, OR COASTAL OR FRESHWATER WETLANDS OFF THE PROJECT SITE. WHENEVER PRACTICABLE, NO DISTURBANCE ACTIVITIES SHOULD TAKE PLACE WITHIN 50 FEET OF ANY PROTECTED NATURAL RESOURCE. IF DISTURBANCE ACTIVITIES TAKE PLACE BETWEEN 30 FEET AND 50 FEET OF ANY PROTECTED NATURAL RESOURCE, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE. PERIMETER EROSION CONTROLS MUST BE DOUBLED. IF DISTURBANCE ACTIVITIES TAKE PLACE LESS THAN 30 FEFT FROM ANY PROTECTED NATURAL RESOURCE, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE, PERIMETER EROSION CONTROLS MUST BE DOUBLED AND DISTURBED AREAS MUST BE TEMPORARILY OR PERMANENTLY STABILIZED WITHIN 7 DAYS.
- 1.2 SEDIMENT BARRIERS. PRIOR TO CONSTRUCTION, PROPERLY INSTALL SEDIMENT ARRIERS AT THE DOWNGRADIENT EDGE OF ANY AREA TO BE DISTURBED AND ADJACENT TO ANY DRAINAGE CHANNELS WITHIN THE DISTURBED AREA. SEDIMENT BARRIERS SHOULD BE INSTALLED DOWNGRADIENT OF SOIL OR SEDIMENT STOCKPILES AND STORMWATER PREVENTED FROM RUNNING ONTO THE STOCKPILE MAINTAIN THE SEDIMENT BARRIERS BY REMOVING ACCUMULATED SEDIMENT, OR REMOVING AND REPLACING THE BARRIER, UNTIL THE DISTURBED AREA IS PERMANENTLY STABILIZED, WHERE A DISCHARGE TO A STORM DRAIN INLET OCCURS. IF THE STORM DRAIN CARRIES WATER DIRECTLY TO A SURFACE WATER AND YOU HAVE AUTHORITY TO ACCESS THE STORM DRAIN INLET, YOU MUST INSTALL AND MAINTAIN PROTECTION MEASURES THAT REMOVE SEDIMENT FROM THE DISCHARGE.
- STABILIZED CONSTRUCTION ENTRANCE. PRIOR TO CONSTRUCTION, PROPERLY 1.3 INSTALL A STABILIZED CONSTRUCTION ENTRANCE (SCE) AT ALL POINTS OF EGRESS FROM THE SITE. THE SCE IS A STABILIZED PAD OF AGGREGATE, UNDERLAIN BY A GEOTEXTILE FILTER FABRIC, USED TO PREVENT TRAFFIC FROM TRACKING MATERIAL AWAY FROM THE SITE ONTO PUBLIC ROWS. MAINTAIN THE SCE UNTIL ALL DISTURBED AREAS ARE STABILIZED.
- 1.4 TEMPORARY STABILIZATION. WITHIN 7 DAYS OF THE CESSATION OF CONSTRUCTION ACTIVITIES IN AN AREA THAT WILL NOT BE WORKED FOR MORE THAN 7 DAYS, STABILIZE ANY EXPOSED SOIL WITH MULCH, OR OTHER NON-ERODIBLE COVER. STABILIZE AREAS WITHIN 75 FEET OF A WETLAND O WATERBODY WITHIN 48 HOURS OF THE INITIAL DISTURBANCE OF THE SOIL OR PRIOR TO ANY STORM EVENT, WHICHEVER COMES FIRST
- 1.5 REMOVAL OF TEMPORARY MEASURES. REMOVE ANY TEMPORARY CONTROL MEASURES, SUCH AS SILT FENCE, WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ATTAINED. REMOVE ANY ACCUMULATED SEDIMENTS AND
- PERMANENT STABILIZATION. IF THE AREA WILL NOT BE WORKED FOR MORE THAN 1.6 ONE YEAR OR HAS BEEN BROUGHT TO FINAL GRADE, THEN PERMANENTLY STABILIZE THE AREA WITHIN 7 DAYS BY PLANTING VEGETATION, SEEDING, SOD OR THROUGH THE USE OF PERMANENT MULCH, OR RIPRAP, OR ROAD SUB-BASE IF USING VEGETATION FOR STABILIZATION. SELECT THE PROPER VEGETATION FOR THE LIGHT, MOISTURE, AND SOIL CONDITIONS: AMEND AREAS OF DISTURBED SUBSOILS WITH TOPSOIL, COMPOST, OR FERTILIZERS; PROTECT SEEDED AREAS WITH MULCH OR, IF NECESSARY, EROSION CONTROL BLANKETS; AND SCHEDULE SODDING, PLANTING, AND SEEDING SO TO AVOID DIE-OFF FROM SUMMER ROUGHT AND FALL FROSTS. NEWLY SEEDED OR SODDED AREAS MUST BE PROTECTED FROM VEHICLE TRAFFIC, EXCESSIVE PEDESTRIAN TRAFFIC, AND CONCENTRATED RUNOFF UNTIL THE VEGETATION IS WELL-ESTABLISHED WITH 90% COVER BY HEALTHY VEGETATION. IF NECESSARY, AREAS MUST BE REWORKED AND RESTABILIZED IF GERMINATION IS SPARSE, PLANT COVERAGE IS SPOTTY, OF TOPSOIL EROSION IS EVIDENT. ONE OR MORE OF THE FOLLOWING MAY APPLY TO A PARTICULAR SITE.
- SEEDED AREAS. FOR SEEDED AREAS, PERMANENT STABILIZATION MEANS A 1.6.1 90% COVER OF THE DISTURBED AREA WITH MATURE, HEALTHY PLANTS WITH NO EVIDENCE OF WASHING OR RILLING OF THE TOPSOIL.
- 1.6.2 SODDED AREAS, FOR SODDED AREAS, PERMANENT STABILIZATION MEANS THE COMPLETE BINDING OF THE SOD ROOTS INTO THE UNDERLYING SOIL WITH NO SLUMPING OF THE SOD OR DIE-OFF.
- PERMANENT MULCH. FOR MULCHED AREAS, PERMANENT MULCHING MEANS 1.6.3 TOTAL COVERAGE OF THE EXPOSED AREA WITH AN APPROVED MULCH MATERIAL. EROSION CONTROL MIX MAY BE USED AS MULCH FOR PERMANENT STABILIZATION ACCORDING TO THE APPROVED APPLICATION RATES AND LIMITATIONS.
- 1.6.4RI PRAP. FOR AREAS STABILIZED WITH RIPRAP, PERMANENT STABILIZATION MEANS THAT SLOPES STABILIZED WITH RIPRAP HAVE AN APPROPRIATE BACKING OF A WELL-GRADED GRAVEL OR APPROVED GEOTEXTILE TO PREVENT SOIL MOVEMENT FROM BEHIND THE RIPRAP. STONE MUST B SIZED APPROPRIATELY. IT IS RECOMMENDED THAT ANGULAR STONE BE
- AGRICULTURAL USE. FOR CONSTRUCTION PROJECTS ON LAND USED FOR 1.6.5 AGRICULTURAL PURPOSES (E.G., PIPELINES ACROSS CROP LAND), PERMANENT STABILIZATION MAY BE ACCOMPLISHED BY RETURNING THE DISTURBED LAND TO AGRICULTURAL USE.
- 1.6.6 PAVED AREAS. FOR PAVED AREAS, PERMANENT STABILIZATION MEANS THE PLACEMENT OF THE COMPACTED GRAVEL SUBBASE IS COMPLETED, PROVIDED IT IS FREE OF FINE MATERIALS THAT MAY RUNOFF WITH A RAIN
- DITCHES, CHANNELS, AND SWALES. FOR OPEN CHANNELS, PERMANENT 1.6.7 STABILIZATION MEANS THE CHANNEL IS STABILIZED WITH A 90% COVER OF HEALTHY VEGETATION, WITH A WELL-GRADED RIPRAP LINING, TURF REINFORCEMENT MAT, OR WITH ANOTHER NON-EROSIVE LINING SUCH AS CONCRETE OR ASPHALT PAVEMENT. THERE MUST BE NO EVIDENCE OF SLUMPING OF THE CHANNEL LINING, UNDERCUTTING OF THE CHANNEL BANKS, OR DOWN-CUTTING OF THE CHANNEL.
- WINTER CONSTRUCTION. "WINTER CONSTRUCTION" IS CONSTRUCTION ACTIVITY 1.7 PERFORMED DURING THE PERIOD FROM NOVEMBER 1 THROUGH APRIL 15. IF DISTURBED AREAS ARE NOT STABILIZED WITH PERMANENT MEASURES BY NOVEMBER 1 OR NEW SOIL DISTURBANCE OCCURS AFTER NOVEMBER 1. BUT BEFORE APRIL 15, THEN THESE AREAS MUST BE PROTECTED AND RUNOFF FROM THEM MUST BE CONTROLLED BY ADDITIONAL MEASURES AND RESTRICTIONS
- SITE STABILIZATION. FOR WINTER STABILIZATION, HAY MULCH IS APPLIED AT 1.7.1 TWICE THE STANDARD TEMPORARY STABILIZATION RATE. AT THE END OF EACH CONSTRUCTION DAY, AREAS THAT HAVE BEEN BROUGHT TO FINAL GRADE MUST BE STABILIZED. MULCH MAY NOT BE SPREAD ON TOP OF
- 1.7.2 SEDIMENT BARRIERS. ALL AREAS WITHIN 75 FEET OF A PROTECTED NATURAL RESOURCE MUST BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS.
- 1.7.3 DITCH. ALL VEGETATED DITCH LINES THAT HAVE NOT BEEN STABILIZED BY NOVEMBER 1. OR WILL BE WORKED DURING THE WINTER CONSTRUCTION PERIOD. MUST BE STABILIZED WITH AN APPROPRIATE STONE LINING BACKED BY AN APPROPRIATE GRAVEL BED OR GEOTEXTILE UNLESS SPECIFICALLY RELEASED FROM THIS STANDARD BY THE DEPARTMENT
- 1.7.4 SLOPES. MULCH NETTING MUST BE USED TO ANCHOR MULCH ON ALL SLOPES GREATER THAN 8% UNLESS EROSION CONTROL BLANKETS OR EROSION CONTROL MIX IS BEING USED ON THESE SLOPES.
- STORMWATER CHANNELS. DITCHES, SWALES, AND OTHER OPEN STORMWATER 1.8 CHANNELS MUST BE DESIGNED, CONSTRUCTED, AND STABILIZED USING MEASURES THAT ACHIEVE LONG-TERM EROSION CONTROL. DITCHES, SWALES AND OTHER OPEN STORMWATER CHANNELS MUST BE SIZED TO HANDLE, AT A MINIMUM. THE EXPECTED VOLUME RUN-OFF. EACH CHANNEL SHOULD BE CONSTRUCTED IN SECTIONS SO THAT THE SECTION'S GRADING, SHAPING, AND INSTALLATION OF THE PERMANENT LINING CAN BE COMPLETED THE SAME DAY. IF A CHANNEL'S FINAL GRADING OR LINING INSTALLATION MUST BE DELAYED. THEN DIVERSION BERMS MUST BE USED TO DIVERT STORMWATER AWAY FROM THE CHANNI PROPERLY-SPACED CHECK DAMS MUST BE INSTALLED IN THE CHANNEL TO SLOW THE WATER VELOCITY, AND A TEMPORARY LINING INSTALLED ALONG THE CHANNEL TO PREVENT SCOURING. PERMANENT STABILIZATION FOR CHANNELS IS ADDRESSED UNDER SECTION 1.6.7 ABOVE.
- THE CHANNEL SHOULD RECEIVE ADEQUATE ROUTINE MAINTENANCE TO 1.8.1 MAINTAIN CAPACITY AND PREVENT OR CORRECT ANY EROSION OF THE CHANNEL'S BOTTOM OR SIDE SLOPES.
- WHEN THE WATERSHED DRAINING TO A DITCH OR SWALE IS LESS THAN 1 1.8.2 ACRE OF TOTAL DRAINAGE AND LESS THAN 1/4 ACRE OF IMPERVIOUS AREA, DIVERSION OF RUNOFF TO ADJACENT WOODED OR OTHERWISE VEGETATED BUFFER AREAS IS ENCOURAGED WHERE THE OPPORTUNITY EXISTS.

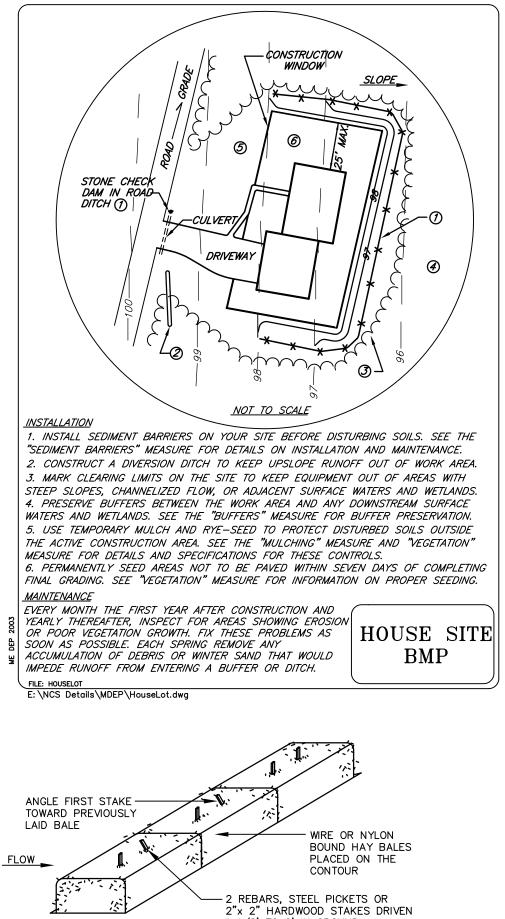
- 1.9 SEDIMENT BASINS. SEDIMENT BASINS MUST BE DESIGNED TO PROVIDE STORAGE FOR EITHER THE CALCULATED RUNOFF FROM A 2-YEAR, 24-HOUR STORM OR PROVIDE FOR 3.600 CUBIC FEET OF CAPACITY PER ACRE DRAINING TO THE BASIN. OUTLET STRUCTURES MUST DISCHARGE WATER FROM THE SURFACE OF THE BASIN WHENEVER POSSIBLE FROSION CONTROLS AND VELOCITY DISSIPATION DEVICES MUST BE USED IF THE DISCHARGING WATERS ARE LIKELY TO CREATE EROSION ACCUMULATED SEDIMENT MUST BE REMOVED AS NEEDED FROM THE BASIN TO MAINTAIN AT LEAST 1/2 OF THE DESIGN CAPACITY OF THE BASIN. THE USE OF CATIONIC TREATMENT CHEMICALS, SUCH AS POLYMERS, FLOCCULANTS, OR OTHER CHEMICALS THAT CONTAIN AN OVERALL POSITIVE CHARGE DESIGNED TO REDUCE TURBIDITY IN STORMWATER MUST RECEIVE PRIOR APPROVAL FROM THE DEPARTMENT. WHEN REQUESTING APPROVAL TO USE CATIONIC TREATMENT CHEMICALS, YOU MUST DESCRIBE APPROPRIATE CONTROLS AND IMPLEMENTATION PROCEDURES TO ENSURE THE USE WILL NOT LEAD TO A VIOLATION OF WATER QUALITY STANDARDS. IN ADDITION, YOU MUST SPECIFY THE TYPE(S) OF SOIL LIKELY TO BE TREATED ON THE SITE. CHEMICALS TO BE USED AND HOW THEY AR TO BE APPLIED AND IN WHAT QUANTITY. ANY MANUFACTURER'S RECOMMENDATIONS. AND ANY TRAINING HAD BY PERSONNEL WHO WILL HANDLE AND APPLY THE CHEMICALS.
- ROADS. GRAVEL AND PAVED ROADS MUST BE DESIGNED AND CONSTRUCTED WITH 1.10 CROWNS OR OTHER MEASURES, SUCH AS WATER BARS, TO ENSURE THAT STORMWATER IS DELIVERED IMMEDIATELY TO ADJACENT STABLE DITCHES, VEGETATED BUFFER AREAS, CATCH BASIN INLETS, OR STREET GUTTERS.
- 1.11 CULVERTS. CULVERTS MUST BE SIZED TO AVOID UNINTENDED FLOODING OF UPSTREAM AREAS OR FREQUENT OVERTOPPING OF ROADWAYS. CULVERT INLETS MUST BE PROTECTED WITH APPROPRIATE MATERIALS FOR THE EXPECTED ENTRANCE VELOCITY. AND PROTECTION MUST EXTEND AT LEAST AS HIGH AS THE EXPECTED MAXIMUM ELEVATION OF STORAGE BEHIND THE CULVERT, CULVERT OUTLET DESIGN MUST INCORPORATE MEASURES. SUCH AS APRONS. TO PREVENT SCOUR OF THE STREAM CHANNEL. OUTLET PROTECTION MEASURES MUST BE DESIGNED TO STAY WITHIN THE CHANNEL LIMITS. THE DESIGN MUST TAKE ACCOUNT OF TAILWATER
- PARKING AREAS. PARKING AREAS MUST BE CONSTRUCTED TO ENSURE RUNOFF IS 1.12 DELIVERED TO ADJACENT SWALES, CATCH BASINS, CURB GUTTERS, OR BUFFER AREAS WITHOUT ERODING AREAS DOWNSLOPE. THE PARKING AREA'S SUBBASE COMPACTION AND GRADING MUST BE DONE TO ENSURE RUNOFF IS EVENLY DISTRIBUTED TO ADJACENT BUFFERS OR SIDE SLOPES. CATCH BASINS MUST BE LOCATED AND SET TO PROVIDE ENOUGH STORAGE DEPTH AT THE INLET TO ALLOW INFLOW OF PEAK RUNOFF RATES WITHOUT BY-PASS OF RUNOFF TO OTHER AREAS.
- INSPECTION AND MAINTENANCE
- DURING CONSTRUCTION. THE FOLLOWING STANDARDS MUST BE MET DURING 2.1 CONSTRUCTION.
- INSPECTION AND CORRECTIVE ACTION. INSPECT DISTURBED AND IMPERVIOUS 2.1.1 AREAS, EROSION CONTROL MEASURES, MATERIALS STORAGE AREAS THAT ARE EXPOSED TO PRECIPITATION, AND LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE. INSPECT THESE AREAS AT LEAST ONCE A WEEK AS WELL AS BEFORE AND WITHIN 24 HOURS AFTER A STORM EVENT (RAINFALL), AND PRIOR TO COMPLETING PERMANENT STABILIZATION MEASURES. A PERSON WITH KNOWLEDGE OF EROSION AND STORMWATER CONTROL, INCLUDING THE STANDARDS AND CONDITIONS IN THE PERMIT, SHALL CONDUCT THE INSPECTIONS
- 2.1.2 MAINTENANCE. IF BEST MANAGEMENT PRACTICES (BMPS) NEED TO BE REPAIRED, THE REPAIR WORK SHOULD BE INITIATED UPÓN DISCOVERY OF THE PROBLEM BUT NO LATER THAN THE END OF THE NEXT WORKDAY. IF ADDITIONAL BMPS OR SIGNIFICANT REPAIR OF BMPS ARE NECESSARY IMPLEMENTATION MUST BE COMPLETED WITHIN 7 CALENDAR DAYS AND PRIOR TO ANY STORM EVENT (RAINFALL). ALL MEASURES MUST BE MAINTAINED IN EFFECTIVE OPERATING CONDITION UNTIL AREAS ARE PERMANENTLY STABILIZED.
- DOCUMENTATION. KEEP A LOG (REPORT) SUMMARIZING THE INSPECTIONS AND 2.1.3 ANY CORRECTIVE ACTION TAKEN. THE LOG MUST INCLUDE THE NAME(S) AND QUALIFICATIONS OF THE PERSON MAKING THE INSPECTIONS. THE DATE(S) O THE INSPECTIONS, AND MAJOR OBSERVATIONS ABOUT THE OPERATION AND MAINTENANCE OF EROSION AND SEDIMENTATION CONTROLS. MATERIALS STORAGE AREAS. AND VEHICLES ACCESS POINTS TO THE PARCEL. MAJOR OBSERVATIONS MUST INCLUDE BMPS THAT NEED MAINTENANCE. BMPS THAT FAILED TO OPERATE AS DESIGNED OR PROVED INADEQUATE FOR A PARTICULAR LOCATION, AND LOCATION(S) WHERE ADDITIONAL BMPS ARE NEEDED. FOR EACH BMP REQUIRING MAINTENANCE. BMP NEEDING REPLACEMENT. AND LOCATION NEEDING ADDITIONAL BMPS, NOTE IN THE LOG THE CORRECTIVE ACTION TAKEN AND WHEN IT WAS TAKEN. THE LOG MUST BE MADE ACCESSIBLE TO DEPARTMENT STAFF AND A COPY MUST B PROVIDED UPON REQUEST. THE PERMITTEE SHALL RETAIN A COPY OF THE LOG FOR A PERIOD OF AT LEAST THREE YEARS FROM THE COMPLETION OF PERMANENT STABILIZATION.
- 2.2 POST-CONSTRUCTION. THE FOLLOWING STANDARDS MUST BE MET AFTER CONSTRUCTION.
- PLAN. CARRY OUT AN APPROVED INSPECTION AND MAINTENANCE PLAN THAT 2.2.1 IS CONSISTENT WITH THE MINIMUM REQUIREMENTS OF THIS SECTION. THE PLAN MUST ADDRESS INSPECTION AND MAINTENANCE OF THE PROJECT'S PERMANENT EROSION CONTROL MEASURES AND STORMWATER MANAGEMENT SYSTEM.
- INSPECTION AND MAINTENANCE. ALL MEASURES MUST BE MAINTAINED IN 2.2.2 EFFECTIVE OPERATING CONDITION. A PERSON WITH KNOWLEDGE OF EROSION AND STORMWATER CONTROL, INCLUDING THE STANDARDS AND CONDITIONS IN THE PERMIT, SHALL CONDUCT THE INSPECTIONS. THE FOLLOWING AREAS, FACILITIES, AND MEASURES MUST BE INSPECTED AND IDENTIFIED DEFICIENCIES MUST BE CORRECTED. AREAS, FACILITIES, AND MEASURES OTHER THAN THOSE LISTED BELOW MAY ALSO REQUIRE INSPECTION ON A SPECIFIC SITE. INSPECTION OR MAINTENANCE TASKS OTHER THAN THOSE DISCUSSED BELOW MUST BE INCLUDED IN THE MAINTENANCE PLAN DEVELOPED FOR A SPECIFIC
- INSPECT VEGETATED AREAS, PARTICULARLY SLOPES AND EMBANKMENTS, 2.2.2.1 EARLY IN THE GROWING SEASON OR AFTER HEAVY RAINS TO IDENTIFY ACTIVE OR POTENTIAL EROSION PROBLEMS. REPLANT BARE AREAS OR AREAS WITH SPARSE GROWTH, WHERE RILL EROSION IS EVIDENT, ARMOR THE AREA WITH AN APPROPRIATE LINING OR DIVERT THE EROSIVE FLOWS TO ON-SITE AREAS ABLE TO WITHSTAND THE CONCENTRATED FLOWS. SEE PERMANENT STABILIZATION STANDARDS IN SECTION 1.6.
- INSPECT DITCHES, SWALES AND OTHER OPEN STORMWATER CHANNELS IN 2.2.2.2 THE SPRING, IN LATE FALL, AND AFTER HEAVY RAINS TO REMOVE ANY OBSTRUCTIONS TO FLOW. REMOVE ACCUMULATED SEDIMENTS AND DEBRI TO CONTROL VEGETATED GROWTH THAT COULD OBSTRUCT FLOW AND TO REPAIR ANY FROSION OF THE DITCH LINING. VEGETATED DITCHES MUST BE MOWED AT LEAST ANNUALLY OR OTHERWISE MAINTAINED TO CONTROL THE GROWTH OF WOODY VEGETATION AND MAINTAIN FLOW CAPACITY. ANY WOODY VEGETATION GROWING THROUGH RIPRAP LININGS MUST ALSO E REMOVED. REPAIR ANY SLUMPING SIDE SLOPES AS SOON AS PRACTICABLE. IF THE DITCH HAS A RIPRAP LINING, REPLACE RIPRAP ON AREAS WHERE ANY UNDERLYING FILTER FABRIC OR UNDERDRAIN GRAVEL S SHOWING THROUGH THE STONE OR WHERE STONES HAVE DISLODGED. THE CHANNEL MUST RECEIVE ADEQUATE ROUTINE MAINTENANCE TO MAINTAIN CAPACITY AND PREVENT OR CORRECT ANY EROSION OF THE CHANNEL'S BOTTOM OR SIDESLOPES.
- INSPECT CULVERTS IN THE SPRING, IN LATE FALL, AND AFTER HEAVY 2.2.2.3 RAINS TO REMOVE ANY OBSTRUCTIONS TO FLOW; REMOVE ACCUMULATED SEDIMENTS AND DEBRIS AT THE INLET, AT THE OUTLET, AND WITHIN THE CONDUIT; AND TO REPAIR ANY EROSION DAMAGE AT THE CULVERT'S INLET AND OUTLET
- INSPECT AND CLEAN OUT CATCH BASINS. CLEAN-OUT MUST INCLUDE 2.2.2.4 THE REMOVAL AND LEGAL DISPOSAL OF ANY ACCUMULATED SEDIMENTS AND DEBRIS AT THE BOTTOM OF THE BASIN, AT ANY INLET GRATES, A ANY INFLOW CHANNELS TO THE BASIN. AND AT ANY PIPES BETWEEN BASINS, IF THE BASIN OUTLET IS DESIGNED TO TRAP FLOATABLE MATERIALS. THEN REMOVE THE FLOATING DEBRIS AND ANY FLOATING OILS (USING OIL-ABSORPTIVE PADS).
- INSPECT RESOURCE AND TREATMENT BUFFERS ONCE A YEAR FOR 2.2.2.5 EVIDENCE OF EROSION, CONCENTRATING FLOW, AND ENCROACHMENT BY DEVELOPMENT, IF FLOWS ARE CONCENTRATING WITHIN A BUFFER. SITE GRADING, LEVEL SPREADERS, OR DITCH TURN-OUTS MUST BE USED TO ENSURE A MORE EVEN DISTRIBUTION OF FLOW INTO A BUFFER. CHECK DOWN SLOPE OF ALL SPREADERS AND TURN-OUTS FOR EROSION. IF EROSION IS PRESENT. ADJUST OR MODIFY THE SPREADER'S OR TURNOUT'S LIP TO ENSURE A BETTER DISTRIBUTION OF FLOW INTO A BUFFER. CLEAN-OUT ANY ACCUMULATION OF SEDIMENT WITHIN THE SPREADER BAYS OR TURN-OUT POOLS.
- INSPECT AT LEAST ONCE PER YEAR, EACH STORMWATER MANAGEMENT 2.2.2.6 POND OR BASIN. INCLUDING THE POND'S EMBANKMENTS, OUTLET STRUCTURE. AND EMERGENCY SPILLWAY. REMOVE AND DISPOSE OF ACCUMULATED SEDIMENTS IN THE POND. CONTROL WOODY VEGETATION ON THE POND'S EMBANKMENTS.
- INSPECT AT LEAST ONE PER YEAR, EACH UNDERDRAINED FILTER. 2.2.2.7 INCLUDING THE FILTER EMBANKMENTS, VEGETATION, UNDERDRAIN PIPING. AND OVERFLOW SPILLWAY. REMOVE AND DISPOSE OF ACCUMULATED SEDIMENTS IN THE FILTER. IF NEEDED. REHABILITATE ANY CLOGGED SURFACE LININGS, AND FLUSH UNDERDRAIN PIPING.
- INSPECT EACH MANUFACTURED SYSTEM INSTALLED ON THE SITE, 2.2.2.8 INCLUDING THE SYSTEM'S INLET, TREATMENT CHAMBER(S), AND OUTLET AT LEAST ONCE PER YEAR, OR IN ACCORDANCE WITH THE MAINTENANCE GUIDELINES RECOMMENDED BY THE MANUFACTURER BASED ON THE ESTIMATED RUNOFF AND POLLUTANT LOAD EXPECTED TO THE SYSTEM FROM THE PROJECT. REMOVE AND DISPOSE OF ACCUMULATED SEDIMENTS, DEBRIS, AND CONTAMINATED WATERS FROM THE SYSTEM AND, IF APPLICABLE, REMOVE AND REPLACE ANY CLOGGED OR SPENT FILTER MEDIA.

2.2.3 REGULAR MAINTENANCE

2.2.3.1

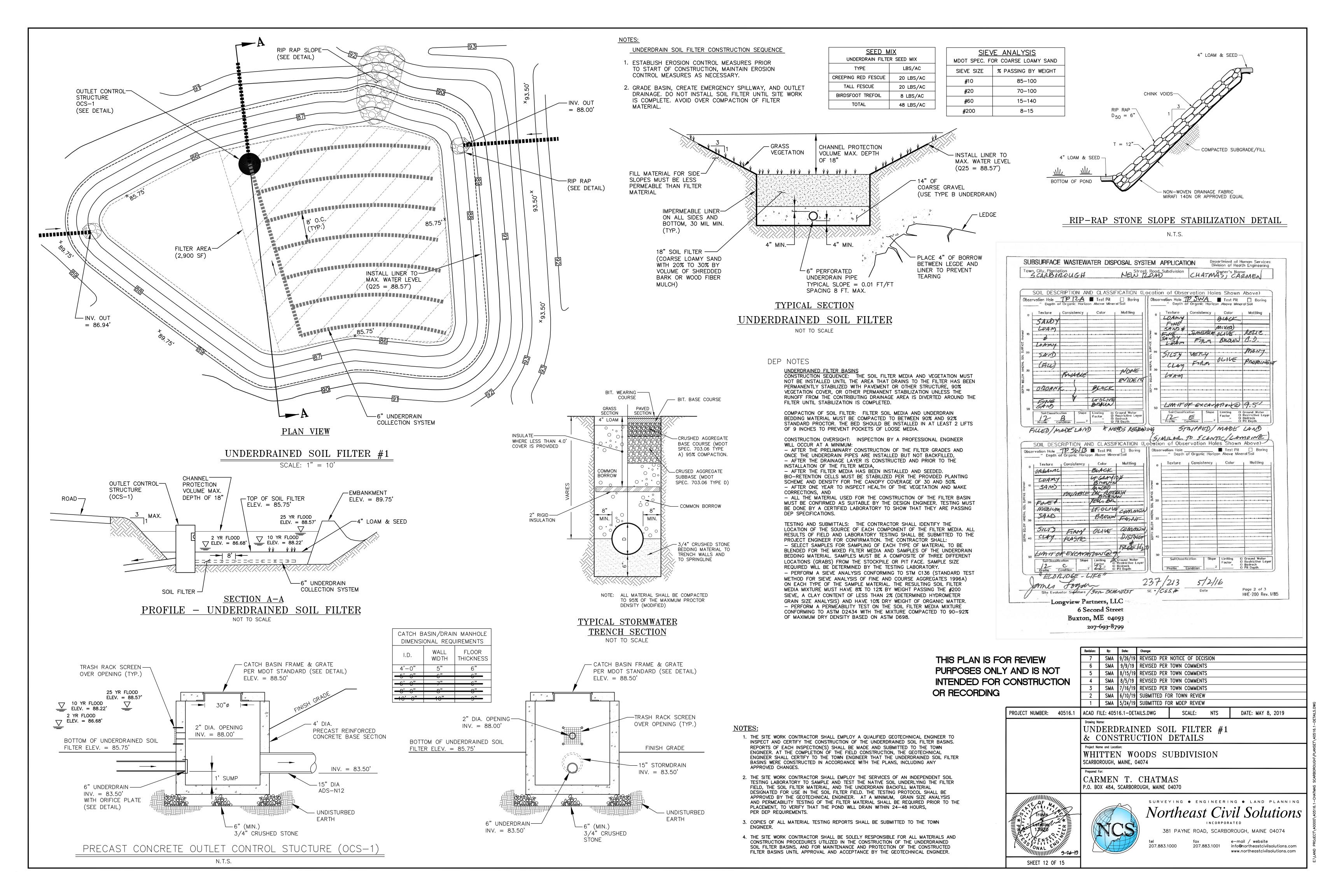
- CLEAR ACCUMULATIONS OF WINTER SAND IN PARKING LOTS AND ALONG ROADWAYS AT LEAST ONCE A YEAR, PREFERABLY IN THE SPRING. ACCUMULATIONS ON PAVEMENT MAY BE REMOVED BY PAVEMENT SWEEPING ACCUMULATIONS OF SAND ALONG ROAD SHOULDERS MAY BE REMOVED BY GRADING EXCESS SAND TO THE PAVEMENT EDGE AND REMOVING IT MANUALLY OR BY A FRONT-END LOADER. GRADING OF GRAVEL ROADS, GRADING OF THE GRAVEL SHOULDERS OF GRAVEL OR PAVED ROADS, MUST E ROUTINELY PERFORMED TO ENSURE THAT STORMWATER DRAINS MMEDIATELY OFF THE ROAD SURFACE TO ADJACENT BUFFER AREAS OF STABLE DITCHES, AND IS NOT IMPEDED BY ACCUMULATIONS OF GRADED MATERIAL ON THE ROAD SHOULDER OR BY EXCAVATION OF FALSE DITCHES IN THE SHOULDER. IF WATER BARS OR OPEN-TOP CULVERTS ARE USED TO DIVERT RUNOFF FROM ROAD SURFACES, CLEAN-OUT ANY SEDIMENTS WITHIN OR AT THE OUTLET OF THESE STRUCTURES TO RESTORE THEIR FUNCTION.
- MANAGE EACH BUFFER'S VEGETATION CONSISTENTLY WITH THE 2.2.3.2 REQUIREMENTS IN ANY DEED RESTRICTIONS FOR THE BUFFER. WOODED BUFFERS MUST REMAIN FULLY WOODED AND HAVE NO DISTURBANCE TO THE DUFF LAYER, VEGETATION IN NON-WOODED BUFFERS MAY NOT BE CU MORE THAN THREE TIMES PER YEAR, AND MAY NOT BE CUT SHORTER THAN SIX INCHES.
- DOCUMENTATION. KEEP A LOG (REPORT) SUMMARIZING INSPECTIONS, MAINTENANCE, AND ANY CORRECTIVE ACTIONS TAKEN. THE LOG MUST INCLUDE 2.2.4 THE DATE ON WHICH EACH INSPECTION OR MAINTENANCE TASK WAS PERFORMED A DESCRIPTION OF THE INSPECTION FINDINGS OR MAINTENANCE COMPLETED, AND THE NAME OF THE INSPECTOR OR MAINTENANCE PERSONNEL PERFORMING THE TASK. IF A MAINTENANCE TASK REQUIRES THE CLEAN-OUT OF ANY SEDIMENT OR DEBRIS, INDICATE WHERE THE SEDIMENT AND DEBRIS WAS DISPOSED AFTER REMOVAL. THE LOG MUST BE MADE ACCESSIBLE TO DEPARTMENT STAFF AND A COPY PROVIDED TO THE DEPARTMENT UPON REQUEST. THE PERMITTEE SHALL RETAIN A COPY OF THE LOG FOR A PERIOD OF AT LEAST FIVE YEARS FROM THE COMPLETION OF PERMANENT STABILIZATION.
- 2.3 RE-CERTIFICATION. SUBMIT A CERTIFICATION OF THE FOLLOWING TO THE DEPARTMENT WITHIN THREE MONTHS OF THE EXPIRATION OF EACH FIVE-YEAR INTERVAL FROM THE DATE OF ISSUANCE OF THE PERMIT
- 2.3.1 IDENTIFICATION AND REPAIR OF EROSION PROBLEMS. ALL AREAS OF THE PROJECT SITE HAVE BEEN INSPECTED FOR AREAS OF EROSION. AND APPROPRIATE STEPS HAVE BEEN TAKEN TO PERMANENTLY STABILIZE THESE AREAS.
- INSPECTION AND REPAIR OF STORMWATER CONTROL SYSTEM. ALL ASPECTS OF 2.3.2 STORMWATER CONTROL SYSTEM HAVE BEEN INSPECTED FOR DAMAGE, WEAR,) MALFUNCTION, AND APPROPRIATE STEPS HAVE BEEN TAKEN TO REPAIR OR REPLACE THE SYSTEM, OR PORTIONS OF THE SYSTEM.
- 2.3.3 MAINTENANCE. THE EROSION AND STORMWATER MAINTENANCE PLAN FOR THE SITE IS BEING IMPLEMENTED AS WRITTEN, OR MODIFICATIONS TO THE PLAN HAVE BEEN SUBMITTED TO AND APPROVED BY THE DEPARTMENT, AND THE MAINTENANCE LOG IS BEING MAINTAINED.
- MUNICIPALITIES WITH SEPARATE STORM SEWER SYSTEMS REGULATED UNDER THE 2.3.4 MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM (MPDES) PROGRAM MAY REPORT ON ALL REGULATED SYSTEMS UNDER THEIR CONTROL AS PART OF THEIR REQUIRED ANNUAL REPORTING IN LIEU OF SEPARATE CERTIFICATION OF EACH SYSTEM. MUNICIPALITIES NOT REGULATED BY THE MPDES PROGRAM, BUT THAT ARE RESPONSIBLE FOR MAINTENANCE OF PERMITTED STORMWATER SYSTEMS, MAY REPORT ON MULTIPLE STORMWATER SYSTEMS IN ONE REPORT.
- DURATION OF MAINTENANCE. PERFORM MAINTENANCE AS DESCRIBED AND REQUIRED IN 2.4 THE PERMIT UNLESS AND UNTIL THE SYSTEM IS FORMALLY ACCEPTED BY THE MUNICIPALITY OR QUASI-MUNICIPAL DISTRICT, OR IS PLACED UNDER THE JURISDICTION OF A LEGALLY CREATED ASSOCIATION THAT WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE SYSTEM. IF A MUNICIPALITY OR QUASI-MUNICIPAL DISTRICT CHOOSES TO ACCEPT A STORMWATER MANAGEMENT SYSTEM. OR A COMPONENT OF A STORMWATER SYSTEM, IT MUST PROVIDE A LETTER TO THE DEPARTMENT STATING THAT IT ASSUMES RESPONSIBILITY FOR THE SYSTEM. THE LETTER MUST SPECIFY THE COMPONENTS OF THE SYSTEM FOR WHICH THE MUNICIPALITY OR DISTRICT WILL ASSUME RESPONSIBILITY, AND THAT THE MUNICIPALITY OR DISTRICT AGREES TO MAINTAIN THOSE COMPONENTS OF THE SYSTEM IN COMPLIANCE WITH DEPARTMENT STANDARDS UPON SUCH ASSUMPTION OF RESPONSIBILITY, AND APPROVAL BY THE DEPARTMENT, THE MUNICIPALITY, QUASI-MUNICIPAL DISTRICT, OR ASSOCIATION BECOMES A CO-PERMITTEE FOR THIS PURPOSE ONLY AND MUST COMPLY WITH ALL TERMS AND CONDITIONS OF THE PERMIT.
- 3 HOUSEKEEPING
- SPILL PREVENTION. CONTROLS MUST BE USED TO PREVENT POLLUTANTS FROM CONSTRUCTION AND WASTE MATERIALS STORED ON SITE TO ENTER STORMWATER. WHICH INCLUDES STORAGE PRACTICES TO MINIMIZE EXPOSURE OF THE MATERIALS TO STORMWATER. THE SITE CONTRACTOR OR OPERATOR MUST DEVELOP, AND IMPLEMENT AS NECESSARY, APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING MEASURES.
- 3.2 GROUNDWATER PROTECTION. DURING CONSTRUCTION, LIQUID PETROLEUM PRODUCTS AND OTHER HAZARDOUS MATERIALS WITH THE POTENTIAL TO CONTAMINATE GROUNDWATER MAY NOT BE STORED OR HANDLED IN AREAS OF THE SITE DRAINING TO AN INFILTRATION AREA. AN "INFILTRATION AREA" IS ANY AREA OF THE SITE THAT BY DESIGN OR AS A RESULT OF SOILS, TOPOGRAPHY AND OTHER RELEVANT FACTORS ACCUMULATES RUNOFF THAT INFILTRATES INTO THE SOIL. DIKES, BERMS, SUMPS, AND OTHER FORMS OF SECONDARY CONTAINMENT THAT PREVENT DISCHARGE TO GROUNDWATER MAY BE USED TO ISOLATE PORTIONS OF THE SITE FOR THE PURPOSES OF STORAGE AND HANDLING OF THESE MATERIALS. ANY PROJECT PROPOSING INFILTRATION OF STORMWATER MUST PROVIDE ADEQUATE PRE-TREATMENT OF STORMWATER PRIOR TO DISCHARGE OF STORMWATER TO THE INFILTRATION AREA, PROVIDE FOR TREATMENT WITHIN THE INFILTRATION AREA. IN ORDER TO PREVENT THE ACCUMULATION OF FINES, REDUCTION IN INFILTRATION RATE, AND CONSEQUENT FLOODING AND DESTABILIZATION.
- FUGITIVE SEDIMENT AND DUST. ACTIONS MUST BE TAKEN TO ENSURE THAT ACTIVITIES 3.3 DO NOT RESULT IN NOTICEABLE EROSION OF SOILS OR FUGITIVE DUST EMISSIONS DURING OR AFTER CONSTRUCTION. OIL MAY NOT BE USED FOR DUST CONTROL, BUT OTHER WATER ADDITIVES MAY BE CONSIDERED AS NEEDED. A STABILIZED CONSTRUCTION ENTRANCE (SCE) SHOULD BE INCLUDED TO MINIMIZE TRACKING OF MUD AND SEDIMENT. IF OFF-SITE TRACKING OCCURS. PUBLIC ROADS SHOULD BE SWEPT IMMEDIATELY AND NO LESS THAN ONCE A WEEK AND PRIOR TO SIGNIFICANT STORM EVENTS. OPERATIONS DURING DRY MONTHS, THAT EXPERIENCE FUGITIVE DUST PROBLEMS, SHOULD WET DOWN UNPAVED ACCESS ROADS ONCE A WEEK OR MORE FREQUENTLY AS NEEDED WITH A WATER ADDITIVE TO SUPPRESS FUGITIVE SEDIMEN AND DUST
- DEBRIS AND OTHER MATERIALS. MINIMIZE THE EXPOSURE OF CONSTRUCTION DEBRIS, 3.4 BUILDING AND LANDSCAPING MATERIALS, TRASH, FERTILIZERS, PESTICIDES, HERBICIDES, DETERGENTS, SANITARY WASTE AND OTHER MATERIALS TO PRECIPITATION AND STORMWATER RUNOFF. THESE MATERIALS MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE.
- EXCAVATION DE-WATERING. EXCAVATION DE-WATERING IS THE REMOVAL OF WATER FROM TRENCHES, FOUNDATIONS, COFFER DAMS, PONDS, AND OTHER AREAS WITHIN THE CONSTRUCTION AREA THAT RETAIN WATER AFTER EXCAVATION. IN MOST CASES THE COLLECTED WATER IS HEAVILY SILTED AND HINDERS CORRECT AND SAFE CONSTRUCTION PRACTICES. THE COLLECTED WATER REMOVED FROM THE PONDED AREA, EITHER THROUGH GRAVITY OR PUMPING, MUST BE SPREAD THROUGH NATURAL WOODED BUFFERS OR REMOVED TO AREAS THAT ARE SPECIFICALLY DESIGNED TO COLLECT THE MAXIMUM AMOUNT OF SEDIMENT POSSIBLE. LIKE A COFFERDAM SEDIMENTATION BASIN. AVOID ALLOWING THE WATER TO FLOW OVER DISTURBED AREAS OF THE SITE. EQUIVALENT MEASURES MAY BE TAKEN IF APPROVED BY THE DEPARTMENT
- AUTHORIZED NON-STORMWATER DISCHARGES. IDENTIFY AND PREVENT CONTAMINATION 3.6 BY NON-STORMWATER DISCHARGES. WHERE ALLOWED NON-STORMWATER DISCHARGES EXIST, THEY MUST BE IDENTIFIED AND STEPS SHOULD BE TAKEN TO ENSURE THE IMPLEMENTATION OF APPROPRIATE POLLUTION PREVENTION MEASURES FOR THE NON-STORMWATER COMPONENT(S) OF THE DISCHARGE. AUTHORIZED NON-STORMWATER DISCHARGES ARE
- DISCHARGES FROM FIREFIGHTING ACTIVITY; FIRE HYDRANT FLUSHINGS:
- VEHICLE WASHWATER IF DETERGENTS ARE NOT USED AND WASHING IS LIMITED TO 3.6.3 THE EXTERIOR OF VEHICLES (ENGINE, UNDERCARRIAGE AND TRANSMISSION WASHING IS PROHIBITED); DUST CONTROL RUNOFF IN ACCORDANCE WITH PERMIT CONDITIONS AND APPENDIX 3.6.4
- 3.6.5 ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS;
- 3.6.6 PAVEMENT WASHWATER (WHERE SPILLS/LEAKS OF TOXIC OR HAZARDOUS MATERIALS HAVE NOT OCCURRED, UNLESS ALL SPILLED MATERIAL HAD BEEN
- REMOVED) IF DETERGENTS ARE NOT USED; UNCONTAMINATED AIR CONDITIONING OR COMPRESSOR CONDENSATE 3.6.8 UNCONTAMINATED GROUNDWATER OR SPRING WATER:
- FOUNDATION OR FOOTER DRAIN-WATER WHERE FLOWS ARE NOT CONTAMINATED; 3.6.9 3.6.10 UNCONTAMINATED EXCAVATION DEWATERING (SEE REQUIREMENTS IN APPENDIX
- POTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS; AND 3.6.11 3.6.12 LANDSCAPE IRRIGATION.
- 3.7 UNAUTHORIZED NON-STORMWATER DISCHARGES. THE DEPARTMENT'S APPROVAL UNDER THIS CHAPTER DOES NOT AUTHORIZE A DISCHARGE THAT IS MIXED WITH A SOURCE OF NON-STORMWATER, OTHER THAN THOSE DISCHARGES IN COMPLIANCE WITH APPENDIX C (6). SPECIFICALLY, THE DEPARTMENT'S APPROVAL DOES NOT AUTHORIZE DISCHARGES THE FOLLOWING
- WASTEWATER FROM THE WASHOUT OR CLEANOUT OF CONCRETE, STUCCO, PAINT, 3.7.1 FORM RELEASE OILS, CURING COMPOUNDS OR OTHER CONSTRUCTION MATERIALS;
- FUELS, OILS OR OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION 3.7.2 AND MAINTENANCE:
- SOAPS, SOLVENTS, OR DETERGENTS USED IN VEHICLE AND EQUIPMENT WASHING; 3.7.3
- 3.7.4 TOXIC OR HAZARDOUS SUBSTANCES FROM A SPILL OR OTHER RELEASE.

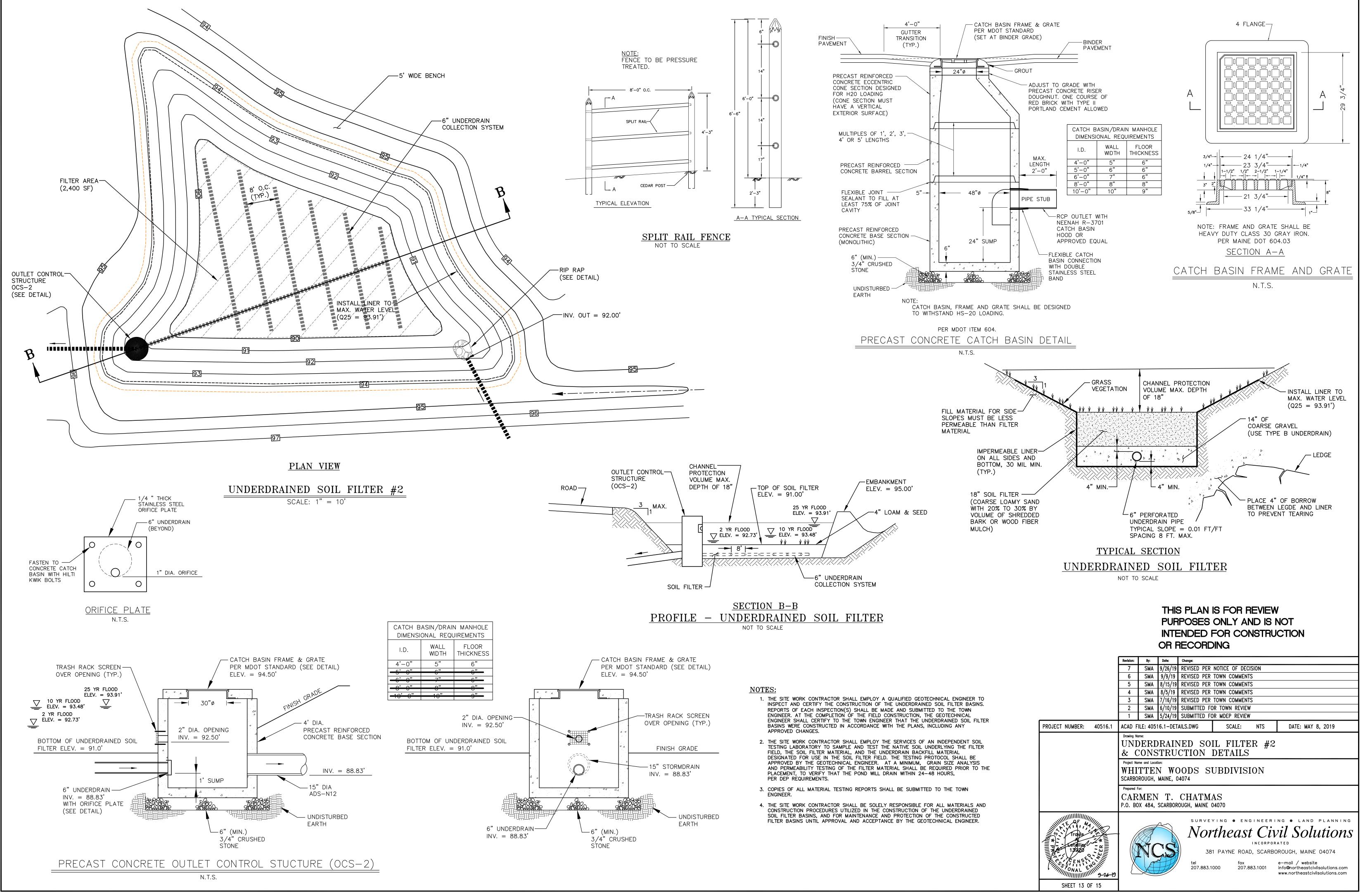




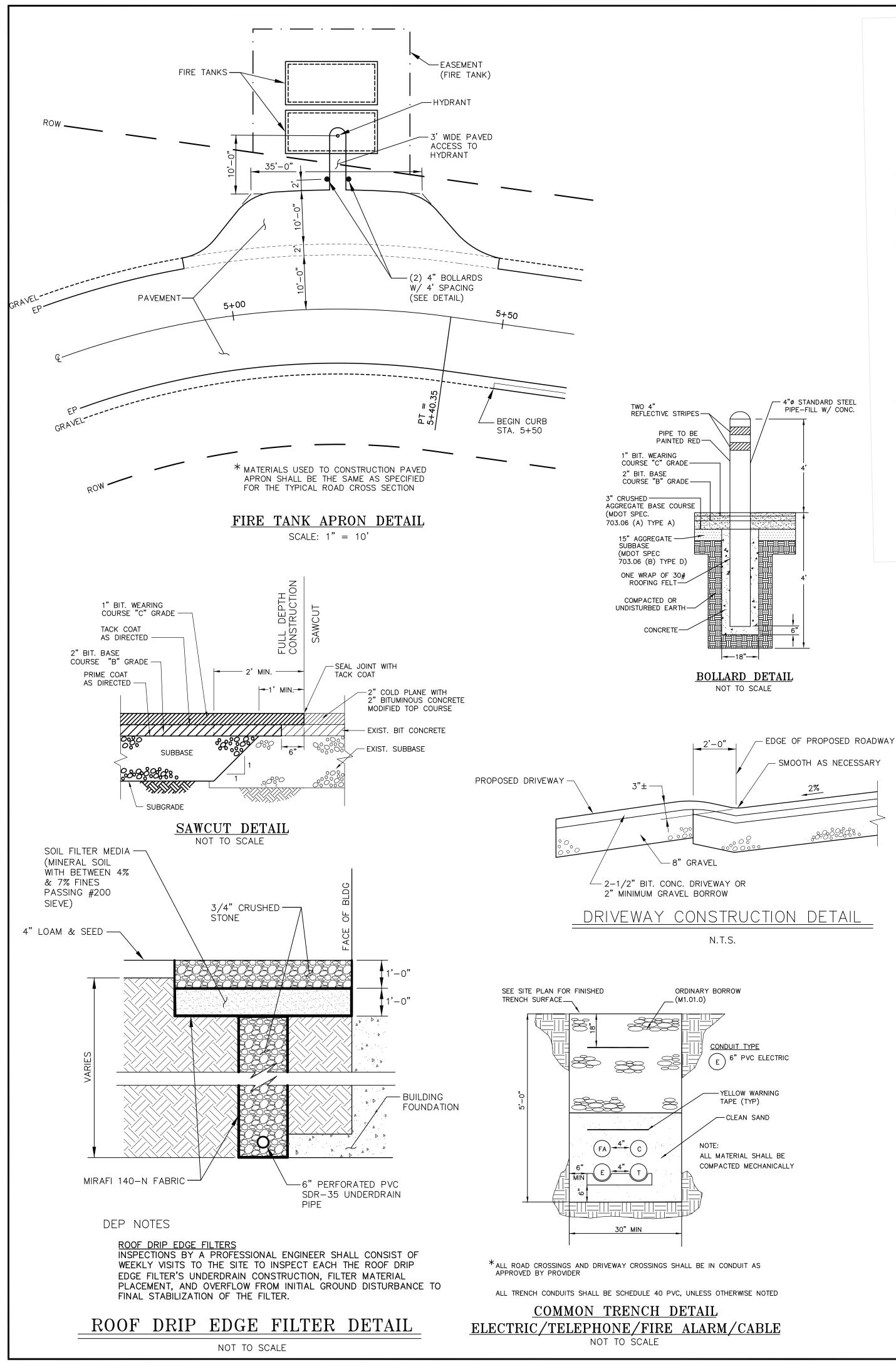
- 4. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL

BASIC STANDARDS - EROSION CONTROL MEASURES:





AND PROJECT\40000\40516.1-CHATMAS SCARBOROUGH\PLANSET\40516.1-DET

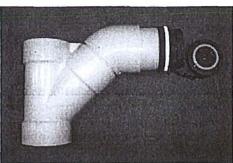




Updated 11/24/2010

installation of dry hydrants and/or holding tanks to cover the required criteria. Additionally, the

- subjected. This includes pressure of the earth or pavement above the tank.
- into place. Tanks must be anchored or weighted to prevent floating in locations where the water table is high or may rise. Underground tanks must be protected against damaging loads.
- hard surface suitable for support of, fire apparatus. The center-to-cap elevation shall be 30" from final grade. An appropriate vent must be provided for normal operation (1000 GPM) of any tank to permit filling and emptying and for the maximum expansion or contraction of the tank contents with changes of tanks from the internal pressure or collapse due to internal vacuum. Inadequately sized vents may terminate a minimum 6 feet above grade. Pipe materials that are resistant to corrosion and have
- hydrant adaptor with cap and chain as illustrated below:

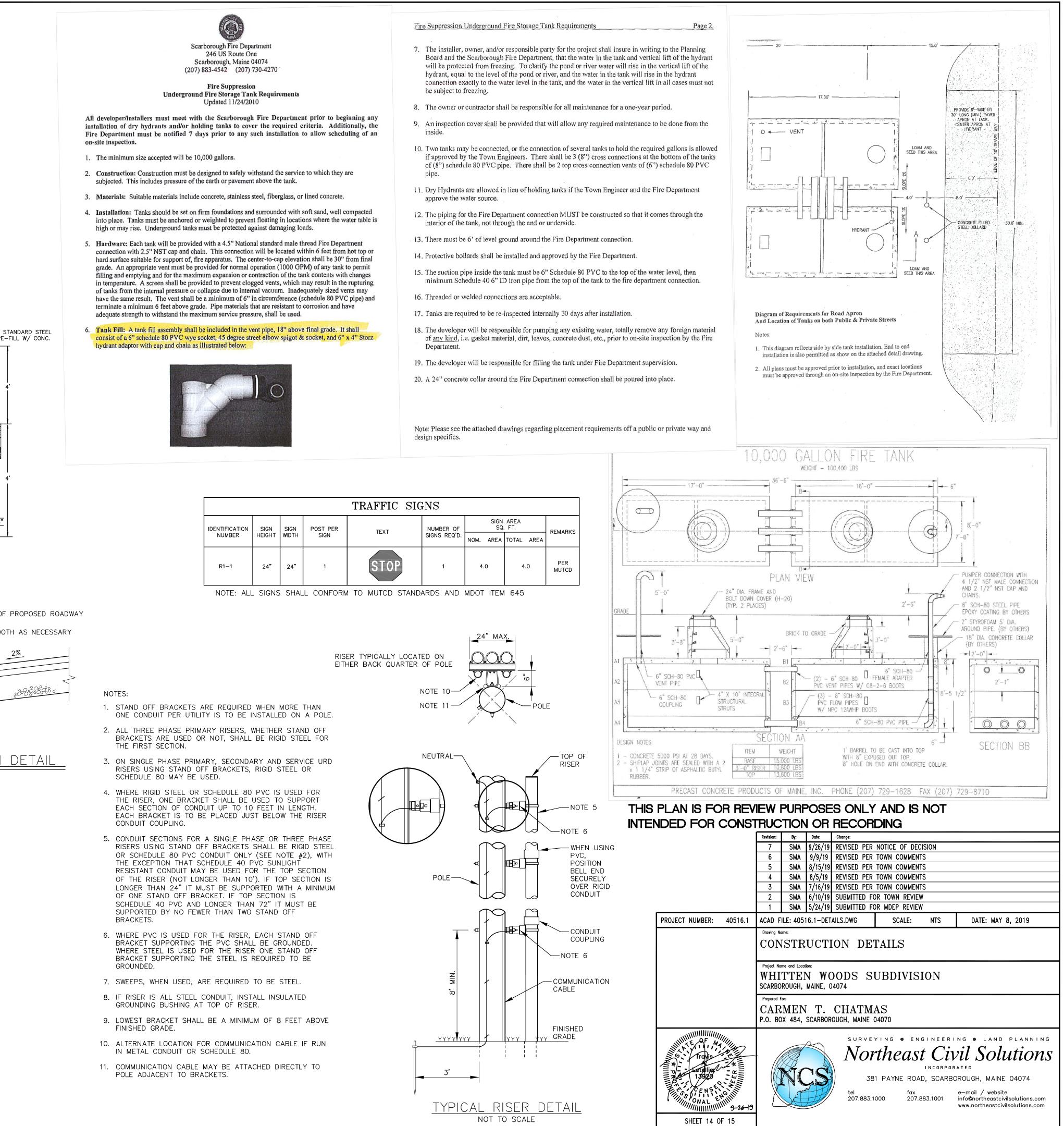


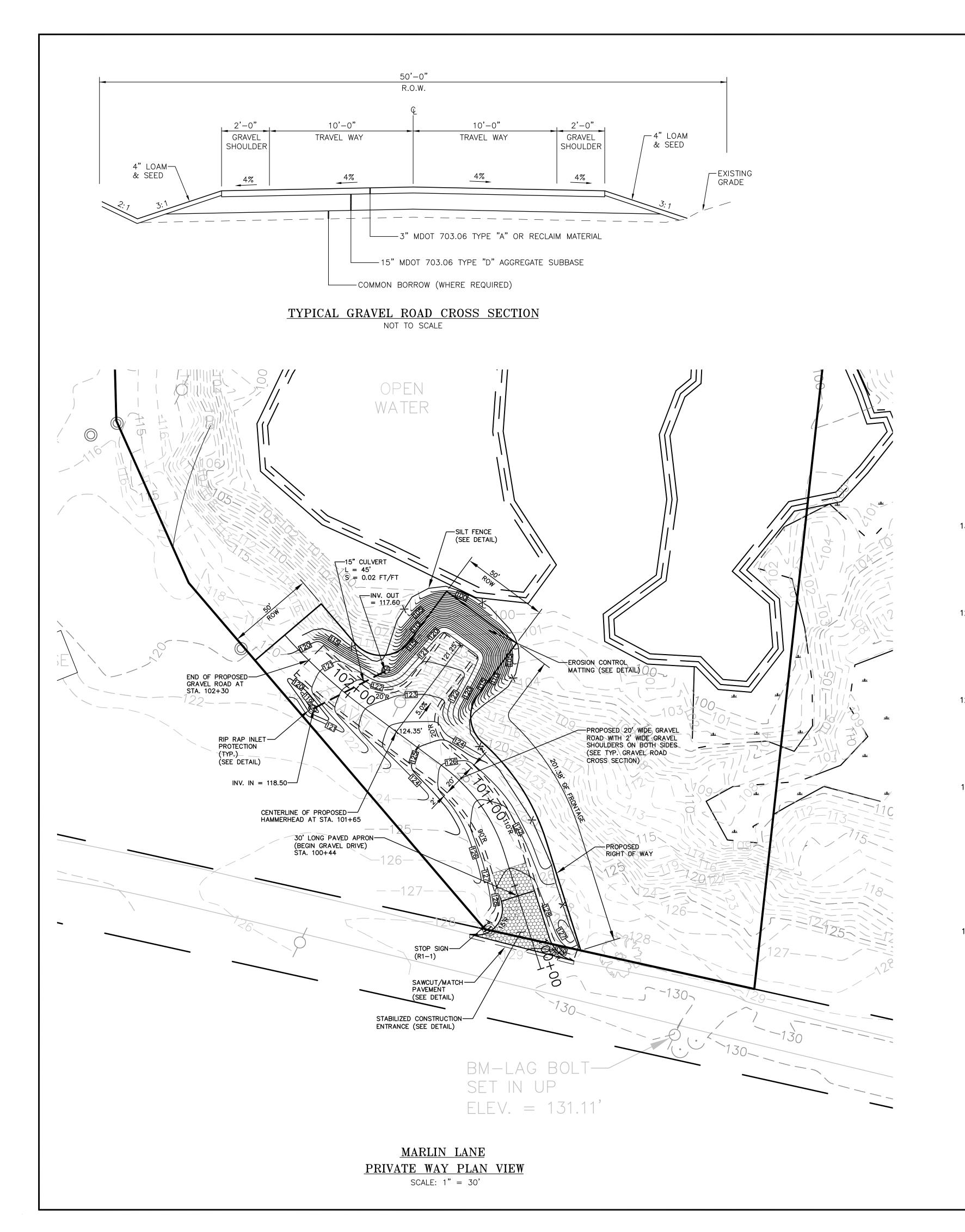
- be subject to freezing.

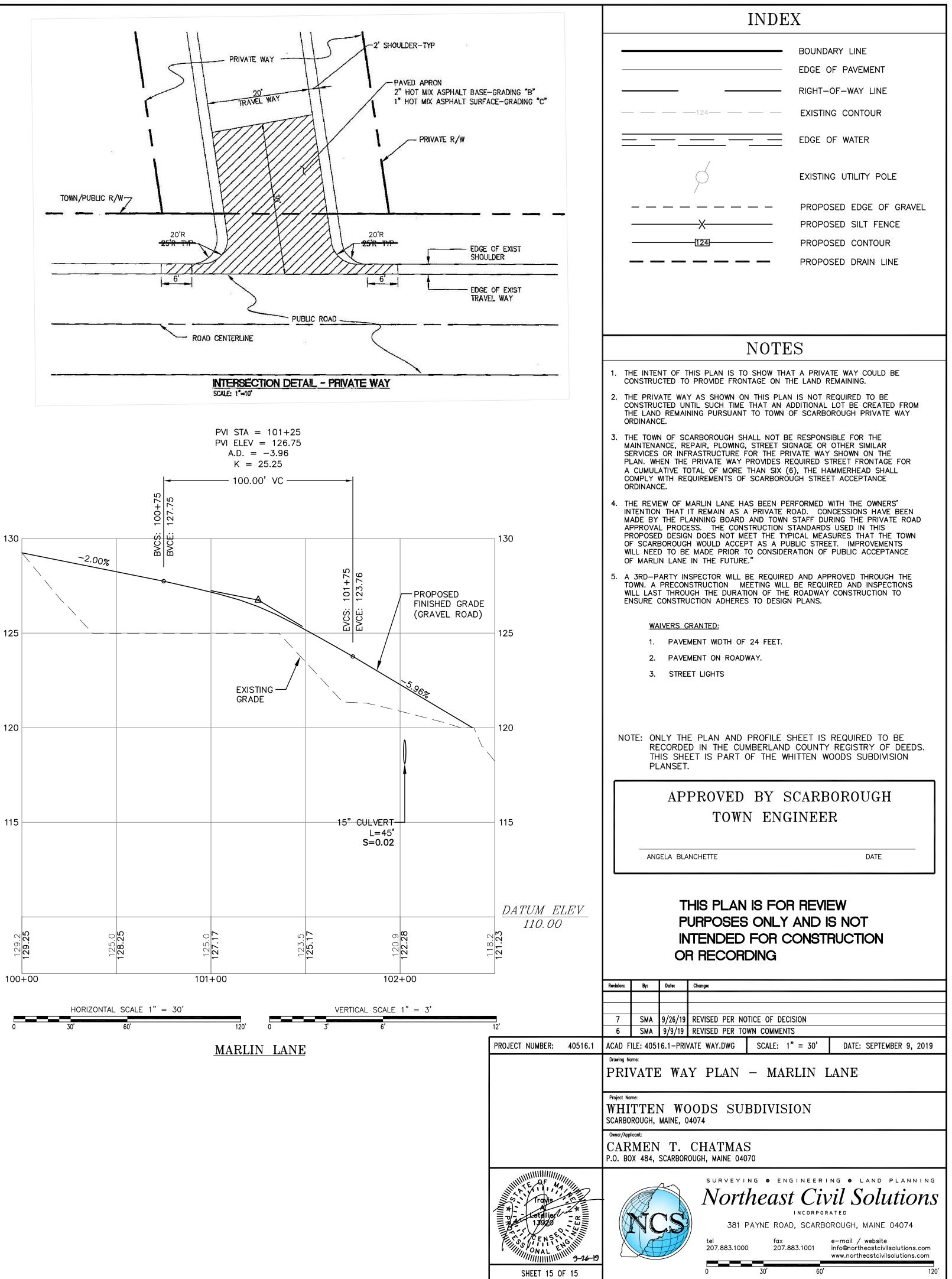
- approve the water source.

- Department.

				TRAFFIC SIG	INS			
IDENTIFICATION	SIGN	SIGN	POST PER	ТЕХТ	NUMBER OF		AREA . FT.	REN
NUMBER	HEIGHT W	WIDTH	SIGN	IEXI	SIGNS REQ'D.	NOM. AREA	TOTAL AREA	
R1-1	24"	24"	1	STOP	1	4.0 4.0		H M







TOWN OF SCARBOROUGH AGREEMENT TO TERMINATE SUBDIVISION APPROVAL (PLAN RECORDED)

This agreement is made as of this 2D day of DC+0bEV 2022, by and between the Town of Scarborough ("Town") and TAY|DV FDb|E ("Subdivider").

This agreement terminates the approval of the <u>WhiHeh WDOOK</u> [name of subdivision] subdivision (the "Subdivision") by the Scarborough Planning Board on <u>10/15/2019</u> (the "Subdivision Approval") as shown on the <u>WhiHeh WDOOK</u> (SNDWY DW LAN-E) plan (the "Subdivision Plan") dated and recorded in the Cumberland County Registry of Deeds in Plan Book <u>219</u>, Page <u>531</u>.

WHEREAS, Subdivider has not commenced construction of the Subdivision and wishes to relinquish the Subdivision Approval; and

WHEREAS, the Planning Board of the Town of Scarborough has reviewed the

Subdivider's request to terminate the Subdivision Approval and determined that the

Subdivider can be relieved of the Subdivider's obligations under the Subdivision

Approval; and

WHEREAS, Subdivider has not sold any lots within the Subdivision or commenced any construction within the Subdivision;

NOW, THEREFORE, in consideration of the mutual promise and agreements made herein, the parties agree as follows:

- 1. Subdivider hereby relinquishes the Subdivision Approval and relinquishes all rights conferred by the recording of the Subdivision Plan.
- 2. The Town hereby terminates the Subdivision Approval and releases Subdivider of Subdivider's obligations under the Subdivision Approval.
- 3. Subdivider warrants to the Town that Subdivider has not sold any lots within the Subdivision.

4. Subdivider hereby revokes the incipient dedication of the road[s] shown on the Subdivision Plan, and the Planning Board accepts such revocation.

This agreement shall have the same effect as an amended subdivision plan approved by the Scarborough Planning Board and recorded in the Cumberland County Registry of Deeds.

for Taylor Goble (see attached LOA) Subdivider

TOWN OF SCARBOROUGH

By: _____

Its _____ Planning Board Chair

Duly authorized by vote of the Scarborough Planning Board on the _____ day of ______, 20____.

WARRANTY DEED

DLN: 1002240209625

KNOW ALL PERSONS BY THESE PRESENTS, that **Carmen T. Chatmas**, with a mailing address of P.O. Box 484, Scarborough, ME 04070, for consideration paid, grants to **Taylor A. Goble and Laine G. Goble**, of 78 Caleb Street, Portland, ME 04102, as Joint Tenants, with WARRANTY COVENANTS, the premises in the Town of Scarborough, County of Cumberland and State of Maine, bounded and described as follows:

See Exhibit A attached hereto

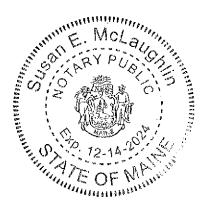
IN WITNESS WHEREOF, Carmen T. Chatmas has caused this instrument to be signed this ______ day of September, 2022.

Sulugh.

Witness

STATE OF MAINE COUNTY OF CUMBERLAND

On this _____ day of September, 2022, personally appeared before me the aforesaid **Carmen T. Chatmas** and acknowledged the foregoing to be her free act and deed.



Notary Public/Attorney Name:

Exhibit A

A certain lot or parcel of land located on the westerly side of New Road, in the Town of Scarborough, County of Cumberland, State of Maine, being more particularly bounded and described as follows:

BEGINNING on the westerly side of New Road at the southerly corner of land now or formerly (N/F) of Thomas Dube and Constance Dube, as described in Book 5066, Page 007, recorded in the Cumberland County Registry of Deeds;

THENCE: S 20°41'18" W, along said New Road, 215.01 ', to the easterly corner of land N/F of Clayton R. Skillin and Shirley Szabo, as described in Book 4753, Page 014;

THENCE: N 73°48'09" W, along said Skillin and Szabo, 506.11', to a point;

THENCE: N 81°02'21" W, along said Skillin and Szabo, 318.97', to a 1" crimped iron pipe;

THENCE: N 74°50'11" W, along said Skillin and Szabo, 24.41', to a 1" crimped iron pipe at the southerly corner of land N/F of Norman Peterson, Brenda Lee Lane and Kathy M. Fenoff, as described in Book 27793, Page 188;

THENCE: N 09°15'18" W, along said Peterson, Lane and Fenoff, 688.53', to a point;

THENCE: N 25°39'54" W, along said Peterson, Lane and Fenoff, 398.15', to a point;

THENCE: N 09°34'16" W, along said Peterson, Lane and Fenoff, 110.00', to a proposed #5 rebar w/cap at the westerly corner of Remaining Land of Carmen T. Chatmas, as described in Book 31109, Page 172;

THENCE: S 66°27'21" E, along said Chatmas, 864.22', to a point;

THENCE: S 26°48'56" E, along said Chatmas, 359.68', to a proposed #5 rebar w/cap at the northerly corner of N/F Lee H. Mortenson and Susan M. Mortenson, as described in Book 28691, Page 070;

THENCE: S 20°41'18" W, along said Mortenson and along said Dube, 400.00', to a 1" iron pipe;

THENCE: S 75°13'22" E, along said Dube, 402.16', to the POINT of BEGINNING.

The above described parcel contains 16.7 acres, more or less.

The basis of bearing for the above described parcel is Maine State Coordinate System, West Zone 1802, Grid North. The above described parcel is shown on a plan entitled "Proposed Subdivision Plat, 34 New Road, Scarborough, Maine" by Northeast Civil Solutions, Inc., dated August 9, 2019, last revised September 26, 2019, NCS Project No. 40516.

Meaning and intending to describe and convey a portion of the premises conveyed to Carmen T. Chatmas by Deed from Lowell E. Pease, individually & as Personal Representative of the Estate of Patricia M. Pease, dated October 18, 2013 recorded on October 22, 2013 in the Cumberland County Registry of Deeds in Book 31109, Page 172.

Item #9

DPR, LLC requests a site plan amendment for installation of several concrete pads, four utility van parking spaces, changing existing curbing to mountable curb, and an updated landscaping plan for 45 Center Street. The Planning Board approved the Site Plan in May of 2021 with ample discussion noting the importance of separation of truck and car circulation on site. The property is located in the Innovation District of Scarborough Downs and further identified as Assessor's Map U53, Lot 51.

GENERAL NOTES:

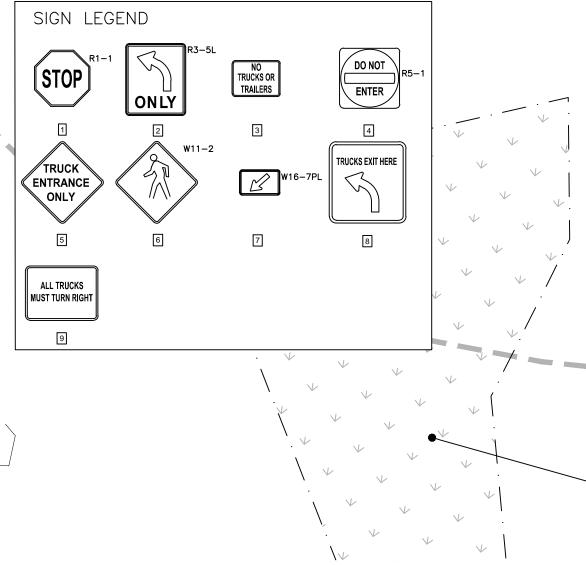
OFFSITE

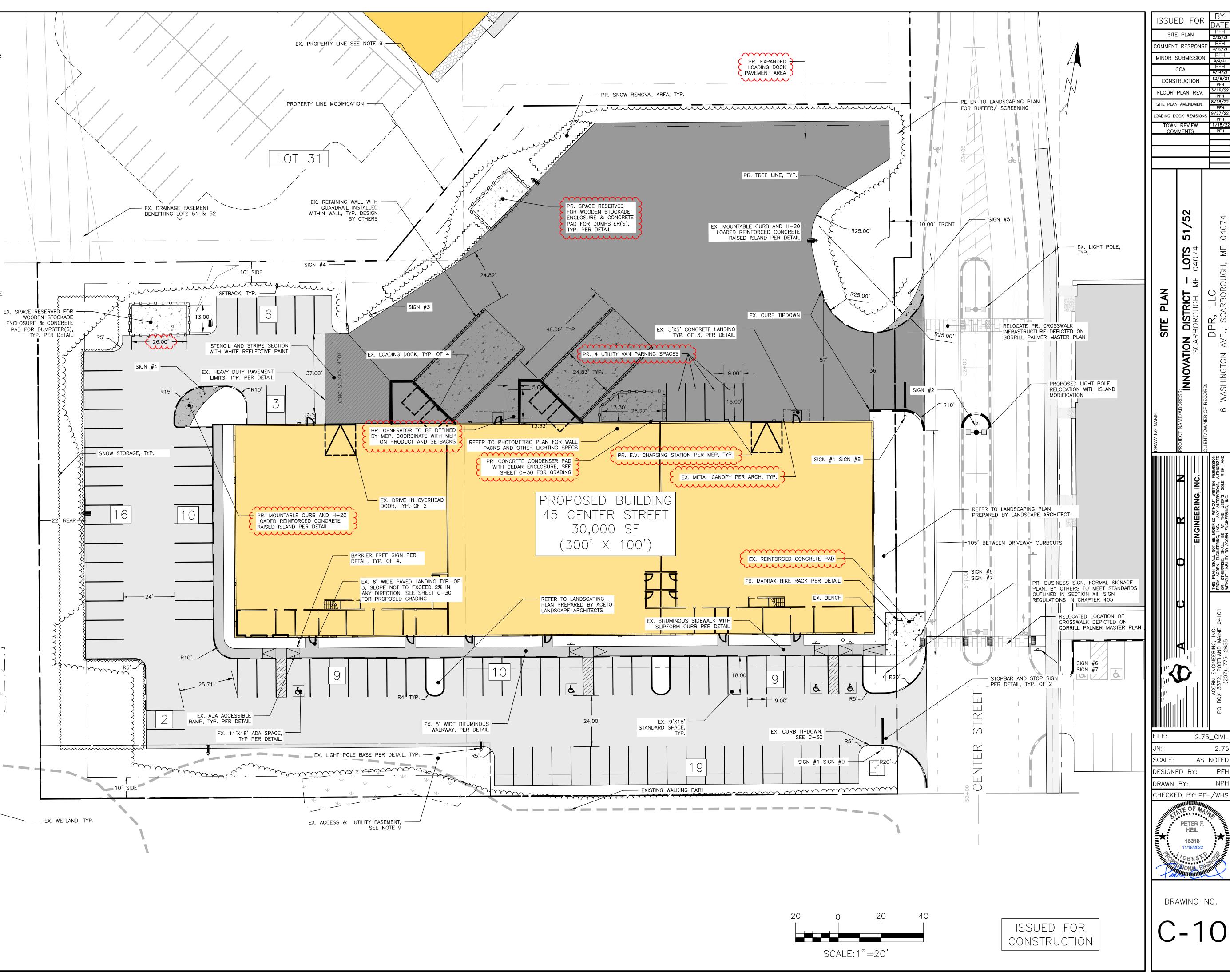
- 1. ALL PAVEMENT STRIPING AND MARKINGS SHALL COMPLY WITH MUTCD AND TOWN OF
- SCARBOROUGH STANDARDS. 2. ANY ASPHALT TO BE REMOVED SHALL BE STRIPPED AND PROPERLY DISPOSED OF
- 3. ALL RAMPS TO CONFORM TO ADA GUIDELINES. SLOPE SHALL NOT EXCEED 1 INCH PER FOOT.
- 4. ALL SITE SIGNAGE TO COMPLY WITH MUTCD STANDARDS AND TOWN OF SCARBOROUGH STANDARDS. CONTRACTOR TO COORDINATE AND INSTALL.
 5. FOLLOWING COMPLETION OF CONSTRUCTION, THE OWNER SHALL BE RESPONSIBLE FOR
- THE MAINTENANCE AND MANAGEMENT OF DRIVEWAYS, SITE LIGHTING, TRASH REMOVAL AND SNOW REMOVAL. 5. THE PROPERTY SHOWN ON THE APPROVED SITE PLAN MAY BE BE DEVELOPED AND
- USED ONLY AS SHOWN ON THE PLAN. ALL ELEMENTS AND FEATURES OF THE PLAN AND ALL REPRESENTATIONS MADE BY THE APPLICANT 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 SITE PLAN IS APPROVED BY THE PLANNING BOARD. 7. IN ACCORDANCE WITH SECTION IV.H.7. IN THE SITE PLAN REVIEW ORDINANCE.
- WHEREVER PRACTICAL, LIGHTING FIXTURES SHALL INCLUDE TIMERS, PHOTO SENSORS, AND OTHER ENERGY-SAVING DEVICES TO LESSEN BOTH ENERGY CONSUMPTION AND UNNECESSARY LIGHTING. THE LIGHTS ON THE PROPERTY SHALL BE DIMMED AT 9:00 PM EACH DAY.
- 3. THE LAND SHOWN WITHIN THE PROPERTY LINE ON THIS SITE PLAN SHALL REMAIN IN UNIFIED OWNERSHIP, AS THAT TERM IS USED IN THE ZONING ORDINANCE OF THE TOWN OF SCARBOROUGH, MAINE, AND CANNOT BE DIVIDED INTO SEPARATE LOTS UNLESS EACH SUCH LOTS COMPLIES SEPARATELY WITH ALL APPLICABLE SPACE AND BULK REGULATIONS OF THE ZONING ORDINANCE AND IS APPROVED BY THE SCARBOROUGH PLANNING BOARD. THIS CONDITION SHALL RUN WITH THE LAND AND SHALL BE INCORPORATED AS A RESTRICTIVE COVENANT INTO ANY DEED CONVEYING ANY INTEREST IN SAID LAND.
- 9. REFERENCE GORRILL PALMER PLANS ENTITLED "THE DOWNS INNOVATION DISTRICT", DATED 9/4/2019 FOR EXISTING CONDITIONS AND PROPOSED PUBLIC STREET DESIGN AND GORRILL PALMER PLANS ENTITLED "THE DOWNS – INNOVATION DISTRICT" LAST REVISED 8/16/2021 FOR AMENDED SUBDIVISION PROPERTY LINES.
- 10. EXISTING INFORMATION, INCLUDING TOPOGRAPHY, UTILITIES, STRUCTURES, AND INVERTS, SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO START OF CONSTRUCTION.
- 11. ACORN'S LIMIT OF WORK ENDS AT THE EXTERIOR EDGE OF THE FOUNDATION. 12. THE SITE HAS BEEN DESIGNED TO ACCOMMODATE TURNING MOVEMENTS FOR A TRUCK
- NO GREATER THAN A WB-50. 13. ANY CHANGE OF USE OF THE SITE WILL REQUIRE FURTHER REVIEW OF THE PARKING
- REQUIREMENTS BY THE PLANNING BOARD. 14. THE TOWN OF SCARBOROUGH'S PLANNING BOARD HAS DETERMINED THAT THE PARTICULAR BUILDING CAN BE OCCUPIED OR USE CARRIED ON WITH FEWER PARKING SPACES THAN REQUIRED AND HAS REDUCED THE REQUIREMENTS FOR OFF-STREET PARKING IN ACCORDANCE WITH SECTION XI.C IN THE ZONING ORDINANCE. PRIOR TO ANY CHANGE OF USE AND / OR TENANT ON THE SITE, THE APPLICANT SHALL PROVIDE WRITTEN NOTICE TO THE PLANNING DEPARTMENT FOR STAFF TO DETERMINE WHETHER THE CHANGES SHOULD BE REVIEWED BY THE PLANNING BOARD.

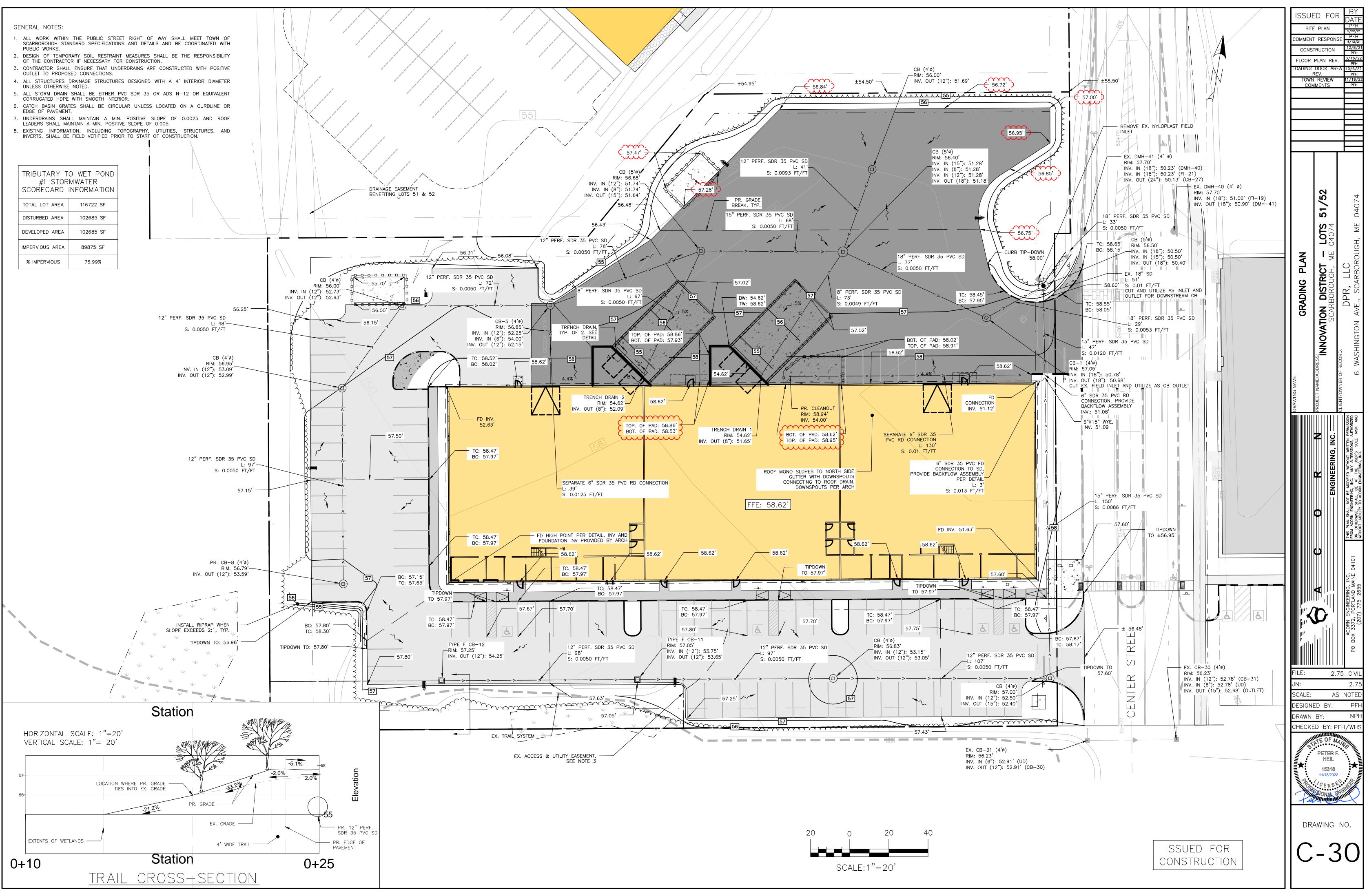
SPACE AND BULK STANDARDS REQUIRED ZONE: CPD - INNOVATION DISTRICT PROPOSED STRUCTURE SETBACKS - FRONT LOT 52 FRONT 10 FT 10.25 FT SIDE 10 FT 72.63 FT EDGE 22 FT 75.03 FT REAR 22 FT 91.50 FT MAX IMPERVIOUS AREA 80% 76% MN. BUILDING HEIGHT 10 FT > 10 FT MIN OFF-STREET PARKING 83 84* * REFER TO PARKING SUMMARY TABLE FOR MORE INFORMATION

PARKING SUMMARY					
	SF	SPACES REQUIRED PER 1,000 SF	REQUIRED	PROPOSED	
OFFICE*	11,500	4	42	-	
WAREHOUSE*	18,500	2	39	4	
ADA (11'X18')	-			4	
STANDARD (9'X18')	_			80	
TOTAL SPACES	_		83	88	
* SOLLARE FOOTAGE AREAS BASED ON MAX ALLOWED LISAGE FINAL					

* SQUARE FOOTAGE AREAS BASED ON MAX. ALLOWED USAGE. FINAL OFFICE/WAREHOUSE AREA CONFIGURATION BASED ON PROSPECTIVE TENANTS NEEDS









175 Scarborough Downs Road, Suite 113 PO Box 188 Scarborough, Maine 04070-0188 207.289.6943

November 4, 2022

Ms. Autumn Speer Senior Planner Town of Scarborough P.O. Box 360 Scarborough, ME 04074

Subject: DPR, LLC (30,000 SF Mixed Use Building) 45 Center Street – Innovation District at The Downs Minor Development Review

Dear Autumn:

On behalf of DPR, LLC, M&R Holdings LLC and Acorn Engineering, Inc. are pleased to submit a Minor Development Review Application for the proposed 30,000 SF light industrial facility with a separated office area at 45 Center Street in the Innovation District of The Downs development. The Applicant is seeking review and approval by Town Staff. As was discussed with your office and the Town Engineer, we understand this submission will be reviewed by Planning Staff as a Minor Development Review Application. The following narrative discusses the proposed minor amendments to the project.

PROJECT

DPR, LLC previously received Site Plan approval for a 30,000 SF mixed used building which included associated parking, landscaping provisions and loading dock areas. After review of current programming needs for the building use, the Applicant is proposing the following changes:

- Installation of 13' x 28' concrete condenser pad area with a cedar enclosure for screening located adjacent to loading dock area at the rear of the building.
- Four utility van parking spaces (9' x 18') located at the rear of the building adjacent to the proposed condenser pad area.
- A 13' x 5' generator pad area located at the rear of the building between the two loading dock areas.
- Increase of 3,141 SF of impervious area due to additional developable area that was previously shown as wetlands in the original submission. As part of a significant natural resource review by our environmental consultants, it was found that the wetland boundaries in the original Site Inventory and Analysis for Innovation District were not originally accurate. The review was more accurately delineated by Flycatcher LLC with careful analysis of the soils, vegetation type and hydrology. This information was previously presented and approved with the amended Master Plan and Site Inventory & Analysis for the Innovation District. This information was also included in Section 9 of the MaineDEP Site Location of Development NRPA Application for Phase 8 which was reviewed and approved by MaineDEP/ACOE. Please see attached MaineDEP and ACOE Permit for Phase 8.

Ms. Autumn Speer November 4, 2022 Page 2



- Addition of a 26' x 13' concrete pad area to include a dumpster located to the north of the building adjacent to Lot 31. The dumpster area will be screened by a stockade wooden enclosure similar to the previously approved dumpster pad area. Please see Site Plan Sheet C-10 for further detail.
- Increase of rear drive area to allow additional room for truck turning movements.
- Revised Landscape Plan

<u>Traffic</u>

There is no change to the trip generation calculation as the use has remained the same.

Parking

The Applicant is proposing an additional 4 utility van parking spaces (9' \times 18'). The addition of the spaces still meets the requirements of the Zoning Ordinance. Please see parking summary table located on Sheet C-10 for a breakdown of spaces.

There are no changes to the pedestrian routes within the site or the crosswalk design.

Lighting and Landscaping

There is no change to the lighting that was previously approved with the original submission.

Due to the minor increase of drive area at the rear of the building, the Applicant has revised the landscaping to include additional buffer to Center Street as well as reseeding of the area that was previously determined to be wetlands. Please see revised Landscaping Plan Sheet L 1-00.

Utilities

The Applicant has maintained continued coordination with the various utility companies during building construction as well as will work closely with the electrical provider on the proposed installation of the condenser unit and generator.

Stormwater

As there is a slight increase of impervious area, the stormwater treatment (76.99%) still falls below the 80% threshold required by the overall subdivision. As required by Planning Staff, Gorrill-Palmer has revised the Stormwater Scorecard to reflect the increase. Please see revised Stormwater Scorecard and Sheet C-30 Grading & Drainage Plan for additional information.

CLOSURE

Five (5) full size (24"x36") and ten (10) (11"x17") copies of the complete application are submitted for your consideration and comment. We look forward to reviewing this project with you and Planning Staff.

Ms. Autumn Speer November 4, 2022 Page 3



If you have any questions with the information submitted, please contact our office.

Sincerely,

M&B_HOLDINGS, LLC

eling 11 mill

Celina Daniell Permitting Manager Phone: 207.289.6943 cdaniell@mrholdings.com

Attachments:

Site Plan & Planning Applications MaineDEP & ACOE Phase 8 Permits Stormwater Scorecard Site Plan Sheet C-10 Grading & Drainage Plan Sheet C-30 Landscape Plan Sheet L 1-00

d:\development\07-1000 town center residential\12 lot 42_hackamore place llc\08 submissions\final plan\coa\lot 51&52_admin review_11.01.2022.docm

TOWN OF SCARBOROUGH, MAINE

Planning Board Application Form

All applications submitted for consideration by the Planning Board shall include:

□ application form □ payment of application fees □ electronic file

submission materials (see relevant submission checklists and/or ordinance requirements)

Project Name: Lots 51 & 52	Project Type:	Minor Site	e Plan Review	
Project Location (physical address):45	5 Center Street - Sca	arborough,	ME	
Assessors Map & Lot Number:U53; Lo			g District: CPD	
1 1			_E-mail: <u>dbacon@mr.hold</u> ings	
Mailing Address: PO Box 188 Scarborou	ugh, ME 04070-018	8		
Evidence of standing?	Purchase an	id sales con	tract 🗌 Other	
Property Owner: DPR, LLC Mailing Address: PO Box 188-Scarboroug	Phone: gh, ME 04070-0188		_E-mail:	
Consultant/Agent: Mailing Address:_PO Box 3372, Portland,	ngineering hone: 207 ME 04104	7.775.2655	_E-mail:_pheil@acorn-enginee	ring.com
Billing Contact Information Name: DPR LLC Address: same as owner	I	E-mail:		
Address				

Application Authorization

I hereby make application to the Town of Scarborough for the above-referenced property(ies) and the development as described. The Town of Scarborough Planning Board and/or town employees are authorized to enter the property(ies) for purposes of reviewing this proposal and for inspecting improvements as a result of an approval of this proposal.

Signed:	u	Date:	11/03/2022				
Printed name: Dan Bacon, Owners F	Сер						
Please identify yourself (check one): Agent* X Applicant/Property Owner *(If you are an agent, written authorization must be attached to this form.)							
For Official Use: Application Fee Received By	Electronic File 15 Date	Copies _					

Page 1 of 1 Revision Date: May 2017 The applicant must prepare this check list and include it with the site plan application submission to the Planning Board. This checklist is intended to be a guide for use by the applicant in preparation of the Site Plan Application. The preparation of this checklist should not be a substitute for a thorough review of the Town of Scarborough Site Plan and other applicable ordinances.

			Check Appropriate Box			
			Submitted	Waiver Request	Not Applicable	
1.	Evidence of Cont					
	Check the box(es)					
	that apply	 Purchase and Sales Agreement Lease 				
		□ Other				
2.	Written narrative	of project				
		le a description of the intended uses of the proper	ty; a descriptio	on of the ex	cisting site	
		bulation of the number of required parking spaces		exceptions	or permits	required;
on and	d off site improvements;	description of traffic impacts; stormwater manag	ement)			
3.	Site Plans:					
	Ex	tisting Conditions Plan				
	Pr	oposed Conditions including:				
[Check the box(es)	\Box Scale not to exceed 1"=40'				
	that apply	□ Lot dimensions and area				
L		Existing building locations				
		Proposed building locations				
		□ Zoning boundaries				
		Setback requirements				
		Contour elevations				
		□ Natural features (e.g. water bodies,				
		floodplains, significant habitat) Pedestrian walkways & amenities				
		□ Parking layout				
		 Driveway location 				
		\Box Location of utilities				
		Outside display area / vending				
4.	Locus Map					
4.	-	o of project to the surrounding area at a scale no g	greater than 1	"=2,000'		

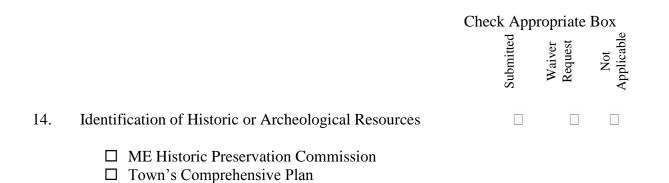
TOWN OF SCARBOROUGH, MAINE SITE PLAN REVIEW CHECKLIST

			Check App	Waiver Request	Not Xog Applicable	
5.	Building Plans Check the box(es) that apply	 Building Elevations with proposed Floor plans 	□ materials and	□ l colors		
6.	Landscaping Plan Check the box(es) that apply	 Existing conditions Proposed trees and planting areas Species and caliper of trees & shrub Location of fences & walls Proposed screening for mechanical 		Lters, load	□	tc
7.	Signage Plan Check the box(es) that apply	 Location of signs and advertising fe Rendering of signs with proposed n 		□ colors		
8.	Lighting Plan Check the box(es) that apply	 Photometric Plan Catalog cuts/fixture details Height of fixtures/poles 				
		 Pre & Post development conditions Stormwater management systems at Erosion control measures and detail Stormwater Infrastructure Management 	nd details ls nt		Dest	
	-	g criteria apply to your application please ater Infrastructure Management Ordinanc		-		
<u> </u>				YES	NO	
		b one or more acres of area				
		b less than once area of area, but is part of			_	
		vision that will disturb more than one acro				
		ity within the Shoreland Zone that is subj mits pursuant to MEDEP Chapter 500 an				

TOWN OF SCARBOROUGH, MAINE SITE PLAN REVIEW CHECKLIST

			Check Ap	propria	te Box
			Submitted	Waiver Request	Not Applicable
10.	Check the box(es) that apply	 Traffic flow patterns Peak hour trip generation Measured sight distances from driveway access Calculated impact/mitigation fees Traffic impact study (required for projects generating >35 end trips) 			
11.	that apply	ents Road Improvements Sidewalks Natural Areas, open space, parks Other (<i>Please describe</i>)			
12.	1	ther Agencies	YES Approved	l Pe	NO ending
	B. Approval from o	other Town Boards	YES		NO
		e indicate a. Town Council b. Zoning Board c. Fire Department d. Public Water District e. Sanitary District f. Other (please describe)	Approved	F	Pending

TOWN OF SCARBOROUGH, MAINE SITE PLAN REVIEW CHECKLIST



15. Municipal Capacity for review of DEP Site Location of Development Applications

Within the Town's designated growth areas the Planning Board has municipal capacity to review site plans that otherwise would require review by the Maine Department of Environmental Protection under the Site Location of Development Law. Site Plans that meet the Site Law thresholds are required to:

- (a) Submit a complete application to the Maine Department of Inland Fisheries and Wildlife for review and comment Submission Date
- (b) Submit a complete application to the Maine Historic Preservation Commission for review and comment
 Submit a complete application to the Maine Historic Preservation Commission for review and comment

Submission Date_____

*Waiver request(s) shall be accompanied by written justification.



STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION 17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

COSTCO WHOLESALE AND CROSSROADS HOLDINGS, LLC Scarborough, Cumberland County THE DOWNS - COSTCO WHOLESALE AND LOT 1C DEVELOPMENT- PHASE 8 L-27956-28-AA-N (Approval) L-27956-TG-AB-N (Approval)

) SITE LOCATION OF DEVELOPMENT ACT) NATURAL RESOURCES PROTECTION ACT) FRESHWATER WETLAND ALTERATION) WATER QUALITY CERTIFICATION)

) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 481–489-E and §§ 480-A–480-JJ, Section 401 of the Clean Water Act (33 U. S. C. § 1341), and Chapters 310, 315, 335, 373, 375, and 500 of Department rules, the Department of Environmental Protection (Department) has considered the application of COSTCO WHOLESALE and CROSSROADS HOLDINGS, LLC (applicants) with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

)

1. **PROJECT DESCRIPTION:**

History of Project: In Department Order #L-27956-NJ-A-N/L-27956-TC-B-N, A. dated October 9, 2018, the Department approved a stormwater management system that included 13,684 square feet of freshwater wetland fill for a mixed residential development and memory care facility that resulted in 8.67 acres of impervious area and 19.4 acres of developed area. The Department accepted Natural Resources Protection Act (NRPA) Permit by Rule Notification Form (PBR #66206) on July 19, 2018, for outfall pipes adjacent to a natural resource. In Department Order #L-27956-39-C-N/L-27956-TG-D-N, dated July 30, 2019, the Department approved the development of the "Innovation District" that included an additional 50,821 square feet of freshwater wetland fill on approximately 150 acres of the Scarborough Downs parcel that resulted in 51 acres of impervious area and 68 acres of developed area.

In Department Order #L-27956-26-F-N, dated May 11, 2020, the Department approved a Long-Term Construction Project (LTCP) pursuant to Chapter 380 (06-096 C.M.R. ch. 380, effective June 2, 2016) to develop a 556-acre mixed-use community called "The Downs" on the Scarborough Downs parcel that included multiple phases and subphases over a ten-to 20-year timeframe. On January 13, 2020, the applicant submitted a Natural Resources Protection Act (NRPA) application (#L-27956-TG-H-N), that was returned on February 4, 2020. In Department Order #L-27956-L3-G-N/L-27956-TG-I-N, dated June 11, 2020, the Department approved the development on approximately 25 acres of the Scarborough Downs parcel called "The Downs Core Residential District" that resulted in 14.5 acres of impervious area and 22 acres of developed area and included 725 square feet of freshwater wetland fill. In Department Order #L-27956-26-J-N, dated June 18,

2020, the Department approved "The Uplands" development on approximately 2.21 acres of the Scarborough Downs parcel that resulted in 1.46 acres of impervious area and 2.21 acres of developed area. In Department Order #L-27956-MX-K-N/L-27956-TG-L-N, dated December 22, 2020, the Department approved "Town Center North" that resulted in 26.9 acres of impervious area and 36.4 acres of developed area and included 19,123 square feet of freshwater wetland fill. In Department Order #L-27956-26-S-A, dated September 10, 2021, the Department approved the expansion of the Carriage Walk Apartment Complex with the construction of a 3,923-square-foot, 14-unit, multi-family building and a 29-space parking lot that resulted in approximately 0.43 acres of impervious area and 0.78 acres of developed area. In Department Order #L-27956-MX-T-N/L-27956-TG-U-N, dated September 15, 2021, the Department approved the subdivision and development of approximately 36.4 acres of the Scarborough Downs parcel called "Town Center Residential" district that resulted in 8.4 acres of impervious area and 12.2 acres of developed area and included 4,920 square feet of freshwater wetland fill.

The cumulative developed area, impervious area, and wetland impacts for the Scarborough Downs parcel are 173.19 acres, 119.76 acres, and 89,273 square feet of alteration, respectively.

Summary: The applicants propose to subdivide and develop approximately 24.85 Β. acres of the Scarborough Downs parcel for retail development within The Downs "Payne Road Gateway" district. The proposed project will consist of the construction of an approximately 161,100-square foot building with an accessory gasoline filling station and will include roadways, sidewalks, landscaping, utilities, driveways, loading areas, and paved parking, as well as other associated site improvements. Additionally, the applicants propose to subdivide Lot 1 to create Lot 1C, which will consist of the construction of an approximately 24,000-square foot building and include paved parking, landscaping, and utilities that will have a separate commercial/retail/light industrial use. The proposed project includes approximately 21.45 acres of developed area, of which approximately 16.24 acres is impervious area. The project is shown on two sets of plans, the first of which is titled "The Downs Payne Road Gateway District, Lot 1C, Maine DEP SLDA Level II Submission, Scarborough, Maine," prepared by Gorrill Palmer, and dated January 3, 2022; and a second titled "Land Development Plans Issued For Permitting, Costco Wholesale, Payne Road, Scarborough, Maine," prepared by BL Companies and dated December 8, 2021, with a last revision date of September 16, 2022. The project site is located on Scarborough Downs Road in the Town of Scarborough.

The applicants also seek approval to fill 21,499 square feet of forested and scrub shrub freshwater wetland under the Natural Resources Protection Act (NRPA). Cumulative wetland impacts for the Scarborough Downs parcel, including the proposed project, will total 110,736 square feet.

C. Current Use of Site: The parcel called Scarborough Downs is approximately 556 acres in size. The project site is located on Lots 1, 1A, and 1B on Map R52 of the Town of Scarborough's tax maps, located in the northwest of the parcel and identified on the

Long-Term Construction Project Districts Map in the Payne Road Gateway District adjacent to Scarborough Downs Road. The project site includes woodland and freshwater wetland.

2. <u>FINANCIAL CAPACITY</u>:

The total cost of the project is estimated to be \$10,250,954. The applicants submitted a letter from NTB Bank, dated October 27, 2021, indicating that it has provided Crossroads Holdings, LLC with a \$256,055 line of credit to construct the Crossroads Holdings portion of the project. Additionally, the applicants provided an annual report and letter of self-financing from Costco Wholesale that demonstrates that Costco Wholesale maintains liquid capital exceeding the costs of the project.

The Department finds that the applicants have demonstrated adequate financial capacity to comply with Department standards.

3. <u>TECHNICAL ABILITY</u>:

The applicants provided resume information for key persons involved with the project and a list of projects successfully constructed by the applicants. The applicants also retained the services of BL Companies and Gorrill Palmer, two professional engineering firms, to assist in the design and engineering of the project. In addition, the applicants retained Owen Haskell for surveying, MG2 Corporation for architecture, Kowalski Engineering, Inc. for retaining wall engineering, Terracon for geotechnical engineering, and Flycatcher LLC for wetland delineations.

The Department finds that the applicants have demonstrated adequate technical ability to comply with Department standards.

4. <u>NOISE</u>:

In Department Order #L-27956-26-F-N, the Department concluded that the development had made adequate provision for the control of excessive environmental noise for multiple phases and sub-phases of the "Downs", including development on this parcel. The proposed project will not significantly affect any noise issues identified during previous Department reviews of the project site.

The Department finds that the applicant has made adequate provision for the control of excessive environmental noise from the proposed project.

5. <u>SCENIC CHARACTER</u>:

In Department Order #L-27956-26-F-N, the Department found that the development would not have an unreasonable adverse effect on the scenic character of the surrounding area for multiple phases and sub-phases of the "Downs", including development on this

parcel. No significant changes are proposed to scenic area identified during previous Department reviews of the project site.

The Department finds that the proposed project will not have an unreasonable adverse effect on the scenic character of the surrounding area.

6. <u>WILDLIFE AND FISHERIES</u>:

In Department Order #L-27956-26-F-N, the Department found that the development made adequate provision for the protection of wildlife and fisheries for multiple phases and sub-phases of the "Downs", including development on this parcel. No significant changes are proposed that effect adequate provision for the protection of wildlife and fisheries identified during previous Department reviews of the project site.

The Department finds that the applicant has made adequate provision for the protection of wildlife and fisheries.

7. <u>HISTORIC SITES AND UNUSUAL NATURAL AREAS</u>:

In Department Order #L-27956-26-F-N, the Department found that the development would not have an adverse effect on the preservation of any historic sites or unusual natural areas for multiple phases and sub-phases of the "Downs", including development on this parcel. No significant changes are proposed that would have an adverse effect on the preservation of any historic sites or unusual natural areas identified during previous Department reviews of the project site.

The Department finds that the proposed development will not have an adverse effect on the preservation of any historic sites or unusual natural areas either on or near the development site.

8. <u>BUFFER STRIPS</u>:

The proposed project abuts commercial properties along the northern property line and mixed residential and commercial properties along the western property line in the Town of Scarborough's General Business Zone adjacent to the proposed project. The applicants propose to limit clearing of trees along Payne Road with additional trees and plantings provided in disturbed areas. Additional trees and plantings will be provided along the parking lot and along Scarborough Downs Road to reduce any incidental impact of noise and visual obtrusiveness.

The Department finds that the applicants have made adequate provision for buffer strips.

9. <u>SOILS</u>:

The applicants submitted a Class A high intensity soil survey, as well as a geotechnical survey prepared by Terracon Consultants, Inc based on the soils testing at the project site.

These evaluations were prepared by a licensed soil scientist and registered professional engineer, respectively, and reviewed by a geologist from the Bureau of Land Resources (BLR).

The Department finds that, based on these reports and BLR's review, the soils on the project site present no limitations to the proposed project that cannot be overcome through standard engineering practices.

10. <u>STORMWATER MANAGEMENT</u>:

The proposed project includes approximately 21.45 acres of developed area of which 16.24 acres is impervious area. It lies within the watersheds of Willowdale Brook and the Nonesuch River, which ultimately drain to the Atlantic Ocean. The applicants submitted a stormwater management plan based on the Basic, General, and Flooding Standards contained in Chapter 500 Stormwater Management rules (06-096 C.M.R. ch. 500, effective August 12, 2015). The proposed stormwater management system consists of the expansion of an existing wet pond.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicants submitted an Erosion and Sedimentation Control Plan (Section 14 of the application) that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the Cumberland County Soil and Water Conservation District (CCSWCD).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

Given the size and nature of the project site, the applicants must retain the services of a third-party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order.

Prior the start of construction, the applicants must conduct a pre-construction meeting to discuss the construction schedule and the erosion and sediment control plan with the appropriate parties. This meeting must be attended by the applicants' representative, Department staff, the design engineer, the contractor, and the third-party inspector.

(2) Inspection and Maintenance: The applicants submitted a maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by, and revised in response to the comments of, CCSWCD. The applicants will be

responsible for the maintenance of all common facilities including the stormwater management system.

Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities must be disposed of in compliance with the Maine Solid Waste Management Rules.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on CCSWCD's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500, § 4(B) provided the applicants conduct a preconstruction meeting, retain the services of a third-party inspector, and grit and sediment materials removed from the stormwater management structures during maintenance activities are disposed of in compliance with Maine Solid Waste Management Rules, as outlined above.

B. General Standards:

The applicants' stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will control runoff from no less than 95% of the impervious area and no less than 80% of the developed area. The proposed project is providing treatment of 99.5% of impervious area and 92.3% of developed area.

The stormwater management system proposed by the applicants was reviewed by, and revised in response to comments from, CCSWCD. After a final review, CCSWCD commented that the proposed stormwater management system is designed in accordance with the General Standards contained in Chapter 500, § 4(C) and recommended that the applicants' design engineer or other qualified professional oversee the construction of the wetpond expansion to ensure that it is constructed in accordance with the details and notes specified on the approved plans.

Within 30 days from completion of the entire system or if the project takes more than one year to complete, at least once per year, the applicants must submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the BLR for review.

Within six months of completion of construction, the applicants must submit design engineer stamped, signed, and dated as-built (record) drawings for the retaining walls and stormwater control structures, including the stormwater BMP (wetpond), to the BLR. Based on the stormwater system's design and CCSWCD's review, the Department finds that the applicants have made adequate provision to ensure that the proposed project will meet the General Standards contained in Chapter 500, § 4(C) provided as-builts are submitted to the BLR for review, and construction of the stormwater management structures is overseen, documented, recorded, and submitted as described above.

C. Flooding Standard:

The applicants are proposing to utilize a stormwater management system based on estimates of pre- and post-development stormwater runoff flows obtained by using Hydrocad, a stormwater modeling software that utilizes the methodologies outlined in Technical Releases #55 and #20, U.S.D.A., Soil Conservation Service and detains stormwater from 24-hour storms of 2-, 10-, and 25-year frequency. The post-development peak flow from the site will not exceed the pre-development peak flow from the site and the peak flow of the receiving water will not be increased as a result of stormwater runoff from the development site.

CCSWCD commented that the proposed system is designed in accordance with the Flooding Standard contained in Chapter 500, 4(F).

Based on the system's design and CCSWCD's review, the Department finds that the applicants have made adequate provision to ensure that the proposed project will meet the Flooding Standard contained in Chapter 500, § 4(F) for peak flow from the project site, and channel limits and runoff areas.

11. <u>GROUNDWATER</u>:

The project site is not located over a mapped sand and gravel aquifer. The proposed project does not propose any withdrawal from, or discharge to, the groundwater.

The BLR geologist commented that if hazardous materials, fuels, solvents, fertilizers, or other chemicals will be stored for sale at the site or handled in amounts greater than normal household quantities, then these materials should be identified, and a groundwater protection plan and/or a site-specific emergency response plan must be provided. This plan must include the requirement that the Department is to be notified within two hours of the discovery of any spill.

Prior to opening the facility to customers, a groundwater protection plan will be submitted to the Department for review and approval.

In addition, the proposed development includes a fuel facility including subsurface fuel tanks and several fuel islands. The applicants shall not install, cause to be installed, or operate a new underground oil storage facility without having filed registration materials with the Commissioner in accordance with the Department's *UST Rules*, 06-096 C.M.R. ch. 691, § 4(B). Additionally, the applicants shall not install an underground storage facility or a portion thereof unless the person is a properly Certified Underground Oil

Storage Tank Installer and in accordance with the Department's *UST Rules*, 06-096 C.M.R. ch. 691, \S 5(B)(4)(a).

The Department finds that the proposed project will not have an unreasonable adverse effect on ground water quality provided the applicants provide the Department with a groundwater protection plan and installs and registers the underground oil storage facility, as described above.

12. <u>WATER SUPPLY</u>:

When completed, the proposed project is anticipated to use 51,360 gallons of water per day. Water will be supplied by the Portland Water District. The applicants submitted correspondence from the District, dated October 12, 2021, indicating that it will be capable of servicing this project.

The Department finds that the applicants have made adequate provision for securing and maintaining a sufficient and healthful water supply.

13. <u>WASTEWATER DISPOSAL</u>:

In Department Order #L-27956-26-F-N, the Department found that the applicant made adequate provision for wastewater disposal to ensure satisfactory treatment for multiple phases and sub-phases of the "Downs", including development on this parcel. No significant changes are proposed to wastewater capacity to serve or treatment identified during previous Department reviews of the project. site.

The Department finds that the applicant has made adequate provision for wastewater disposal at a facility that has the capacity to ensure satisfactory treatment.

14. <u>SOLID WASTE</u>:

In Department Order #L-27956-26-F-N, the Department found that the applicant made adequate provision for solid waste transport and disposal for multiple phases and sub-phases of the "Downs", including development on this parcel. No significant changes are proposed to solid waste identified during previous Department reviews of the project site.

Based on Department Order #L-27956-26-F-N, the Department finds that the applicant has made adequate provision for solid waste disposal.

15. <u>FLOODING</u>:

The Department finds that the proposed project is unlikely to cause or increase flooding or cause an unreasonable flood hazard to any structure.

16. <u>WETLAND IMPACTS</u>:

The applicants propose to directly alter 21,499 square feet of forested and scrub shrub freshwater wetland to construct parking and accessways. Cumulative wetland impacts for the Scarborough Downs parcel will total 110,772 square feet.

The Wetland and Waterbodies Protection Rules, 06-096 C.M.R. ch. 310 (effective November 11, 2018), interpret and elaborate on the Natural Resources Protection Act (NRPA) criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a freshwater wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. The applicants submitted an alternatives analysis for the proposed project completed by BL Companies and dated January 7, 2022. The purpose of the project is to develop approximately 24.85 acres for a retail development. Costco considered various sites in Southern Maine; however, the Down's site was selected based on the usable land area coupled with minimal environmental impacts. The applicants considered several design alternatives; however, all would result in greater impacts to the forested freshwater wetland or construction would be cost-prohibitive. The applicants provided analysis that demonstrates the proposed project has avoided wetlands to the greatest extent possible to meet the project need; therefore, filling wetlands to construct the proposed project is unavoidable.

B. Minimal Alteration. The amount of wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicants submitted a wetland functional assessment prepared BL Companies. The applicants have avoided and minimized wetland impacts to the greatest extent practicable by focusing on use of existing uplands and utilizing 5H:1V fill side slopes.

Prior to the start of construction, the location of wetlands on the lots created from the subdivision of Lot 1 must be permanently marked on the ground and the deed for each lot that contains any portion of wetland must have attached to it a plot plan for the lot, drawn to scale, that specifies the location of wetland on the lot.

C. Compensation. Compensation is required to achieve the goal of no net loss of wetland functions and values. The proposed project and associated wetland impacts on the Scarborough Downs parcel have exceeded 15,000 square feet of wetland alteration; therefore, compensation will be required. For this reason, the Department determined that compensation is required for the 21,499 square feet of fill. The applicant submitted a functions and values assessment of the wetlands to be impacted by the project. The wetlands proposed to be altered are Palustrine forested wetland (PFO), Palustrine

emergent (PEM), and Palustrine scrub shrub (PSS). The primary functions of the wetlands altered are groundwater recharge/discharge and wildlife habitat.

The applicants propose to make a contribution into the In-Lieu Fee program of the Maine Natural Resources Conservation Program in the amount of \$126,414.12. Prior to the start of construction, the applicants must submit a payment in the amount of \$126,414.12, payable to "Treasurer, State of Maine," and directed to the attention of the In Lieu Fee Program Administrator at 17 State House Station, Augusta, Maine 04333.

The Department finds that the applicants have avoided and minimized wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project provided wetlands are marked on the ground, the deeds for the lots specify the location of the wetland area, and that prior to project construction, the applicants submit the In-Lieu Fee payment, as described above.

17. <u>ODORS</u>:

No significant sources of odors have been identified.

18. <u>ALL OTHER:</u>

All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-27956-NJ-A-N/L-27956-TC-B-N, and subsequent Orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Clean Water Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that prior to the start of construction on the lots, the wetlands must be marked on the ground and the deeds for the lots must specify the location of the wetlands, and the In-Lieu Fee payment is submitted, and deed restrictions are executed, recorded, and submitted to the BLR, as outlined in Finding 16.

- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 481–489-E:

- A. The applicants have provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicants have made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in 38 M.R.S. § 420-D and the standard for erosion and sedimentation control in 38 M.R.S. § 420-C provided a preconstruction meeting is conducted, the applicants retain the services of a third-party inspector to inspect and document the installation of the stormwater components, sewer grit and sediment are disposed of properly, as-built drawings for the stormwater management system and retaining walls are submitted to the BLR, and stormwater construction inspections and reports are completed, as outlined in Finding 10.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur provided a groundwater protection plan is submitted to the Department for review and approval and the underground oil storage facility is installed and registered, as outlined in Finding 11.
- F. The applicants have made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of COSTCO WHOLESALE and CROSSROADS HOLDINGS, LLC to subdivide Lot 1, construct Costco Wholesale, and develop Lot 1C of The Downs as described in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

- 1. The Standard Conditions of Approval, a copy attached.
- 2. In addition to any specific erosion control measures described in this or previous orders, the applicants shall take all necessary actions to ensure that their activities or those of their agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
- 3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
- 4. The applicants shall give a copy of this permit, including the standard conditions, and a copy of the approved subdivision plan to each lot buyer at least 14 days prior to the date of closing on the sale or lease of the lot. The applicants also shall maintain a file containing signed and dated statements by lot buyers or lessees acknowledging that they have received and read their copy of this permit and the subdivision plan prior to the closing on their lot. The file shall also contain a copy of the signed and dated deed or lease containing the restrictive covenants required under this approval. The applicants shall make this file available for inspection upon request by the Department.
- 5. The applicants shall retain the services of a third-party inspector in accordance with the Special Condition for Third-Party Inspection Program, which is attached to this Order.
- 6. Prior the start of construction, the applicants shall conduct a pre-construction meeting. This meeting shall be attended by the applicants' representative, Department staff, the design engineer, the contractor, and the third-party inspector.
- 7. Storm sewer grit and sediment materials removed from stormwater structures during maintenance activities shall be disposed of in compliance with the Maine Solid Waste Management Rules.
- 8. The applicants shall submit copies of as-built drawings for the stormwater management system and retaining walls within six months of completion of construction to the BLR for review.

- 9. The applicants shall retain the services of either the design engineer or another qualified professional engineer to oversee the construction of the stormwater management structures in accordance with the details and notes specified on the approved plans.
- 10. Within 30 days from completion of the entire stormwater management system or if the project takes more than one year to complete, at least once per year, the applicants shall submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the BLR for review.
- 11. Prior to opening the facility to customers, a groundwater protection plan shall be submitted to the Department for review and approval.
- 12. Prior to the start of construction, the location of the wetlands on individual lots shall be permanently marked on the ground and deed for each lot that contains any portion of a wetland with attached plot plan for the lot, drawn to scale, that specifies the location of the wetland.
- 13. Prior to the start of construction, the applicants shall submit a payment in the amount of \$126,414.12, payable to "Treasurer, State of Maine," and directed to the attention of the In Lieu Fee Program Administrator at 17 State House Station, Augusta, Maine 04333.
- 14. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-27956-NJ-A-N/L-27956-TC-B-N, and subsequent Orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 21st DAY OF SEPTEMBER 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

For Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

AAS/L27956AAN&ABN/ATS88941,88942

FILED September 22nd, 2022 State of Maine Board of Environmental Protection

Department of Environmental Protection <u>SITE LOCATION OF DEVELOPMENT (SITE)</u> <u>STANDARD CONDITIONS</u>

- **A. Approval of Variations from Plans**. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited without prior approval of the Board, and the applicant shall include deed restrictions to that effect.
- **B.** Compliance with All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- **C.** Compliance with All Terms and Conditions of Approval. The applicant shall submit all reports and information requested by the Board or the Department demonstrating that the applicant has complied or will comply with all preconstruction terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- **D.** Advertising. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- **E. Transfer of Development**. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the applicant.
- **F.** Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- **G.** Approval Included in Contract Bids. A copy of this approval must be included in or attached to all contract bid specifications for the development.
- **H.** Approval Shown to Contractors. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.



Natural Resources Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S. § 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. <u>Approval of Variations From Plans.</u> The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. <u>Compliance With All Applicable Laws.</u> The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. <u>Erosion Control.</u> The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. <u>Compliance With Conditions.</u> Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. <u>Time frame for approvals.</u> If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. <u>No Construction Equipment Below High Water.</u> No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. <u>Permit Included In Contract Bids.</u> A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. <u>Permit Shown To Contractor</u>. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

STORMWATER STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

(1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the permittee. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S. §420-D(8) and is subject to penalties under 38 M.R.S. §349.

(2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.

(3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.

(4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.

(5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.

(6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the permittee, and the permittee and each contractor and sub-contractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.

(7) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the Department. If maintenance responsibility is to be transferred from the permittee to another entity, a transfer request must be filed with the Department which includes the name and contact information for the person or entity responsible for this maintenance. The form must be signed by the responsible person or agent of the responsible entity.

(8) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.

(a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.

(b) All aspects of the stormwater control system are operating as approved, have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system, as necessary.

(c) The stormwater maintenance plan for the site is being implemented as approved by the Department, and the maintenance log is being maintained.

(d) All proprietary systems have been maintained according to the manufacturer's recommendations. Where required by the Department, the permittee shall execute a 5-year maintenance contract with a qualified professional for the coming 5-year interval. The maintenance contract must include provisions for routine inspections, cleaning and general maintenance.

(e) The Department may waive some or all of these recertification requirements on a case-by-case basis for permittees subject to the Department's Multi-Sector General Permit ("MSGP") and/or Maine Pollutant Discharge Elimination System ("MEPDES") programs where it is demonstrated that these programs are providing stormwater control that is at least as effective as required pursuant to this Chapter.

(9) Transfer of property subject to the license. If any portion of the property subject to the license containing areas of flow or areas that are flooded are transferred to a new property owner, restrictive covenants protecting these areas must be included in any deeds or leases, and recorded at the appropriate county registry of deeds. Also, in all transfers of such areas and areas containing parts of the stormwater management system, deed restrictions must be included making the property transfer subject to all applicable terms and conditions of the permit. These terms and conditions must be incorporated by specific and prominent reference to the permit in the deed. All transfers must include in the restrictions the requirement that any subsequent transfer must specifically include the same restrictions unless their removal or modification is approved by the Department. These restrictions must be written to be enforceable by the Department, and must reference the permit number.

(10) Severability. The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

November 16, 2005 (revised August 15, 2015)

Special Condition for Third Party Inspection Program

DEPLW078-B2001

November 2008

THIRD-PARTY INSPECTION PROGRAM

1.0 THE PURPOSE OF THE THIRD-PARTY INSPECTION

As a condition of this permit, the Maine Department of Environmental Protection (MDEP) requires the permit applicant to retain the services of a third-party inspector to monitor compliance with MDEP permit conditions during construction. The objectives of this condition are as follows:

- 1) to ensure that all construction and stabilization activities comply with the permit conditions and the MDEPapproved drawings and specifications,
- 2) to ensure that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations, and
- 3) to ensure communication between the contractor and MDEP regarding any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan.

This document establishes the inspection program and outlines the responsibilities of the permit applicant, the MDEP, and the inspector.

2.0 SELECTING THE INSPECTOR

At least 30 days prior to starting any construction activity on the site, the applicant will submit the names of at least two inspector candidates to the MDEP. Each candidate must meet the minimum qualifications listed under section 3.0. The candidates may not be employees, partners, or contracted consultants involved with the permitting of the project or otherwise employed by the same company or agency except that the MDEP may accept subcontractors who worked for the project's primary consultant on some aspect of the project such as, but not limited to, completing wetland delineations, identifying significant wildlife habitats, or conducting geotechnical investigations, but who were not directly employed by the applicant, as Third Party inspectors on a case by case basis. The MDEP will have 15 days from receiving the names to select one of the candidates as the inspector or to reject both candidates. If the MDEP rejects both candidates, then the MDEP shall state the particular reasons for the rejections. In this case, the applicant may either dispute the rejection to the Director of the Bureau of Land Resources or start the selection process over by nominating two, new candidates.

3.0 THE INSPECTOR'S QUALIFICATIONS

Each inspector candidate nominated by the applicant shall have the following minimum qualifications:

- 1) a degree in an environmental science or civil engineering, or other demonstrated expertise,
- 2) a practical knowledge of erosion control practices and stormwater hydrology,
- 3) experience in management or supervision on large construction projects,
- 4) the ability to understand and articulate permit conditions to contractors concerning erosion control or stormwater management,
- 5) the ability to clearly document activities being inspected,
- 6) appropriate facilities and, if necessary, support staff to carry out the duties and responsibilities set forth in section 6.0 in a timely manner, and
- 7) no ownership or financial interest in the development other than that created by being retained as the thirdparty inspector.

4.0 INITIATING THE INSPECTOR'S SERVICES

The applicant will not formally and finally engage for service any inspector under this permit condition prior to MDEP approval or waiver by omission under section 2.0. No clearing, grubbing, grading, filling, stockpiling, or other construction activity will take place on the development site until the applicant retains the MDEP-approved inspector for service.

5.0 TERMINATING THE INSPECTOR'S SERVICES

The applicant will not terminate the services of the MDEP-approved inspector at any time between commencing construction and completing final site stabilization without first getting written approval to do so from the MDEP.

6.0 THE INSPECTOR'S DUTIES AND RESPONSIBILITIES

The inspector's work shall consist of the duties and responsibilities outlined below.

- 1) Prior to construction, the inspector will become thoroughly familiar with the terms and conditions of the stateissued site permit, natural resources protection permit, or both.
- 2) Prior to construction, the inspector will become thoroughly familiar with the proposed construction schedule, including the timing for installing and removing erosion controls, the timing for constructing and stabilizing any basins or ponds, and the deadlines for completing stabilization of disturbed soils.
- 3) Prior to construction, the inspector will become thoroughly familiar with the project plans and specifications, including those for building detention basins, those for installing the erosion control measures to be used on the site, and those for temporarily or permanently stabilizing disturbed soils in a timely manner.
- 4) During construction, the inspector will monitor the contractor's installation and maintenance of the erosion control measures called for in the state permit(s) and any additional measures the inspector believes are necessary to prevent sediment discharge to off-site properties or natural resources. This direction will be based on the approved erosion control plan, field conditions at the time of construction, and the natural resources potentially impacted by construction activities.
- 5) During construction, the inspector will monitor the contractor's construction of the stormwater system, including the construction and stabilization of ditches, culverts, detention basins, water quality treatment measures, and storm sewers.
- 6) During construction, the inspector will monitor the contractor's installation of any stream or wetland crossings.
- 7) During construction, the inspector will monitor the contractor's final stabilization of the project site.
- 8) During construction, the inspector will keep logs recording any rain storms at the site, the contractor's activities on the site, discussions with the contractor(s), and possible violations of the permit conditions.
- 9) During construction, the inspector will inspect the project site at least once a week and before and after any significant rain event. The inspector will photograph all protected natural resources both before and after construction and will photograph all areas under construction. All photographs will be identified with, at a minimum the date the photo was taken, the location and the name of the individual taking the photograph. *Note: the frequency of these inspections as contained in this condition may be varied to best address particular project needs.*
- 10) During construction, the inspector will prepare and submit weekly (*or other frequency*) inspection reports to the MDEP.

11) During construction, the inspector will notify the designated person at the MDEP immediately of any sediment-laden discharges to a protected natural resource or other significant issues such as the improper construction of a stormwater control structure or the use of construction plans not approved by the MDEP.

7.0 INSPECTION REPORTS

The inspector will submit weekly written reports (*or at another designated frequency*), including photographs of areas that are under construction, on a form provided by the Department to the designated person at the MDEP. Each report will be due at the MDEP by the Friday (*or other designated day*) following the inspection week (Monday through Sunday).

The weekly report will summarize construction activities and events on the site for the previous week as outlined below.

- 1) The report will state the name of the development, its permit number(s), and the start and end dates for the inspection week (Monday through Sunday).
- 2) The report will state the date(s) and time(s) when the inspector was on the site making inspections.
- 3) The report will state the date(s) and approximate duration(s) of any rainfall events on the site for the week.
- 4) The report will identify and describe any erosion problems that resulted in sediment leaving the property or sediment being discharged into a wetland, brook, stream, river, lake, or public storm sewer system. The report will describe the contractor's actions to repair any damage to other properties or natural resources, actions to eliminate the erosion source, and actions to prevent future sediment discharges from the area.
- 5) The report will list the buildings, roads, parking lots, detention basins, stream crossings or other features open to construction for the week, including those features or areas actively worked and those left unworked (dormant).
- 6) For each area open to construction, the report will list the date of initial soil disturbance for the area.
- 7) For each area open to construction, the report will note which areas were actively worked that week and which were left dormant for the week. For those areas actively worked, the report will briefly state the work performed in the area that week and the progress toward final stabilization of the area e.g. "grubbing in progress," "grubbing complete," "rough grading in progress," "rough grading complete," "finish grading in progress," "rough grading complete," "finish grading in progress," "area fully stable and temporary erosion controls removed," etc.
- 8) For each area open to construction, the report will list the erosion and sedimentation control measures installed, maintained, or removed during the week.
- 9) For each erosion control measure in-place, the report will note the condition of the measure and any maintenance performed to bring it to standard.



DEPARTMENT OF THE ARMY NEW ENGLAND DISTRICT, CORPS OF ENGINEERS 696 VIRGINIA ROAD CONCORD, MASSACHUSETTS 01742-2751

MAINE GENERAL PERMITS (GPs) AUTHORIZATION LETTER AND SCREENING SUMMARY

DAN BACON CROSSROADS HOLDINGS, LLC P.O. BOX 485 SCARBOROUGH, MAINE 04074 MARK MARCHISANO COSTCO WHOLESALE CORPORATION 45940 HORSESHOE DRIVE, STE 150 STERLING, VIRGINIA 20166

CORPS PERMIT #	NAE-2022-01898
CORPS GP#	8
STATE ID#	NRPA

DESCRIPTION OF WORK:

Place permanent fill in approximately 21,499 SF (0.494 ac.) of freshwater wetland off Scarborough Downs Road and Payne Road at Scarborough, Maine in order to construct an approximately 161,000 SF retail/wholesale building with associated parking and a gas station and an adjacent commercial/light industrial building. With this work, cumulative impacts to wetlands associated with the redevelopment of property formerly owned by Scarborough Downs now totals 114,092 SF (2.619 ac.). This work is shown on the attached plans entitled "USGS LOCATION MAP" in 1 sheet dated "12/22/2021", sheets "W-0", "W-1", and "W-2" each dated "12/08/2021" and sheets "W1" and "W2" each dated "SEPT 2021". See GENERAL and SPECIAL CONDITIONS attached.

LAT/LONG COORDINATES:	43.608946°	N	-70.358571°	W	USGS QUAD: PROUTS NECK. ME
	10.000010	1 1	10.000011	~ ~ ~	

I. CORPS DETERMINATION:

Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. Your work is therefore authorized by the U.S. Army Corps of Engineers under the Federal Permit, the Maine General Permits (GPs) which can be found at: https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/ Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Special Conditions and any conditions placed on the State 401 Water Quality Certification <u>including any required mitigation</u>]. Please review the GPs, including the GPs conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GPs requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 45 of the GPs (page 19) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GPs on October 14, 2025. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 14, 2026.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.

II. STATE ACTIONS: PENDING [X], ISSUED [], DENIED [] DATE	
APPLICATION TYPE: PBR:	1A:
III. FEDERAL ACTIONS:	

JOINT PROCESSING MEETING: 17FEB2022 LEVEL OF REVIEW: SELF-VERIFICATION: PRE-CONSTRUCTION NOTIFICATION: X

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10_____, 404___X 10/404_____, 103____

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA_NO_, USF&WS_NO_, NMFS_NO_

If you have any questions on this matter, please contact my staff at 978-318-8676 at our Augusta, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at: <u>http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0</u>

COLIN M. GREENAN SENIOR PROJECT MANAGER MAINE PROJECT OFFICE FRANK J. DEL GIUDICE CHIEF, PERMITS & ENFORCEMENT BRANCH REGULATORY DIVISION



PLEASE NOTE THE FOLLOWING GENERAL AND SPECIAL CONDITIONS FOR DEPARTMENT OF THE ARMY MAINE GENERAL PERMIT 8 PERMIT NO. NAE-2022-01898

GENERAL CONDITIONS

23. Soil Erosion, Sediment, and Turbidity Controls. a. Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, installation of sediment control barriers (i.e. silt fence, vegetated filter strips, geotextile silt fences, erosion control mixes, hay bales or other devices) downhill of all exposed areas, retention of existing vegetated buffers, application of temporary mulching during construction, and permanent seeding and stabilization shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion; of collecting sediment, suspended and floating materials; and of filtering fine sediment. b. Temporary sediment control barriers shall be removed upon completion of work, but not until all disturbed areas are permanently stabilized. The sediment collected by these sediment barriers shall be removed and placed at an upland location and stabilized to prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

33. Permit(s)/Authorization Letter On-Site. The permittee shall ensure that a copy of the terms and conditions of these GPs and any accompanying authorization letter with attached plans are at the site of the work authorized by these GPs whenever work is being performed and that all construction personnel performing work which may affect waters of the U.S. are fully aware of the accompanying terms and conditions. The entire permit authorization shall be made a part of any and all contracts and subcontracts for work that affects areas of Corps jurisdiction at the site of the work authorized by these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means all terms and conditions of the GPs, the GPs, and the authorization letter (including its drawings, plans, appendices and other attachments) and subsequent permit modifications as applicable. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or subcontract. Although the permittee may assign various aspects of the work to different contractors or subcontractors, all contractors and subcontractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization,

34. Inspections. The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is eligible for authorization under these GPs, is being, or has been performed in accordance with the terms and conditions of these GPs. To facilitate these inspections, the permittee shall complete and return to the Corps the Work-Start Notification Form and the Compliance Certification Form when either is provided with an authorization letter. **These forms are attached after the plans.**

SPECIAL CONDITIONS

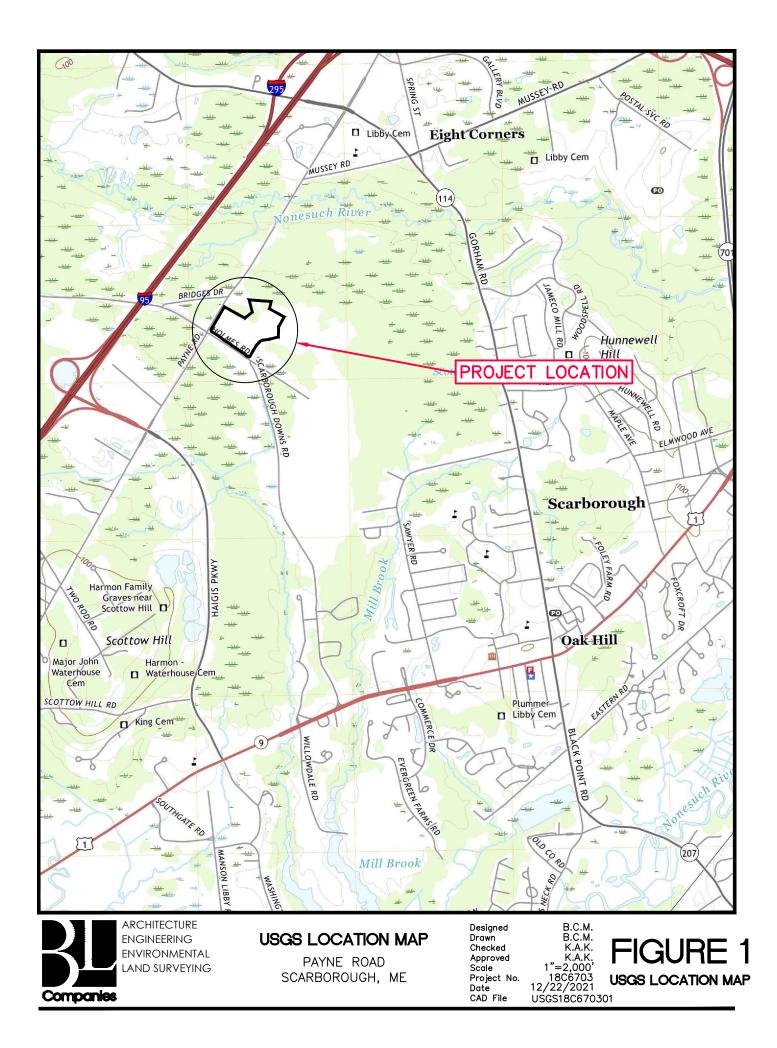
1. Compensatory mitigation shall consist of purchasing 0.494 acre credit from the Maine Natural Resource Conservation Fund. As of the date of this authorization letter, the current cost to purchase this credit is \$126,414.12. The attached completed In-Lieu-Fee (ILF) Project Data Worksheet shall be mailed with a cashier's check or bank draft made out to "Treasurer, State of Maine", with Corps file number "NAE-2022-01898" and "For ILF accountant only" clearly noted on the check. The check and worksheet shall be mailed to Maine Department of Environmental Protection, Attention: ILF Program Administrator, 17 State House Station, Augusta, Maine 04333. No impacts authorized by this permit shall begin until the Corps receives a copy of the letter from the Maine Department of Environmental Protection (MaineDEP) to the permittee stating that the MaineDEP has received the check and accepts responsibility for mitigation. The in-lieu-fee amount is valid for one year from the date of this authorization letter and is subject to change thereafter.

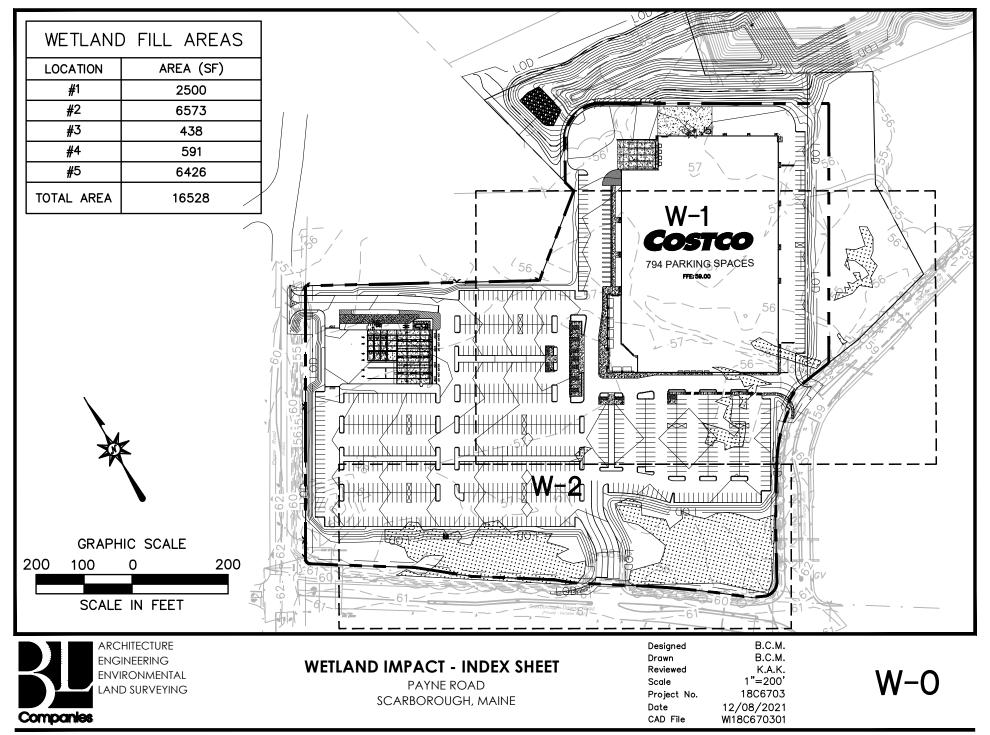
MAINE IN-LIEU-FEE (ILF) PROJECT IMPACT WORKSHEET

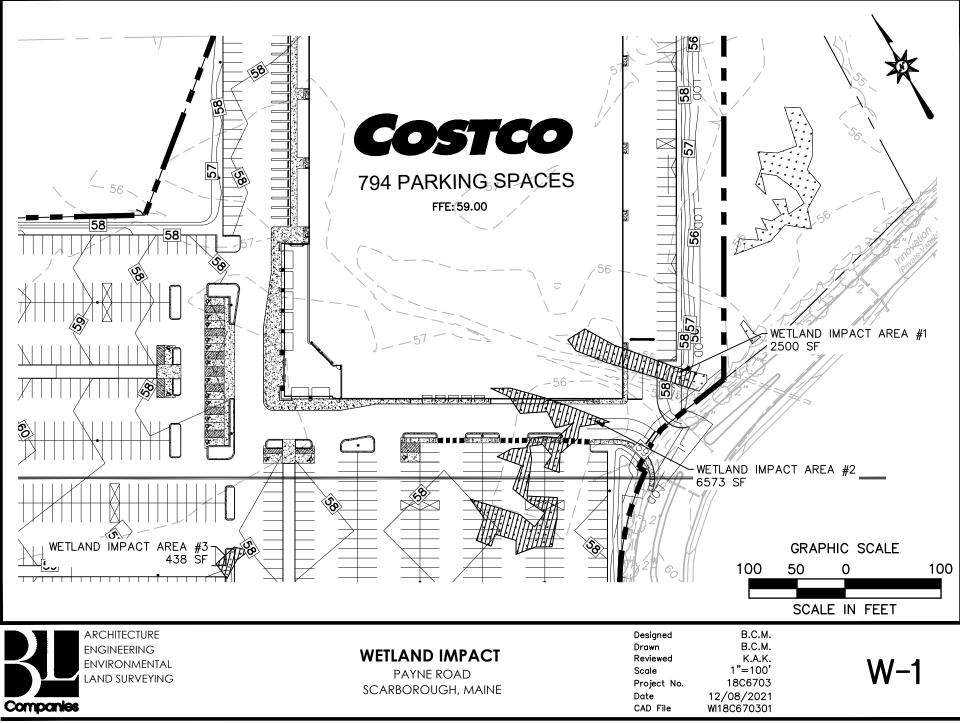
DEP Invoice #		Filled in by ILF Aa	lministrator in A	ugusta
Project name: 0	Costco Wholesale and Lot 1C at	The Downs		
Permittee(s):	Dan Bacon, Crossroads Holding	s, LLC & Mark Marchisano, Costco Whol	lesale Corporation	
DEP/Corps permit	#: NRPA / NAE-2022-0189	98 Atte	ach a copy of the	e permit
DEP/Corps Project	Manager:April Stehr / C	olin Greenan		
ILF Fee Amount:	21,499 SF x (\$5.05 + \$0.83) =	\$126,414.12		
Check Date:		Filled in by ILF	Administrator in	Augusta
Project address:	off Scarborough Downs Road	at Scarborough	Attach a le	ocus map
Biophysical region	- Section:	Southern Maine		
Biophysical region	- Subsection:	Gulf of Maine Coastal Lowlands		
Total impact area s	ubject to compensation:	21,499 SF (0.494 acre)		
Resource(s) impacte	ed:	-	,	
Resource Types (list all that apply)	Functions & Values (for wetland impacts) (list all that apply, by resource type)	Types of Impacts (list all that apply, by resource type)	SF Impacted (by resource type)	Linear FT of Streams Impacted (for Corps use)
PFO, PSS	GWR, WH	Filling	21,499	N/A
		Total impacts:	21,499	

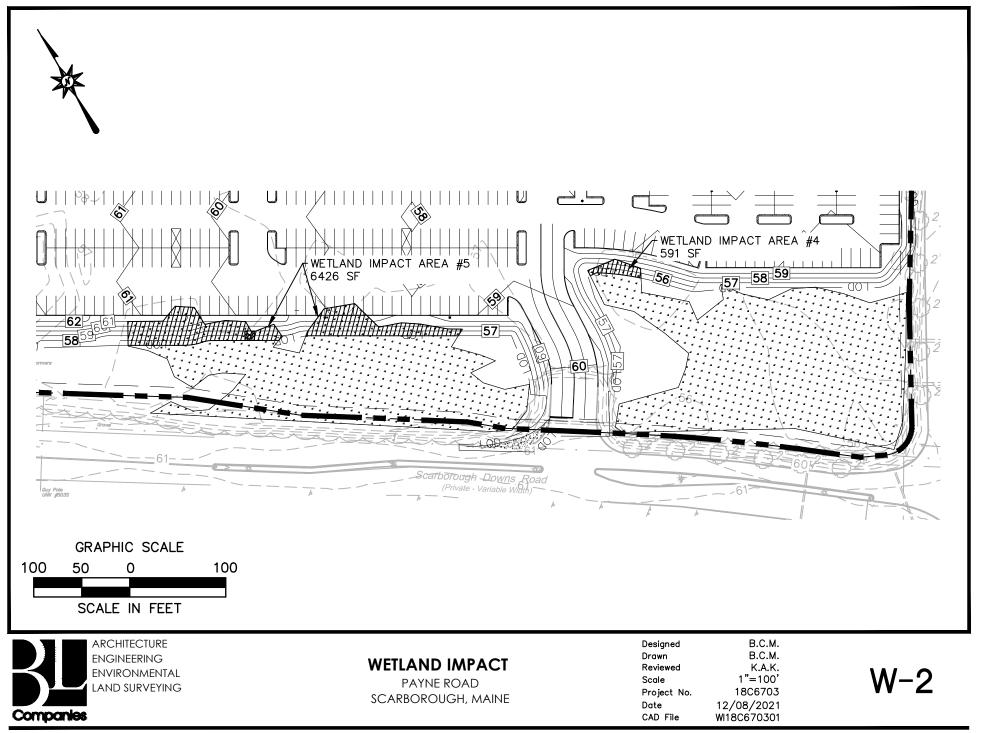
<u>Resource Types</u>: Wetlands by NWI Type (PEM, PFO, PSS, PUB, M1, M2, E1, E2, M1AB3^{*}, etc), significant vernal pool depression (SVP), significant vernal pool critical terrestrial habitat (VPCTH), shorebird feeding & staging habitat (shorebird), inland waterfowl & wading bird habitat (IWWH), Tidal waterfowl & wading bird habitat (TWWH), lake or pond (L1, L2), river/stream/brook (RSB) <u>Wetland Functions & Values</u>: Groundwater recharge/discharge (GWR); floodflow alteration (FF); fish & shellfish habitat (FSH); sediment toxicant retention (STR); nutrient removal (NR); production export (PE); sediment/shoreline stabilization (SS); recreation (R); education/scientific value (ESV); uniqueness/heritage (UH); and visual quality/aesthetics (VQ); wildlife habitat (WH) <u>Types of Impacts</u>: May include: filling, dredging, vegetation conversion (e.g. forested to shrub/scrub), excavation with associated discharge, etc.

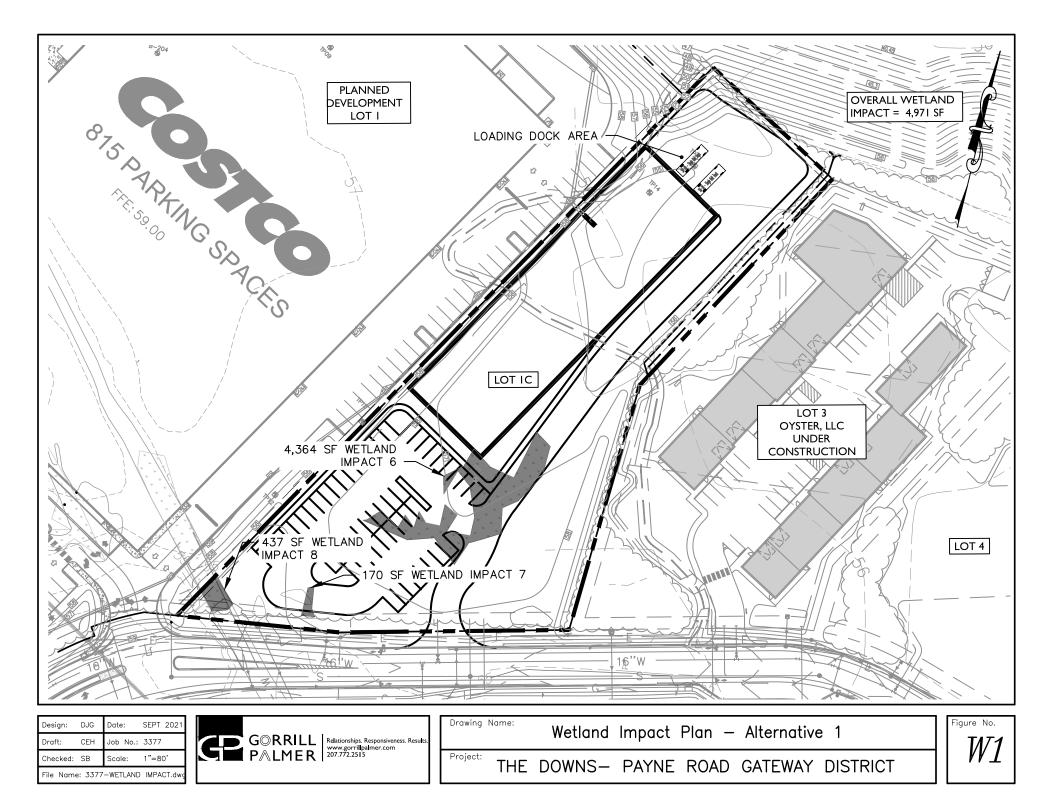
* Eelgrass or other subtidal aquatic vegetation

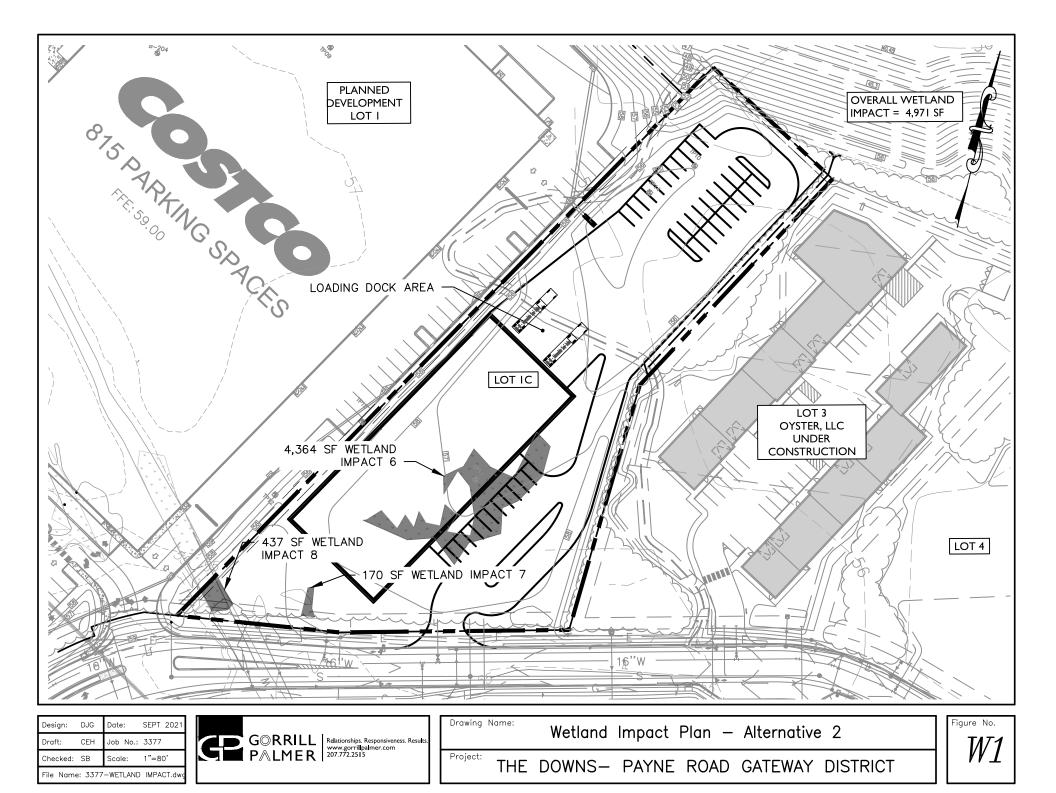












INNOVATION DISTRICT AREA SCORECARD

- JN: Project Description: Project Location: Date: Calculated By: Checked By:
- 3377 Innovation District Scarborough, Maine 9/30/2022 DJG/TPG DJG



KEY

Gorrill Palmer 707 Sable Oaks Drive

Suite 30 South Portland, Maine 04106

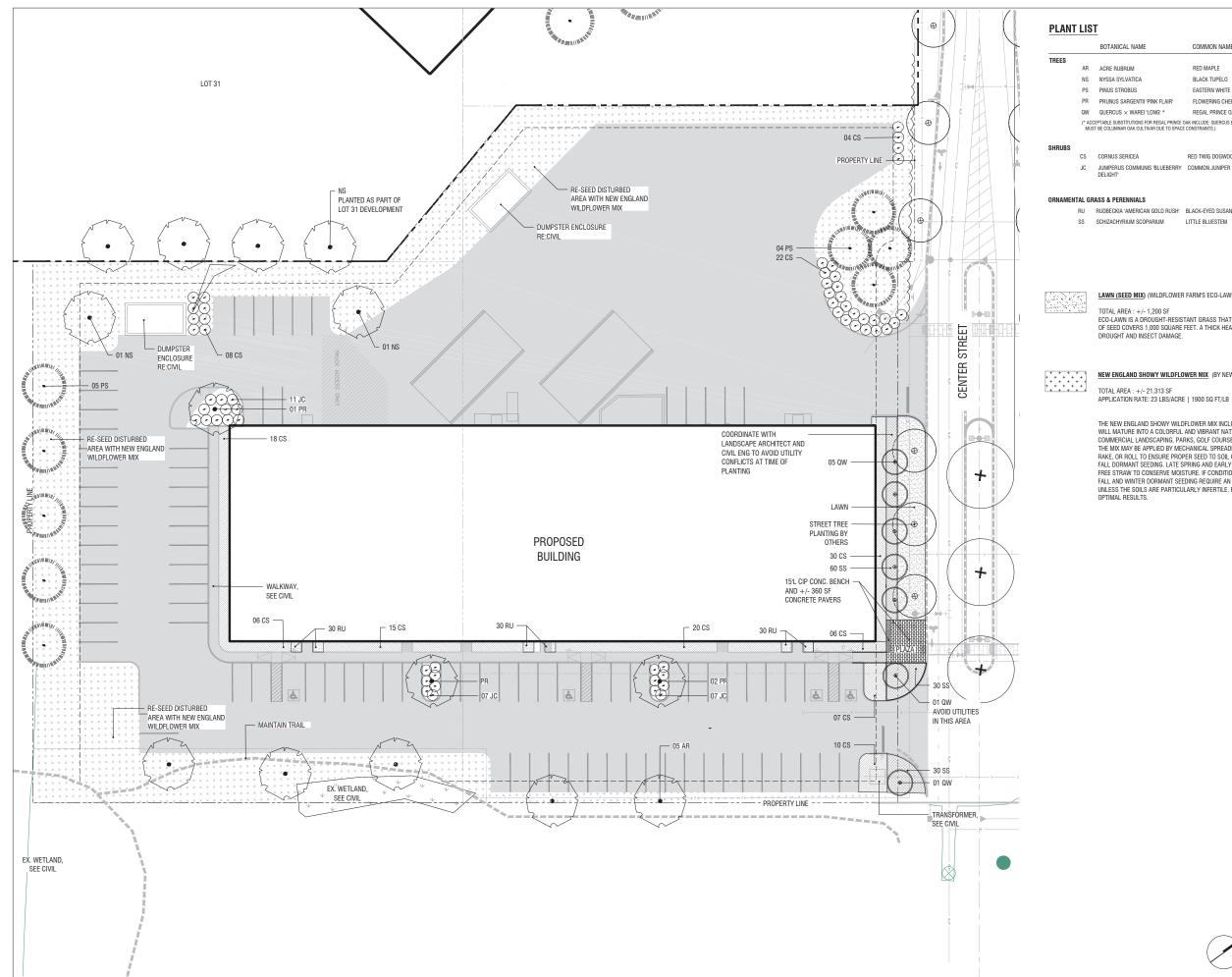
 ×
 LOT APPROVED

 ×
 LOT PROPOSED

 ×
 LOT PLACEHOLDER

		Original		to Wet Pond I		Actual 9-	-30-22	
Lot Number	Lot Area (sf)	Disturbed Area (sf)	Developed Area (sf)	Impervious Area (sf)	Lot Area (sf)	Disturbed Area (sf)	Developed Area (sf)	Impervious Area (s
Lot I				F (.)		739,677	739,677	613,
Lot IC						103,251	103,251	82,
2	88,635	60,151	57,143	48,121	88,635	60,151	60,151	48,
3 - Oyster River	87,120	80,000	76,000	64,000	87,120	80,000	80,000	44
4	73,181	55,065	52,312	44,052	73,181	55,065	55,065	44
5	52,708	56,380	53,561	45,104	52,708	56,380	56,380	45
6 - Throttle Garage	51,133	51,133	48,576	40,906	73,069	73,069	73,069	61
7 - Incube 51	49,317	49,317	46,851	39,454	49,317	49,317	49,317	4
8	52,970	52,970	50,322	42,376	-	-	-	-
9	44,327	44,327	42,111	35,462	-	-	-	-
10	39,520	39,517	37,541	31,614	-	-	-	-
11	38,000	38,000	36,100	30,400	- 44,000	- 44,000	-	-
12 - Sure Express	44,000	44,000	41,800	35,200			44,000	3
13	40,000	40,000	38,000	32,000	-	-	-	-
14	40,000	40,000 40,000	38,000 38,000	32,000	-	-	-	-
75 25 - Idexx	40,000 40,000	40,000	38,000	32,000 32,000	- 1,071,576	- 107,960	- 82,503	- 64
26 - Shucks Lobster	40,000	40,000	38,000	32,000	60,000	60,000	60,000	40
27 - Pride Storage	40,000	40,000	38,000	32,000	197,345	195,371	195,371	150
28 - AV Technik	71,060	71,060	67,507	56,848	71,060	71,060	71,060	53
29 - Throttle Car Club	58,312	58,312	55,396	46,650	74,489	74,376	74,376	53
30 - BOJO, LLC	113,850	88,344	83,927	70,675	71,692	28,000	25,900	20
31 - Crown	76,666	68,820	65,379	55,056	170,386	133,014	133,014	104
32 - Scorebuilders	39,000	39,000	37,050	31,200	39,000	39,000	39,000	10
33	39,000	39,000	37,050	31,200	39,000	39,000	39,000	3
34	40,000	40,000	38,000	32,000	40,000	40,000	40,000	32
35 - NXGen Development LLC	40,000	40,000	38,000	32,000	40,000	40,000	40,000	33
46 - Mainely Tubs	40,000	40,000	38,000	32,000	138,155	138,155	38, 55	106
47	40,000	40,000	38,000	32,000	-	-	-	-
48 - Ventinove Holdings, LLC	39,000	39,000	37,050	31,200	78,000	78,000	78,000	62
49	39,000	39,000	37,050	31,200	-	-	-	-
50	52,000	46,996	44,646	37,597	-	-	-	-
51 - DPR, LLC	50,312	46,392	44,072	37,114	116,722	102,685	102,685	89
52	65,994	57,999	55,099	46,399	-	-	-	-
53 - DC @ The Downs	47,916	47,880	45,486	38,304	47,916	47,916	47,916	37
54 - Zoom Drain	49,223	51,660	49,077	41,328	49,223	49,223	49,223	39
55	58,155	58,155	55,247	46,524	-	-	-	-
Additional Cul-de-sac Area					11,557	11,557	11,557	9
Wet Pond I		185,429	185,429			250,321	250,321	-
TOTAL (NON LINEAR - SF)		1,907,907	1,821,783	1,377,982		2,766,548	2,738,991	1,959,
RUNNING TOTAL (CF) VOLUME FOR LINEAR TREATMENT								189,
(ROADWAYS) (CF)								
								9, 198,
SUBTOTAL POND CAPACITY (CF)								232,
								,
REMAINING CAPACITY (CF)								34.
REMAINING CAPACITY (CF)	han Lot area in "Original F	Design" due to lot line shift	s during Town Approval P	rocess 2) Italics distinguish	es lots have been removed/	combined during subdivision	amendments	34,
REMAINING CAPACITY (CF) tes: 1) Lots 5 and 54 have a greater disturbed area t	than Lot area in "Original E	Design" due to lot line shift	s during Town Approval P	rocess, 2) Italics distinguish	es lots have been removed/	combined during subdivision	amendments	34
	than Lot area in "Original E	Design" due to lot line shift			es lots have been removed/	combined during subdivision	amendments	34,
	than Lot area in "Original E	Design" due to lot line shift Original	Lots Tributary to		es lots have been removed/	combined during subdivision		34
	than Lot area in "Original E Lot Area (sf)	-	Lots Tributary to		es lots have been removed/ Lot Area (sf)			
tes: 1) Lots 5 and 54 have a greater disturbed area t		Original	Lots Tributary to Design	> Forested Buffer		Appro	ved	
tes: 1) Lots 5 and 54 have a greater disturbed area t Lot Number	Lot Area (sf)	Original	Lots Tributary to Design Developed Area (sf)	D Forested Buffer	Lot Area (sf)	Appro	ved	
es: 1) Lots 5 and 54 have a greater disturbed area t Lot Number 41	Lot Area (sf) 39,200	Original	Lots Tributary to Design Developed Area (sf) 15,000	D Forested Buffer	Lot Area (sf) -	Appro Disturbed Area (sf)	ved Developed Area (sf) -	Impervious Area -
es: 1) Lots 5 and 54 have a greater disturbed area t Lot Number 41 42	Lot Area (sf) 39,200 40,000	Original	Lots Tributary to Design Developed Area (sf) 15,000 15,000	D Forested Buffer	Lot Area (sf) - -	Appro Disturbed Area (sf) - -	ved Developed Area (sf) - -	Impervious Area - -
es: 1) Lots 5 and 54 have a greater disturbed area t Lot Number 41 42 43	Lot Area (sf) 39,200 40,000 40,000	Original	Lots Tributary to Design Developed Area (sf) 15,000 15,000 15,000	D Forested Buffer Impervious Area (sf) 15,000 15,000 15,000	Lot Area (sf) - - -	Appro Disturbed Area (sf) - - -	ved Developed Area (sf) - - -	Impervious Area - - - -
Lot Number 41 43 44	Lot Area (sf) 39,200 40,000 40,000	Original	Lots Tributary to Design Developed Area (sf) 15,000 15,000 15,000	D Forested Buffer Impervious Area (sf) 15,000 15,000 15,000	Lot Area (sf) - - - - -	Appro Disturbed Area (sf) - - -	ved Developed Area (sf) - - - -	Impervious Area - - - - 60
tes: 1) Lots 5 and 54 have a greater disturbed area to Lot Number 41 42 43 44 25 - Phase 3 End User	Lot Area (sf) 39,200 40,000 40,000	Original	Lots Tributary to Design Developed Area (sf) 15,000 15,000 15,000	D Forested Buffer	Lot Area (sf) - - - - -	Appro Disturbed Area (sf) - - - -	ved Developed Area (sf) - - - - - 60,000	Impervious Area - - - - 60
tes: 1) Lots 5 and 54 have a greater disturbed area to Lot Number 41 42 43 44 25 - Phase 3 End User TOTAL (NON LINEAR - SF)	Lot Area (sf) 39,200 40,000 40,000	Original	Lots Tributary to Design Developed Area (sf) 15,000 15,000 15,000	D Forested Buffer	Lot Area (sf) - - - - -	Appro Disturbed Area (sf) - - - -	ved Developed Area (sf) - - - - - 60,000	Impervious Area - - - 6(60 5
Lot Number 41 42 43 44 25 - Phase 3 End User TOTAL (NON LINEAR - SF) RUNNING TOTAL (CF)	Lot Area (sf) 39,200 40,000 40,000	Original	Lots Tributary to Design Developed Area (sf) 15,000 15,000 15,000	D Forested Buffer	Lot Area (sf) - - - - -	Appro Disturbed Area (sf) - - - -	ved Developed Area (sf) - - - - - 60,000	Impervious Area - - - 6 60 5
tes: 1) Lots 5 and 54 have a greater disturbed area to Lot Number 41 42 43 44 25 - Phase 3 End User TOTAL (NON LINEAR - SF) RUNNING TOTAL (CF) BUFFER CAPACITY (CF)	Lot Area (sf) 39,200 40,000 40,000	Original	Lots Tributary to Design Developed Area (sf) 15,000 15,000 15,000	D Forested Buffer	Lot Area (sf) - - - - -	Appro Disturbed Area (sf) - - - -	ved Developed Area (sf) - - - - - 60,000	Impervious Area - - - 6 60 5
tes: 1) Lots 5 and 54 have a greater disturbed area to Lot Number 41 42 43 44 25 - Phase 3 End User TOTAL (NON LINEAR - SF) RUNNING TOTAL (CF) BUFFER CAPACITY (CF)	Lot Area (sf) 39,200 40,000 40,000	Original	Lots Tributary to Design Developed Area (sf) 15,000 15,000 15,000 60,000	D Forested Buffer	Lot Area (sf) - - - - -	Appro Disturbed Area (sf) - - - -	ved Developed Area (sf) - - - - - 60,000	Impervious Area - - - 6 6 6 5
tes: 1) Lots 5 and 54 have a greater disturbed area to Lot Number 41 42 43 44 25 - Phase 3 End User TOTAL (NON LINEAR - SF) RUNNING TOTAL (CF) BUFFER CAPACITY (CF)	Lot Area (sf) 39,200 40,000 40,000	Disturbed Area (sf)	Lots Tributary to Developed Area (sf) 15,000 15,000 15,000 60,000	D Forested Buffer	Lot Area (sf) - - - - -	Appro Disturbed Area (sf) - - - -	ved Developed Area (sf) - - - 60,000 60,000	Impervious Area - - - 6(60 5
tes: 1) Lots 5 and 54 have a greater disturbed area t Lot Number 41 42 43 44 25 - Phase 3 End User TOTAL (NON LINEAR - SF) RUNNING TOTAL (CF) BUFFER CAPACITY (CF) REMAINING CAPACITY (SF)	Lot Area (sf) 39,200 40,000 40,000 40,000	Original Disturbed Area (sf)	Lots Tributary to Design Developed Area (sf) 15,000 15,000 15,000 60,000 Lots Tributary to Design	D Forested Buffer	Lot Area (sf) - - - - 1,071,576	Appro	ved Developed Area (sf) - - - 60,000 60,000 ved	Impervious Area - - - 6 60 5 5 5
Lot Number 41 42 43 44 25 - Phase 3 End User TOTAL (NON LINEAR - SF) RUNNING TOTAL (CF) BUFFER CAPACITY (CF) REMAINING CAPACITY (SF) Lot Number	Lot Area (sf) 39,200 40,000 40,000 40,000 100 100 100 100 100 100 100 100 10	Disturbed Area (sf)	Lots Tributary to Developed Area (sf) 15,000 15,000 15,000 60,000	D Forested Buffer	Lot Area (sf) - - - - - - - - - - - - - - - - - - -	Appro Disturbed Area (sf) - - - -	ved Developed Area (sf) - - - 60,000 60,000	Impervious Area - - - 6 60 5 5 5
Lot Number 41 42 43 44 25 - Phase 3 End User TOTAL (NON LINEAR - SF) RUNNING TOTAL (CF) BUFFER CAPACITY (CF) REMAINING CAPACITY (SF) Lot Number 16	Lot Area (sf) 39,200 40,000 40,000 40,000 Lot Area (sf) 40,000	Original Disturbed Area (sf)	Lots Tributary to Developed Area (sf) 15,000 15,000 15,000 60,000 60,000 Lots Tributary of Developed Area (sf)	D Forested Buffer Impervious Area (sf) 15,000 15,000 15,000 60,00	Lot Area (sf) 1,071,576 Lot Area (sf)	Appro	ved Developed Area (sf) - - - 60,000 60,000 ved	Impervious Area - - - - 60 60 5 5 5
Lot Number 41 42 43 44 25 - Phase 3 End User TOTAL (NON LINEAR - SF) RUNNING TOTAL (CF) BUFFER CAPACITY (CF) REMAINING CAPACITY (SF) Lot Number 16 17	Lot Area (sf) 39,200 40,000 40,000 40,000 100 100 100 100 100 100 100	Original Disturbed Area (sf)	Lots Tributary to Developed Area (sf) 15,000 15,000 15,000 60,000 60,000 Lots Tributary of Developed Area (sf) 38,000	D Forested Buffer Impervious Area (sf) 15,000 15,000 15,000 60,000 60,000 60,000 15,00	Lot Area (sf) - - - - - - - - - - - - - - - - - - -	Appro Disturbed Area (sf)	ved Developed Area (sf) - - - 60,000 60,000 ved Developed Area (sf) -	Impervious Area 6 60 5 5 5 1 Impervious Area
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tes: 1) Lots 5 and 54 have a greater disturbed area to Lot Number 41 42 43 44 25 - Phase 3 End User TOTAL (NON LINEAR - SF) RUNNING TOTAL (CF) BUFFER CAPACITY (CF) REMAINING CAPACITY (SF) Comparison Lot Number 16 17 18 19 21 22 25 - Phase 3 End User Wet Pond 2A TOTAL (NON LINEAR - SF) RUNNING TOTAL (CF)	Lot Area (sf) 39,200 40,000 40,000 40,000 40,000 Lot Area (sf) 40,000 40,000 40,000 40,000 40,000	Original Disturbed Area (sf) Disturbed Area (sf) Disturbed Area (sf) 40,000 40,000 40,000 40,000 40,000	Lots Tributary to Design Developed Area (sf) 15,000 15,000 60,000 60,000 C C C C C C C C C C C C C C C C C	Forested Buffer Impervious Area (sf) 15,000 15,000 15,000 15,000 60,000 60,000 15,000 15,000 15,000 15,000 15,000 60,000 10,000 10,000 10,000 10,000 32,000 32,000 32,000 32,000 32,000 32,000	Lot Area (sf)	Appro Disturbed Area (sf)	ved Developed Area (sf) - - - - - - - - - - - - -	Impervious Area - - - - - - - 60 60 60 5 5 5 5 5 5 5 5 5 5 5 - - - - - - - -
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			Lots Tributary	to Wet Pond 2B				
		Original	Design			Actual I	2-8-21	
Lot Number	Lot Area (sf)	Disturbed Area (sf)	Developed Area (sf)	Impervious Area (sf)	Lot Area (sf)	Disturbed Area (sf)	Developed Area (sf)	Impervious Area (sf)
20	40,310	39,457	37,484	31,566	-	-	-	-
23	40,000	40,000	38,000	32,000	-	-	-	-
24	40,000	40,000	38,000	32,000	-	-	-	-
36	40,000	40,000	38,000	32,000	-	-	-	-
37	40,000	40,000	38,000	32,000	-	-	-	-
38	40,000	32,523	30,897	26,018	-	-	-	-
39	40,000	40,000	38,000	32,000	-	-	-	-
40	39,800	39,800	37,810	31,840	-	-	-	-
45	40,000	40,000	38,000	32,000	-	-	-	-
41	39,200	39,200	22,240	16,360	-	-	-	-
42	40,000	40,000	23,000	17,000	-	-	-	-
43	40,000	40,000	23,000	17,000	-	-	-	-
44	40,000	40,000	23,000	17,000	-	-	-	-
25 - Idexx					1,071,576	479,019	376,033	295,111
25 - Idexx - Reserve Future Parking						11,961	11,961	11,961
50' Private Right of Way					20,000	20,000	19,000	16,000
Wet Pond 2B		66,030	66,030	-		-	66,030	-
TOTAL (NON LINEAR - SF)		577,010	491,461	348,784		510,980	473,024	323,072
RUNNING TOTAL (CF)								31,921
VOLUME FOR LINEAR TREATMENT								
(ROADWAYS) (CF)								3,630
SUBTOTAL								35,551
POND CAPACITY (CF)								37,791
REMAINING CAPACITY (CF)								2,240
			Untreated Non-Li	near Development				
		Original	Design			Appro	oved	
	Lot Area (sf)	Disturbed Area (sf)	Developed Area (sf)	Impervious Area (sf)	Lot Area (sf)	Disturbed Area (sf)	Developed Area (sf)	Impervious Area (sf)
Pump Station Development		2,000	2,000	1,750		2,000	2,000	1,750
Trail System		17,192	17,192	-		17,192	17,192	-
Scarborough Downs Road		110,254	110,254	84,540		110,254	110,254	84,540
TOTAL		129,446	129,446	86,290		129,446	129,446	86,290



	COMMON NAME	QTY.	SIZE	SPACING
	RED MAPLE	05	2.5" CAL. MIN.	PER PLAN
	BLACK TUPELO	03	2.5" CAL. MIN.	PER PLAN
	EASTERN WHITE PINE	10	8-10'	PER PLAN
'PINK FLAIR'	FLOWERING CHERRY	03	2.5" CAL. MIN.	PER PLAN
'LONG' *	REGAL PRINCE OAK*	07	2.5" CAL. MIN.	PER PLAN
FOR REGAL PRINCE O TIVAR DUE TO SPACE	AK INCLUDE: QUERCUS BICOLOR 'BEACON' OR QUEF CONSTRAINTS.)	CUS ROB	X ALBA 'STREETSPIRE' -	
	RED TWIG DOGWOOD	146	3#	PER PLAN
NIS 'BLUEBERRY	COMMON JUNIPER (Amidak)	25	2#	PER PLAN

RU RUDBECKIA 'AMERICAN GOLD RUSH' BLACK-EYED SUSAN PER PLAN 90 1# SS SCHIZACHYRIUM SCOPARIUM LITTLE BLUESTEM PER PLAN 120 1#

LAWN (SEED MIX) (WILDFLOWER FARM'S ECO-LAWN GRASS SEED)

ECO-LAWN IS A DROUGHT-RESISTANT GRASS THAT REQUIRES MOWING ONLY ONCE PER MONTH. EACH 5 POUND BAG OF SEED COVERS 1,000 SQUARE FEET. A THICK HEALTHY LAWN IS THE BEST DEFENCE AGAINST WEEDS, DISEASE, DROUGHT AND INSECT DAMAGE.

<u>NEW ENGLAND SHOWY WILDFLOWER MIX</u> (BY NEW ENGLAND WETLAND PLANTS INC.)

THE NEW ENGLAND SHOWY WILDFLOWER MIX INCLUDES A SELECTION OF NATIVE WILDFLOWERS AND GRASSES THAT WILL MATURE INTO A COLORFUL AND VIBRANT NATIVE MEADOW. IT IS APPROPRIATE SEED MIX FOR ROADSIDES, COMMERCIAL LANDSCAPING, PARKS, GOLF COURSES, AND INDUSTRIAL SITES. ALWAYS APPLY ON CLEAN BARE SOIL. COMMERCIAL LANDSCAPING, PARKS, GUT CUORSES, AND INUOS INILE SITES. ACWARS APPLY ON CEAN BARE SOIL. THE MIX MAY BE APPLIED BY MECHANICAL SPREADER, OR ON SMALL SITES IT CAN BE SPREAD BY HAND. LIGHTLY RAKE, OR ROLL TO ENSURE PROPER SEED TO SOIL CONTACT. BEST RESULTS ARE OBTAINED WITH A SPRING OR LATE FALL DORMANT SEEDING. LATE SPRING AND EARLY SUMMER SEEDING WILL BENEFIT WITH A LIGHT MULCHING OF WEED FREE STRAW TO CONSERVE MOISTURE. IF CONTINUS ARE DRIER THAN USUL, WATERING MAY BE REQUIRED. LATE FALL AND WINTER DORMANT SEEDING REQUIRE AN INCREASE IN THE SEEDING RATE. FERTILIZATION IS NOT REQUIRED UNLESS THE SOILS ARE PARTICULARLY INFERTILE. PREPARATION OF A CLEAN WEED FREE SEED BED IS NECESSARY FOR OPTIMAL RESULTS.

> 10 20

ACETO LANDSCAPE ARCHITECTS 207 221 3390 ACETOLA.COM

ME LOT 51 DRP SCARBOROUGH, I

PROJECT TITLE

DPR, LLC 6 WASHINGTON AVE SCARBOROUGH, ME

RESPONSE TO TOWN RESPONSE TO TOWN 04/12/21 04/28/21 PRICING SE 11/10/21 PERMIT SE

SITE PLAN REVIEW

ISSUE DATE

FEBRUARY 22, 2020

LANDSCAPE PLAN



Item #10

Dunstan Tap & Table requests to amend the Dunstan Village Master Plan approved by the Planning Board in August of 2015. The amendments reflect updated parking calculations and building footprint area proposed to be added to Dunstan Tap & Table located at 6 Stewart Drive.

<u>KEY TO SITE P</u> A. RESTAURAI		ROY									
B. RETAIL/ SHO	OPS 2-S										
C. RETAIL 1ST OFFICE 2ND											
D. RETAIL DR	VE THR	U 1ST FL						1			
OFFICE 2ND E. RETAIL 1ST								1			
RESIDENTIA		FL						1			
. OPEN PAVIL 6. RETAIL 1ST								Ì.			
OFFICE 2ND 1-4 TOWN HS									wWw.2		·
(2 STORIES)									AM THINK		
-5 GARDEN A (3 STORIES)									AND WE		
								١.	WINTERNE	1	
-G. PARKING									Shine 1/2		
. VILLAGE CE			C						AND AND		
OPEN SPACE								ì	The way		
. VILLAGE CE STONE WALL		김 전에서 영상에 가지 않는 것이 같이 안 없는 것이 없는 것이 없다. 전 것이 없는 것이 없다. 것이 없는 것이 없 않이	영상 이 방법은 영상에 가지 않는 것 같은 것 같은 것 같은 것 같이 많다.					1			
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ONING SUMM		LLAGE CEN	TER DIST								
ENSITY CALC	C.								M. Mar	((15)
38,649 SF (7.7 EDUCTIONS	(/ AC) G	RUSS LOT	AREA ±						1		
28,796 SF RIG											3
8 <u>0,988</u> SF 10% 78,892 NET A		JK KUADS (∝ PARKING								
ESIDENTIAL I	DENSITY	Y									~
MAX BASE 5	DU/ NR/	A 6.4NRA X	5 = 32DU								
. TRANSFER			6= 38DU								
MAX ALLOW	/ BY P B	D (NEGOT I A								2 miles	
5+3 6.4 NRA X									1	MARAN	
ESIDENTIAL			-4					•	10 M	ALL THE	
4 EA BLDGS	S E&G 2	ND FLOOR					IDUOUS AN N SHRUBS /	D AND TREES	5	AN PARA	
6 GARDEN AF 6 DU TOTAL			12 UNITS	IF NOT						THE	(5)
2 DU TOTAL I		NON	AGE-RES	STRICTED)						E Sh	
OT COVERAG											NWW I
BUILDINGS 50	%	CARE NAME REPORTS									m
38,649 X .5 = 40,636SF PRC			ED								
OT COVERAG	SE 850/										
338,649 X .85 =	= 287,85		/ED								······································
40,636 SF BUI 30,988 SF (109			(NRA)								(7)
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<u>11,835 SF</u> WA 62,359 SF± PF	ROPÓSE	ED (ORDER	OF							Ì	
AGNITUDE) 2	287,8515	SF± ALLOWE		E PROGRAM	A (6)				1		
Bullding Is	t Floor SF	2nd Floor SF	Total SF	Parking Ratio		Parking Proposed	Location	Running Balance			
estaurant	4,000 2,592		4,000		30-44*	44	(63) A	19			
etail/ Shop etail-Office	5,040	0 5,040	10,080		11 41	11 41	A (59) A,B&C	8			i
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total		3,800	4 Units@850 42,640	1	6 142-156	6 156	G	14	-		ì
dentla 3 DU Twn Hse	1,800	1,800		T	6	6	(Δ 22) D	16		7	
2 3 DU Twn Hse	1,800	1,800	3,600		6	6	D	10	-		NMM
3 3 DU Twn Hse 4 3 DU Twn Hse	1,800 1,800	1,800	10 P.O. S.		6	6	(Δ 14) G G	8		7	ALL
5 Garden Apts (1) total	8,948 16,148				54 78	54 78	D,E,& F	0			
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	Spaces 63	Building Served			+				-		
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Lot-C Lot-D	28 34	E, H-1-H2									Ì
Lot-E DROP-OFF	21 4	and the second se							-		
Lot-F Lot-G	20 35	H-5			+				-		
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On-street W On-street E	16 9	D, E							-		
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al	265				220-234**				-		
	loulation (7a	ning Section XI 0	ff street Parking		Parking Req'd				1		
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le/ Booth Seats	iculation (20	72 Seats 11 Seats	@ 4 seats	s / space ts/ spcae	18				-		
estaurant Parking Cal ble/ Booth Seats r Seats iting area aff		72 Seats	@ 4 seat: @ 2 seat @ 60 st		18 6 2				-		

@ 4 seats / space

45 Seats

Total parking demand does not include consideration for shared parking and *Assumes 2-spaces per DU. If DU's <2 bedrms, only 1.5 sp per DU required

2 Staff assumed for Pavillion. Parking ratio for Res. Units may vary based on

Building A 44 spaces required; can use all of Lot A (63 spaces) after 5:30 and 8 on-street spaces available any time. 10 on-street spaces available all day at town

Outdoor Ding

green, 2 used for Pavilion staff (I).



DETERMINED WITH UPDATED TRAFFIC STUDY AND PERMITTING

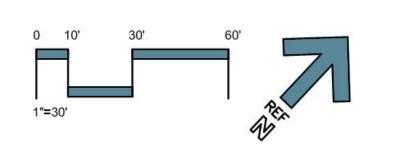
US ROUTE 1

DUNSTAN VILLAGE CONCEPT MASTER PLAN

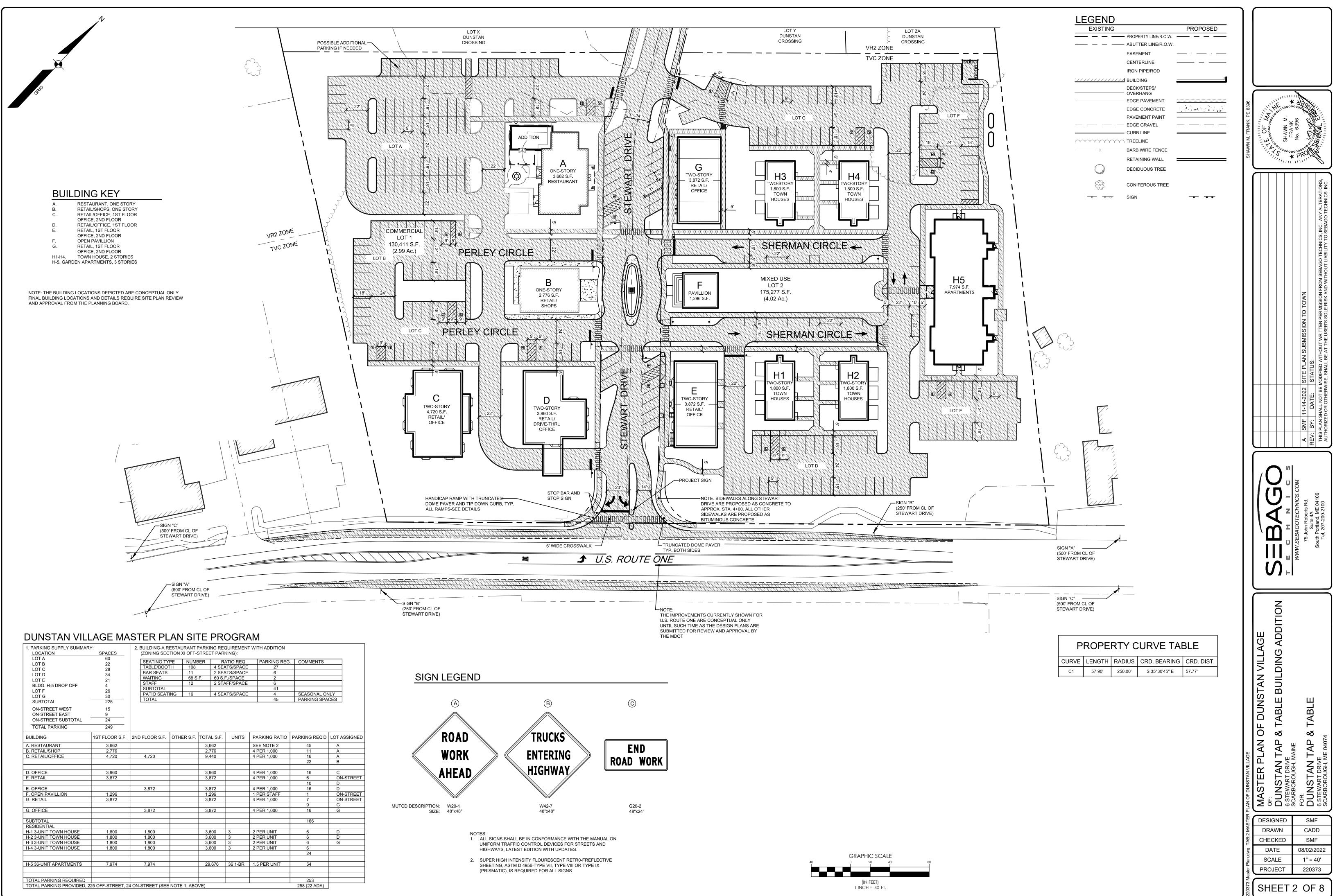
Stewart Drive Scarborough, Maine Sept. 02,2015

LANDSCAPING, MIXED EVERGREEN AND DECIDUOUS SHRUBS AND TREES OF MIXED HEIGHTS AND SPECIES









ltem #11

Dunstan Tap & Table requests a site plan amendment to add a 1,008 square foot addition to the existing restaurant. The addition would be located at the rear of the structure and occupy part of the area currently used for outdoor dining, enclosing a portion of the seating area. The property is located at 6 Stewart Drive and further identified as Assessor's Map U30, Lot 1603.



CIVIL ENGINEERING - SURVEYING - LANDSCAPE ARCHITECTURE

Town of Scarborough AMENDED SITE PLAN APPLICATION

For:

Dunstan Tap and Table Building Addition

6 Stewart Drive Scarborough, Maine 04074

Prepared for

Dunstan Tap & Table 6 Stewart Dive Scarborough, ME 04074

Prepared by Sebago Technics, Inc. 75 John Roberts Road South Portland, Maine 04106

November 2022

220373



November 14, 2022 220373

Eric Sanderson, Assistant Town Planner Town of Scarborough P.O. Box 360 Scarborough, ME 04074

Amended Site Plan Application, Dunstan Tap & Table Building Addition 6 Stewart Drive, Tax Map U-30, Lot 1603, Dunstan Tap & Table

Dear Eric:

On behalf of Dunstan Tap & Table, we are pleased to submit the enclosed plans, exhibits and application for an Amended Site Plan Application to the Dunstan Tap & Table Restaurant in the Dunstan Village development located at 6 Stewart Drive. The original site plan for the restaurant was approved by the Scarborough Planning Board at their meeting on December 12, 2016 and was constructed in 2017. The owners of the restaurant, Craig James 13, LLC propose to expand their indoor dining area by approximately 1008 square feet to the rear of the existing building to enclose a portion of the patio area that currently provides seasonal, outside dining.

The enclosed plan set includes an updated Master Plan for Dunstan Village which shows the proposed building expansion along with the parking calculation for the existing and proposed buildings within the development. Besides the Tap & Table Restaurant, other site plans have been approved and buildings constructed for Four Stewart Drive, a hair salon and office building, the residential buildings H-1 thru H-5, and the recently approved 5 Stewart Drive physical therapy and office building currently under construction. As shown on the Existing Conditions Plan of Dunstan Village, the parking areas and access drives associated with those approved site plans have been constructed along with the main roadway, Stewart Drive, including the utility and drainage infrastructure.

The plan set shows additional parking that may be installed by the applicant if the need arises upon the complete build-out of Dunstan Village. Based upon the parking calculation contained on the Master Plan, sufficient parking currently exists for the expanded restaurant seating, as well as the remaining buildings to be constructed. Based upon their past experience operating the facility, the applicant is comfortable that adequate parking exists in the near term, but want to be sure that plans are in place to provide additional parking if needed. As such, the plan set depicts an additional 18 parking spaces that can be constructed along the northerly edge of the existing parking that can occur with the relocation of a few existing trees and some minor site work to install the pavement section. Also included within the plan set are the architectural plans of the proposed building including a floor plan and elevations.

A traffic memo is included in regards to the additional traffic associated with this building addition including the associated impact fee calculation. The Dunstan Crossing development recently received an updated Traffic Movement Permit from the Maine Department of Transportation which includes improvements at the Stewart Drive and Route One intersection. No additional impacts are anticipated to off-site traffic in association with the proposed building addition.

Stormwater management was an important design element of the overall development based upon the location of the site within the Philip's Brook Watershed. The design of the Dunstan Village stormwater included two wet ponds to treat and detain the stormwater runoff from this site as well as portions of the subdivision. These two ponds have been constructed and the infrastructure installed to allow for the construction of this site. The proposed additional parking area, if constructed, adds only 0.07 acres of new impervious area to Wet Pond P60, and the pond has reserve capacity for 1.90 acres of additional impervious area. The future parking is designed to direct runoff to the two existing catch basins which are connected with storm drains to transport the runoff to Stewart Drive and into Wet Pond P60 for treatment and detention. The existing building includes an underdrain perforated storm drain to collect the roof runoff to be infiltrated back into the ground to recharge the groundwater. This system will need to be modified to accommodate the proposed addition as shown on the plan, however, the addition will connect to the previously installed perforated pipe and yard drains along the perimeter of the building to promote infiltration of the runoff to the extent possible, with an overflow pipe connected to the storm drain system for larger storm events.

We are hopeful that we have provided sufficient information to allow the site plan to be reviewed and look forward to presenting the plan to the Planning Board at their next regularly scheduled meeting. Upon your review of this application, please call with any questions or if you require additional information. Thank you for your consideration.

Sincerely,

SEBAGO TECHNICS, INC.

Show M Park

Shawn M. Frank, P.E. Senior Project Manager

SMF: Enc.

cc: Craig James 13, LLC

TOWN OF SCARBOROUGH, MAINE

Planning Board Application Form

All applications submitted for consideration by the Planning Board shall include:

u submission materials (see relevant submission checklists and/or ordinance requirements)

Project Name: Dunstan Tap and Table Building Addition Project Type: Amend	ded Site Plan
Project Location (physical address) 6 Stewart Drive	
Assessors Map & Lot Number: U30, 1603	Zoning District: TVC
Applicant Dunstan Tap & Table Phone: 207.776.	8675 E-mail:jen@dunstantapandtable.com
Mailing Address: 6 Stewart Drive, Scarborough, ME 040	74
Evidence of standing?	sales contract 🔲 Other
Property Owner Craig James 13, LLC Phone 207-77 Mailing Address 6 Stewart Drive, Scarborough, ME 04074	
Consultant/Agent: Sebago Technics c/o Shawn FrankPhone: 207-2 Mailing Address: 75 John Roberts Rd, South Portland, ME 04106	
Billing Contact Information Name: Dunstan Tap & Table Phone: 207.776.8675 E-r Address 6 Stewart Drive, Scarborough, ME 04074	mail:jen@dunstantapandtable.com

Application Authorization

I hereby make application to the Town of Scarborough for the above-referenced property(ies) and the development as described. The Town of Scarborough Planning Board and/or town employees are authorized to enter the property(ies) for purposes of reviewing this proposal and for inspecting improvements as a result of an approval of this proposal.

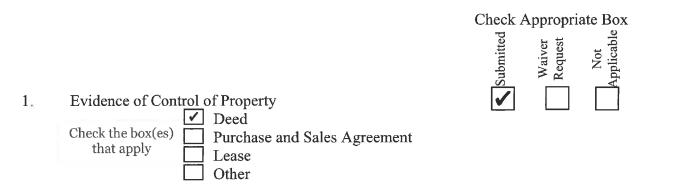
Signed:		Date:	11.4.22
Printed name: Jonnifer Brener	man, Owner/General Manager		
Please identify yourself (che	ck one): Agent*Applica	ant/Property Owner	1
*(If you are an agent, written	authorization must be attached to	o this form.)	
	authorization must be attached to	o this form.)	
*(If you are an agent, written For Official Use: Application Fee	a authorization must be attached to Electronic File	o this form.) 15 Copies	
For Official Use:		S. S. L. S. S.	

Page 1 of 1 Revision Date: May 2017

Town of Scarborough, Maíne

SITE PLAN REVIEW CHECKLIST

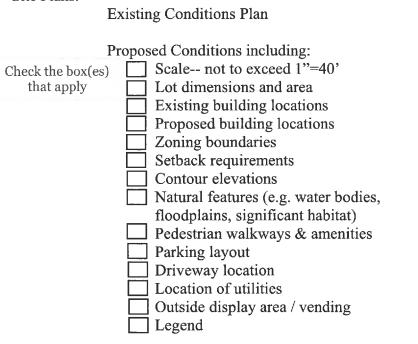
The applicant must prepare this check list and include it with the site plan application submission to the Planning Board. This checklist is intended to be a guide for use by the applicant in preparation of the Site Plan Application. The preparation of this checklist should not be a substitute for a thorough review of the Town of Scarborough Site Plan and other applicable ordinances.



2. Written narrative of project

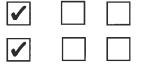
(At a minimum this will include a description of the intended uses of the property; a description of the existing site conditions; exiting zoning; tabulation of the number of required parking spaces; any special exceptions or permits required; on and off site improvements; description of traffic impacts; stormwater management)

3. Site Plans:



4. Locus Map

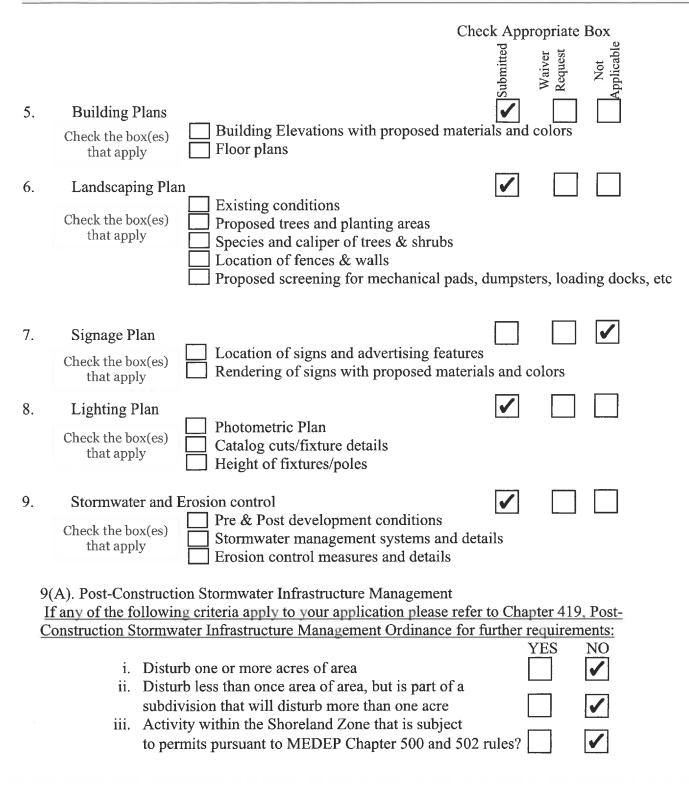
Showing relationship of project to the surrounding area at a scale no greater than 1''=2,000



Page 1 of 3

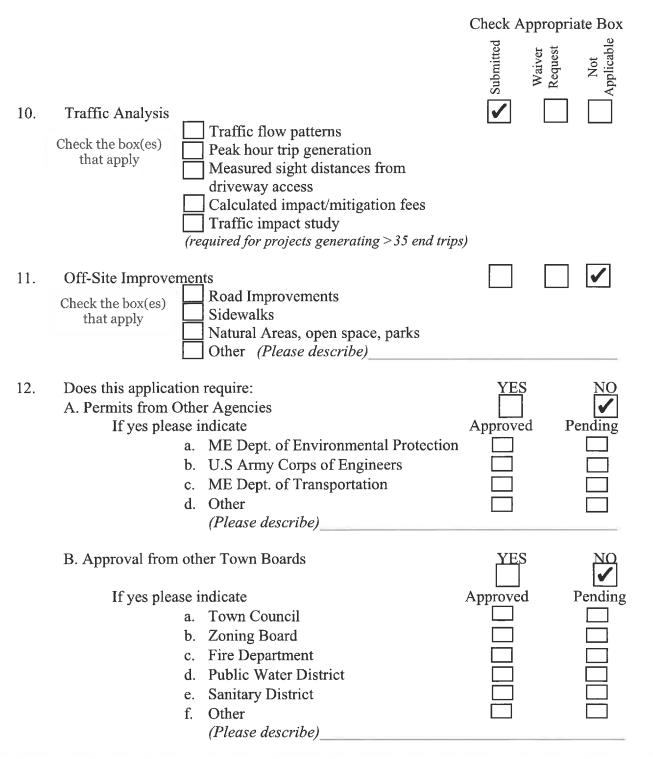
Town of Scarborough, Maine

SITE PLAN REVIEW CHECKLIST



Town of Scarborough, Maíne

SITE PLAN REVIEW CHECKLIST



*Waiver request(s) shall be accompanied by written justification.

U029007B NKS GROUP LLC 723 US ONE LLC PO BOX 6991 SCARBOROUGH, ME 04070

U0301701 DUNSTAN PROPERTIES LLC 1022 PORTLAND RD SACO, ME 04072

U030020A 695 SUMAC LLC C/O MACISSO 697 US ROUTE 1 SCARBOROUGH, ME 04074

U030015 CAIAZZO, STEPHEN J CAIAZZO, LAURIE J 700 US ROUTE 1, UNIT 5 SCARBOROUGH, ME 04074

U0301603 CRAIG JAMES 13 LLC 6 STEWART DR SCARBOROUGH, ME 04074

U029016 LEWIS, ERIC GABRIEL 9 QUEENS DR SCARBOROUGH, ME 04074

U029011 ELLIS, HAROLD E & JUDITH M 8 QUEENS DR SCARBOROUGH, ME 04074

U029009 MURDOCK, CRAIG S RICO, BARBARA M 4 QUEENS DR SCARBOROUGH, ME 04074 U030002W CHAMBERLAIN CONSTRUCTION INC 1022 PORTLAND RD SACO, ME 04072

U0301702 DUNSTAN VILLAGE TOWNHOMES LLC 405 WESTERN AVE STE 517 SOUTH PORTLAND, ME 04106

U030019 MACISSO, MARTIN F & SUSAN G 697 US ROUTE 1 SCARBOROUGH, ME 04074

> U029008 PROPERTY 717 LLC PO BOX 971 PORTLAND, ME 04104

U029018 COFFIN, GARY R & NANCY E PO BOX 44 SCARBOROUGH, ME 04070

U029015 MILLER, GARY A MILLER, MARY B 11 QUEENS DR SCARBOROUGH, ME 04074

U029012 DOE, DAVID 10 QUEENS DR SCARBOROUGH, ME 04074 U029013 COOLIDGE, MARIBETH A 12 QUEENS DR SCARBOROUGH, ME 04074

U0301704 BURNHAM BROOKSIDE LLC PO BOX 2087 SCARBOROUGH, ME 04070

U029001 LARY, RALPH L III 13513 RIVER RD POTOMAC , MD 20854

U029008A COACH INVESTMENTS LLC 715 US ROUTE 1 SCARBOROUGH, ME 04074

U029017 RODINO, LISA PELLETIER, FRAN 7 QUEENS DR SCARBOROUGH, ME 04074

U029014 LABERGE, ROBERT & CECELIA 13 QUEENS DR SCARBOROUGH, ME 04074

U029010 SULLIVAN, MICHAEL P SULLIVAN, PATRICIA 6 QUEENS DR SCARBOROUGH, ME 04074

<u>Exhibit 4</u> 500'r Abutter List

Cover Letter Application Form Checklist 500'r Abutter List	
Exhibit 1	Right, Title, or Interest
Exhibit 2	Written Narrative – See Cover Letter
Exhibit 3	Site Plans: Appended
Exhibit 4	Location Maps
Exhibit 5	Building Plans: Appended
Exhibit 6	Landscape Plan: Appended
Exhibit 7	Signage Plan: Not Applicable
Exhibit 8	Lighting
Exhibit 9	Stormwater and Erosion Control
Exhibit 10	Traffic

Right, Title, or Interest

Exhibit 1: Title, Right, or Interest

The proposed project site is owned by Craig James 13 LLC, as recorded at the Cumberland County Registry of Deeds in Book 39345, Page 59. A copy of the deed is included in this section.

QUITCLAIM DEED with Covenant DLN# 1002240189885

DUNSTAN PROPERTIES, LLC, a Maine limited liability company with a mailing address of 1022 Portland Road, Saco, Maine 04072 ("Grantor") for consideration paid grants to **CRAIG JAMES 13, LLC.**, a Maine corporation with a mailing address of 6 Stewart Drive, Scarborough, Maine 04074 ("Grantee) with Quitclaim Covenant, a parcel of land, with any and all buildings and improvements thereon and all appurtenances thereto, situated in the Town of Scarborough, County of Cumberland and State of Maine, all as more particularly described as follows:

Unit A of the Dunstan Village Condominium, situated in the Town of Scarborough, County of Cumberland and State of Maine, together with its associated limited common elements and such Unit's allocated undivided interest in the Common Elements as set forth in the Declaration of Dunstan Village Condominium dated May 30, 2017 and recorded in the Cumberland County Registry of Deeds in Book 34042, Page 149, as amended by a First Amendment to Declaration of Dunstan Village Condominium dated of even or similar date herewith and to be recorded prior hereto in said Registry of Deeds, and as shown on the Condominium Plat ("Plat"), which is recorded in the Cumberland County Registry of Deeds in Plan Book 217, Page 197, as amended by First Amended Condominium Plat recorded in said Registry of Deeds in Plan Book 217, Page 505.

IN WITNESS WHEREOF, Dunstan Properties, LLC has caused this instrument to be executed this 14th day of April, 2022.

DUNSTAN PROPERTIES, LLC

R. Elliott Chamberlain Its: Authorized Member

State of Maine Cumberland (county)

Witness

April 14, 2022

Personally appeared the above-named R. Elliott Chamberlain, Authorized Member of Dunstan Properties, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Dunstan Properties, LLC. Before me,

Totary Public Attorney-at-Law Printed Name JEROME J. GAMACHE

Notary Public, State of Maine My Commission Expires June 23, 2027

Written Narrative – See Cover Letter

Exhibit 2: Project Narrative

Please see the cover letter included in this submittal for a full project description.

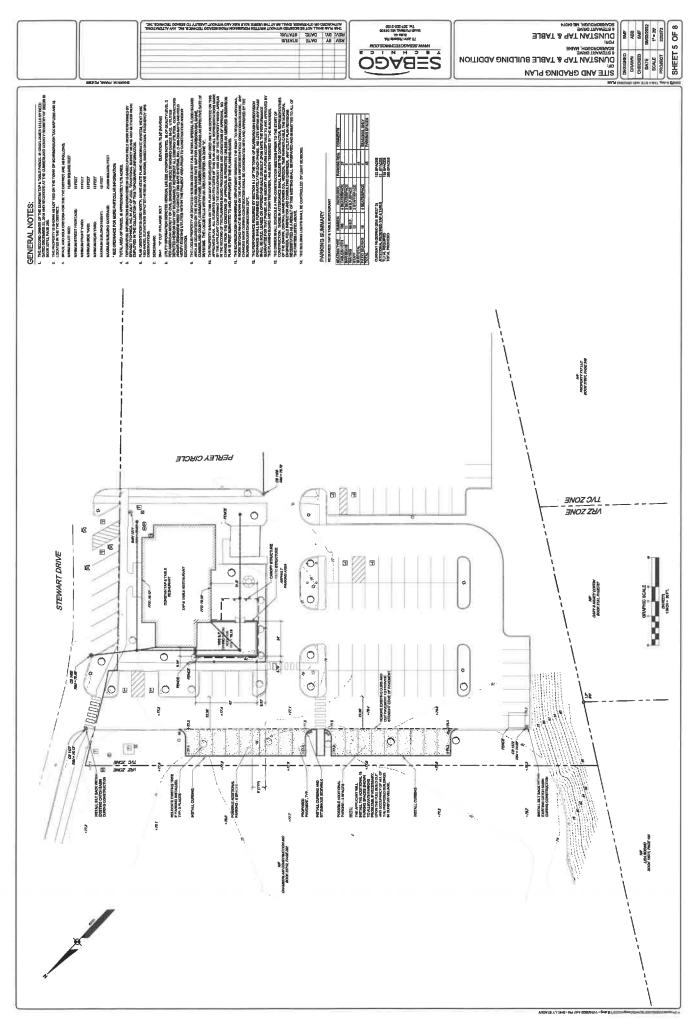
The property is located within Dunstan Village/Crossing within the Town and Village Centers District. The proposed bulding expansion will be constructed within the area of the existing outdoor patio area, as shown on the amended site plans. No change of use is proposed; the applicant seeks to enclose the majority of the existing patio to provide year-round seating capacity for the popular business. The potential additional parking area shown will only be expanded if needed in the future once the remainder of the proposed buildings within the Village are constructed and occupied and the applicant can ascertain if the additional parking is required to support the restaurant.

Site Plans Within Plan Set

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Exhibit 3: Site Plans

The site plans are appended to the application and included as part of the overall submittal package.



Location Maps

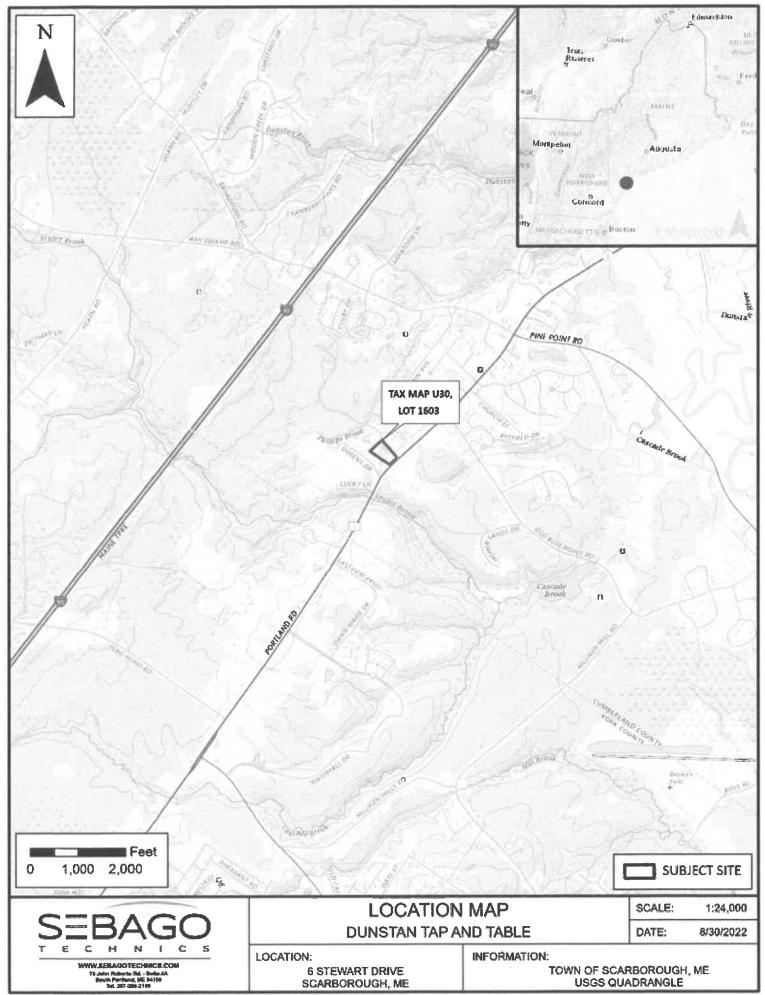
Exhibit 4: Location Maps

USGS Site Location The site location map showing the site vicinity is included in this section.

Assessor Map The proposed project is located at Dunstan Tap and Table restaurant in Dunstan Village at the intersection of Route 1 and Stewart Drive, Assessors Map U030 Lot 1603. Please see the Tax Map Exhibit in this section.

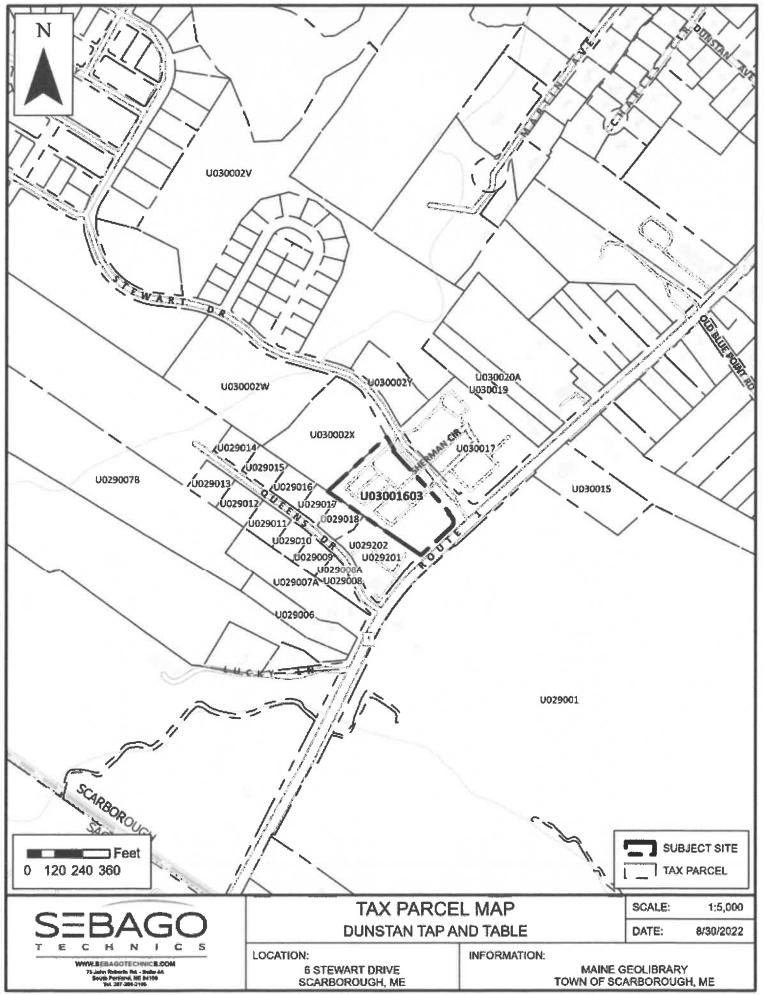
Zoning A Zoning Map Exhibit showing the site location within the Town and Village Centers district is included in this section.

Flood The proposed project is not located in a mapped flood zone, as shown on the enclosed FEMA FIRM exhibit depicting Community Panel Number 230052 0020 D, Panel 20 of 25, Scarborough, Maine.



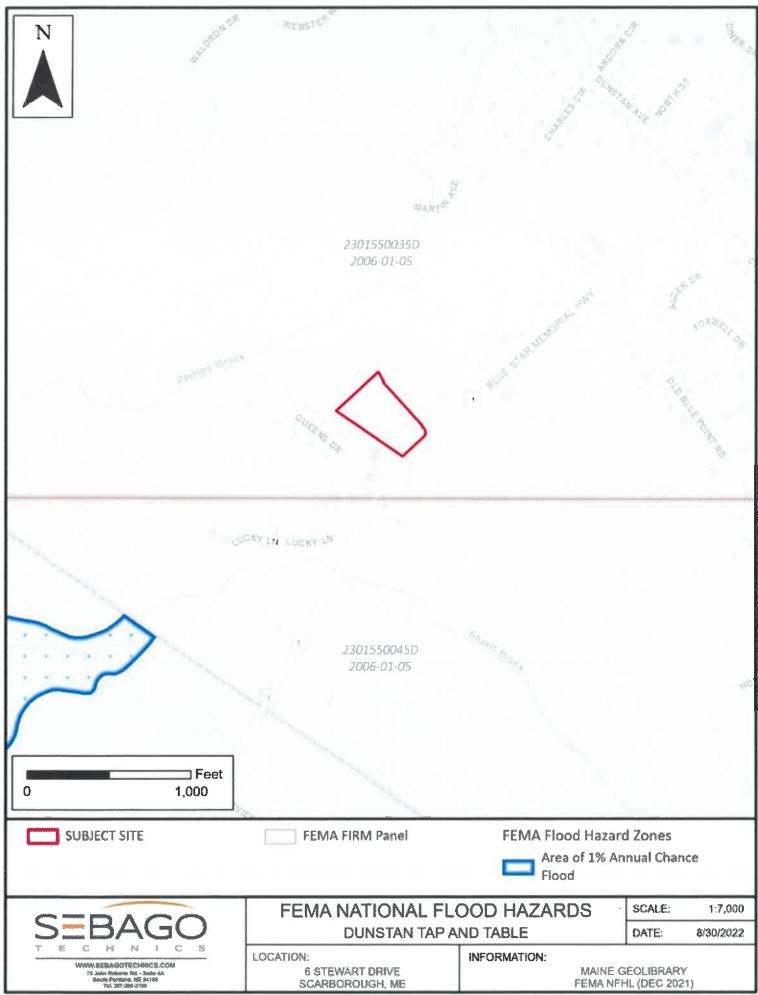
Location Map, 220373.aprx

Project Number: 220373



Tex Parcel Map, 220373 aprx

Project Number: 220373



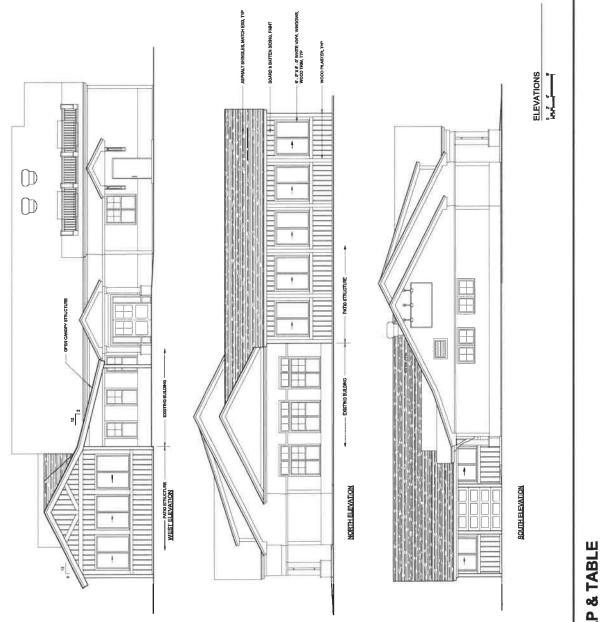
Floodplain Map, 220373.aprx

Project Number: 220373

Building Plans Within Plan Set

Exhibit 5: Building Plans

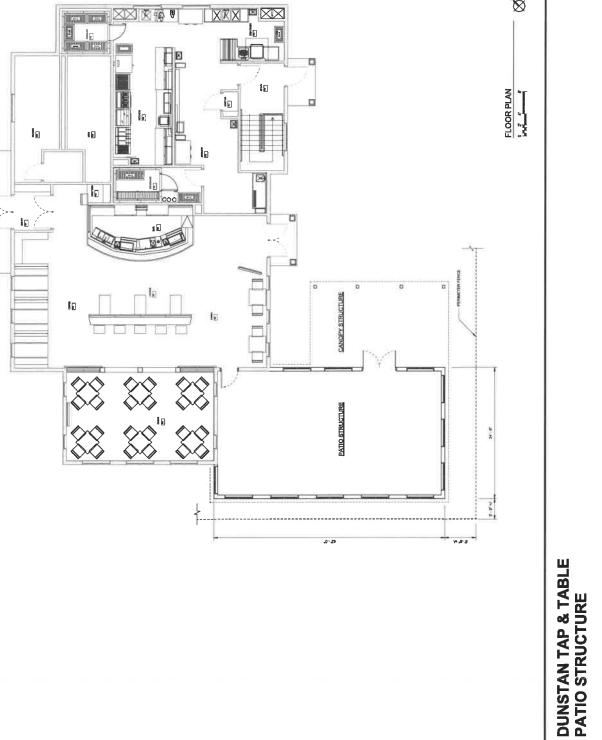
The architectural plans for the addition are included within the plan set.



DUNSTAN TAP & TABLE PATIO STRUCTURE

01/21/22

HARRIMAN



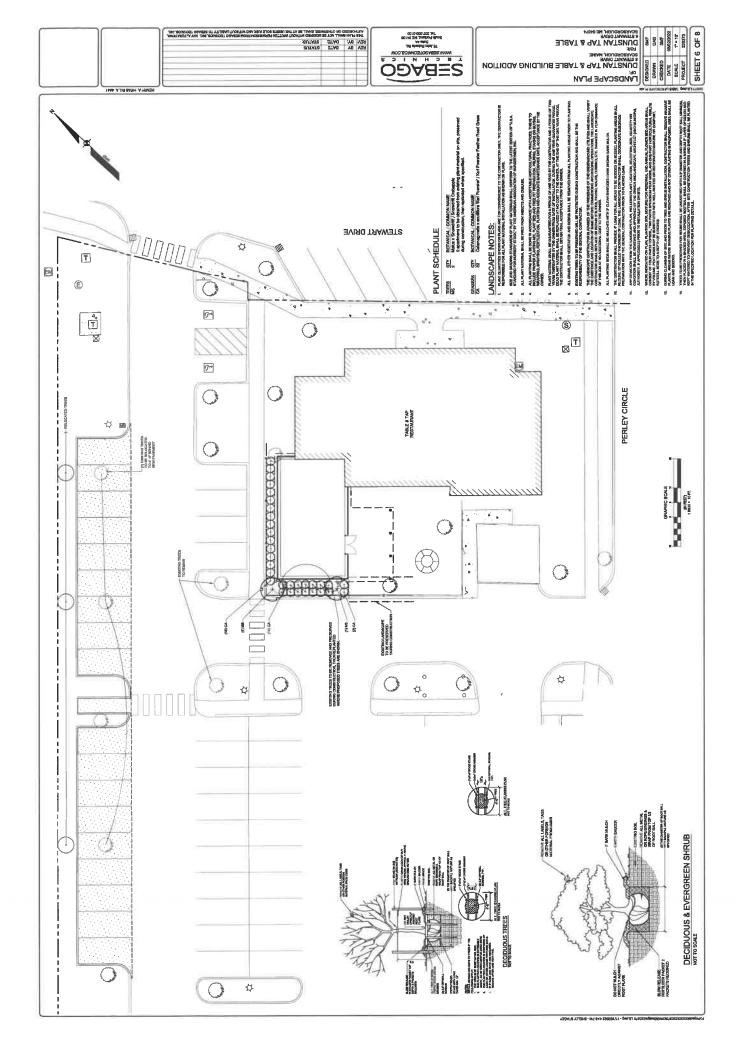
HARRIMAN

گ

Landscape Plan Within Plan Set

Exhibit 6: Landscape Plan

Limited additional plantings are proposed along the perimeter of the building addition as shown on the landscap plan within the plan set.



Signage Plan Not Applicable

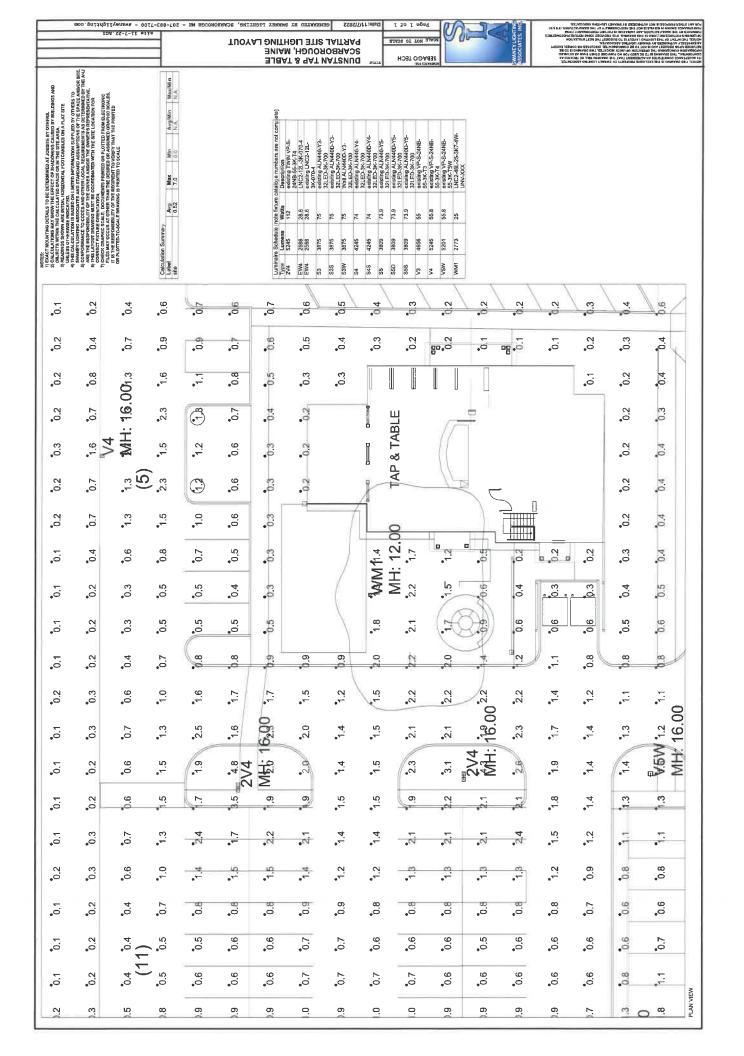
Exhibit 7: Signage

No new signage is proposed in association with the building addition.

Lighting Within Plan Set

Exhibit 8: Lighting

A lighting and photometric plan of the site prepared by Swaney Lighting is included and is within the plan set.





SMALL LED LITEPAK

FEATURES

- · 60% more lumens and increased performance than smaller LNC models
- 3000K, 4000K and 5000K as well as Amber
- Type II, III and IV distributions available for a variety of application needs
- · Quick-mount adapter allows easy installation/maintance
- 347V and 480V versions for industrial applications and Canada
- · Stock versions available for fast service
- Full cut-off, neighbor friendly
- · Optional photocontrol for additional energy savings



LOCATION:

DATE

TYPE:



CONTROL TECHNOLOGY



SPECIFICATIONS

CONSTRUCTION

- Rugged die-cast aluminum housing protects components and provides an architectural appearance
- · Casting thermally conducts LED heat to optimize performance and long life
- · Powder paint finish provides durability in outdoor environments. Tested to meet 1000 hour salt spray rating.

OPTICS

- Zero uplight distributions using individual acrylic Micro Strike Optics
- LED optics provide IES type III and IV distributions. Optional (CS) acrylic diffuser available for reduced glare
- Prismatic refractor lens provides ~10% uplight for increased vertical footcandles and forward light projection ideal for security lighting
- L96 at 60,000hrs (Projected per IESNA) TM-21-11), see table on page 3 for all values

INSTALLATION

- Quick-mount adapter provides easy installation to wall or to recessed junction boxes (4" square junction box)
- Designed for direct j-box mount.
- Optional 1/2" conduit hubs available (standard for control options and battery versions)

ELECTRICAL

- 120V-277V universal voltage 50/60Hz 0-10V dimming drivers
- 347V and 480V dimmable driver option available in 25W and 35W configurations
- Minimum operating temperature is -40°C/-40°F
- Drivers have greater than .90 power factor and less than 20% Total Harmonic Distortion
- Driver RoHS and IP66
- 10kA surge protector
- 3000K CCT nominal, 4000K CCT nominal, 5000K CCT nominal (70 CRi)

CONTROLS

- Universal button photocontrol for use with 120-277V configurations
- · Occupancy sensor options available for complete on/off and dimming control
- NX Lighting Controls[™] available with in fixture wireless control module, features dimming and occupancy sensor
- Integral Battery Backup provides emergency lighting for the required 90 minute path of egress
- Dual Driver and Dual Power Feed option for 18L-070 versions. Dual Driver option provides 2 drivers within luminaire but only one set of leads exiting the luminaire, where Dual Power Feed provides two drivers which can be wired independently as two sets of leads are extended from the luminaire.

CERTIFICATIONS

- Listed to UL1598 and CSAC22.2#250.0-24 for wet locations
- This product qualifies as a "designated" country construction material" per FAR 52.225-11 Buy American-Construction Materials under Trade Agreements effective 04/23/2020.

WARRANTY

5 year warranty

KEY DATA				
Lumen Range	1000-5600			
Wattage Range	10-45			
Efficacy Range (LPW)	108-124			
Fixture Projected Life (Hours)	L96>60K			
Weights lbs. (kg)	9.6 (24.5)			

Current

currentlighting.com/exo

© 2022 HLI Solutions, Inc. All rights reserved. Information and specifications subject to change without notice, All values are design or typical values when measured under laboratory conditions.

** +	XO
OUTDOOR	LIGHTING

LNC2 SMALL LED LITEPAK

ORDERING GUIDE

CATALOG #

ORDERING INFORMATION

	-			-	•		_			-		
Series		Light Eng	gine		CCT/0	CRI		Distr	ibution		Voltag	e
LNC2 Small LitePak LNC2		48L-10	1000 lumens		3K7	3000K, 70 CRI		3	Туре 3	1	UNV	120-277V
		48L-15	2000 lumens		4K7	4000K, 70 CRI		4W	Type 4 Wide		120	120V
		48L-20	2500 lumens		5K7	5000K, 70 CRI		FT	Forward Throw ⁸		208	208V
		48L-25	3500 lumens		AM	Amber					240	240V
		48L-35	4500 lumens								277	277V
		48L-45	5500 lumens								347	347V ⁷
		P15	15w Prismatic								480	480∨ 7
		P25	25w Prismatic				[
		P35	35w Prismatic									

Moun	ting	Finis	sh
Leave	blank for down	BLT	Black Matte Textured
NV	Inverted ³	BLS	Black Gloss Smooth
		DBT	Dark Bronze Matte Textured
		DBS	Dark Brone Gloss Smooth
		GTT	Graphite Matte Textured
		LGS	Light Grey Gloss Smooth
		PSS	Platinum Silver Smooth
		WH	White Matte Textured
		WHS	White Gloss Smooth
		VGT	Verde Green Textured
		Cold	or Option
		CC	Custom Color

Control Options

PC

PC	Photocontrol 4
BTSO12F	"Bluetooth Programmable, PIR Occupancy/Daylight Sensor, up to 12' mounting height ^s

- NX hubbNET Wireless Radio Module NXW NXRM2 and Bluetooth Programming without Sensor
- NX hubbNET Wireless Enabled Integral NXWS12F NXSMP2-OMNI PIR Occupancy Sensor with Automatic Dimming Photocell and **Bluetooth Programming**

Additional Options

- F Fusing (specify voltage)
- EΗ Battery Backup Unit with Heater (-30°C) 6

Example: LNC2-48L-25-3K7-3-UNV-DBT-PC

- E Battery Backup Unit (0°C) *
- Comfort Shield (N/A with Prismatic CS Refractor)
- 2DR Dual Driver 1,2
- 2PF Dual Power Feed 1.2
- СН Surface Conduit Hubs *

Items with a grey background can be done as a custom order. Contact brand representative for more information

NOTES

- 1 Available in 35 & 45W
- 2 Options cannot be combined with controls or PC option
- Not available with occupancy sensor, battery backup or prismatic 3
- refractor options
- Δ PC comes in standard housing
- 5 BTS, NX and CH options come in medium back box
- E and EH come in large back box 6 7 347V & 480V only available in 25 and 35W
- 8 FT only for P15, P25, P35 Prismatic lenses option

REPLACEMENT PART - MADE TO ORDER

Catalog Number	Description
WP-BB-XXX	Accessory for conduit entry

Notes:

* Replace XXX with paint color



currentlighting.com/exo

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DATE:	LOCATION:
TYPE:	PROJECT
CATALOG #:	

** +	XO
OUTDOOR	LIGHTING

LNC2 SMALL LED LITEPAK

PERFORMANCE DATA

System Watts	Input Voltage	Current (AMPS)	System Power (W)	
	120	0.09		
10144	277	0.038	10.0	
10W	347	0.031	10.6	
	480	0.022		
	120	0.12		
45147	277	0.07	14 5	
15W	347	0.04	14.5	
	480	0.03		
	120	0.169		
2014	277	0.072	20	
20W	347	0.058	20	
	480	0.042		
	120	0.235		
25.44	277	0.101	20	
25W	347	0.081	28	
	480	0.058		
	120	0.305		
05144	277	0.131	26.4	
35W	347	0.105	36.4	
	480	0.076		
	120	0.378		
4534/	277	0.163	45.1	
45W	347	0.13	45.1	
	480	0.094		

PROJECTED LUMEN MAINTENANCE

STANDARD 9, 12 AND 18L VERSIONS

Ambient			OPI	ERATING HOURS		
Temperature	0	25,000	50,000	TM-21-11* L96 60,000	100,000	L70 (Hours)
25°C / 77°F	1	0.97	0.95	0.94	0.91	408,000
40°C / 104°F	0.99	0.96	0.94	0.93	0.89	356,000

LUMINAIRE AMBIENT TEMP FACTOR

AME	TEMP	LUMEN MULTIPLIER
oc	32F	1.03
10C	50F	1.01
20C	68F	1
25C	77F	1
30C	86F	0.99
40C	104F	0.98

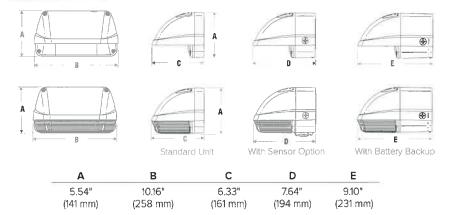


DATE:	LOCATION:	
TYPE:	PROJECT	
CATALOG #:		

LUMEN

Nominal	System	Dist.	5K (500		IAL 70 CRI)	4K (400		AL 70 CRI)	3K (30	IAL 80 CRI)	
Wattage	Watts	Туре	Lumens	LPW	B-U-G	Lumens	LPW	B-U-G	Lumens	LPW	B-U-G
	40.0144	Type 3	1213	121	B0-U0-G0	1117	112	B0-U0-G0	1081	108	B0-U0-G0
10W	10.6W	Type 4	1244	124	B0-U0-G0	1144	114	B0-U0-G0	1109	111	B0-U0-G0
	44 5144	Type 3	1820	121	B0-U0-G0	1676	112	B0-U0-G1	1622	108	B0-U0-G1
15W	V 14.5W	Type 4	1868	125	B0-U0-G1	1718	115	B0-U0-G1	1663	111	B0-U0-G1
	2014	Type 3	2427	121	B0-U0-G1	2234	112	B0-U0-G1	2163	108	B0-U0-G1
20W	20W	Type 4	2487	124	B0-U0-G1	2292	115	B0-U0-G1	2218	111	B0-U0-G1
05147	2014/	Type 3	3033	121	B1-U0-G1	2793	112	B0-U0-G1	2703	108	B0-U0-G1
25W	28W	Type 4	3112	124	B0-U0-G1	2862	114	B0-U0-G1	2772	111	B0-U0-G1
05144	20.044	Type 3	4247	121	B1-U0-G1	3910	112	B1-U0-G1	3785	108	B0-U0-G1
35W	36.4W	Type 4	4355	124	B1-U0-G2	4011	115	B1-U0-G1	3881	111	B1-U0-G1
4514	4 - 414	Туре З	5466	118	B1-U0-G1	5031	112	B1-U0-G1	4871	106	B1-U0-G2
45W	45.1W	Type 4	5604	117	B1-U0-G2	5159	108	B1-U0-G2	4995	104	B1-U0-G2

DIMENSIONS





LNC2 SMALL LED LITEPAK

ADDITIONAL INFORMATION

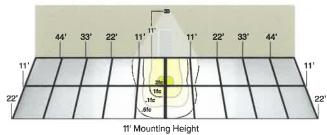
SHIPPING INFORMATION

Cutules Cuttered	CMUm	(Corton Oby nor		
Catalog Number	G.W(kg)/ CTN	Length Inch (cm)	Width Inch (cm)	Height Inch (cm)	Carton Qty. per Master Pack
LNC2	14.3 (6.5)	14.5 (37)	11.4 (29)	8.4 (21.5)	2

CONTROL TABLE

Control Option	Sensor	Networkable	Scheduling	Occupancy	Daylight Harvesting	On/Off Control	Programming	Pair with Sensor	Sensor Mounting Height
PC	_	_	_	_	_	~	-	_	_
NXWE	_	~	~	-	_	~	Requires additional devices	_	_
NXSPW_F	NXSM-P	~	~	¥	~	~	Bluetooth	_	12 ft
BTSO12F	BTSMP-OMNI			~	~	with auxilary driver	12-1	-	12 ft

LNC2 - BATTERY BACK UP



Life Safety Code average illuminance of 10 fe

Provides Life Safety Code average illuminance of 1.0 fc. Assumes open space with no obstructions and mounting height of 11'.

Diagrams for illustration purposes only, please consult factory for application layout.

Battery backup units consume 6 watts when charging a dead battery and 2 watts during maintenance charging. EH (units with a heater) consume up to an additional 8 watts when charging if the battery temp is lower than 10°C

USE OF TRADEMARKS AND TRADE NAMES

All product and company names, logos and product identifies are trademarks [™] or registered trademarks [®] of Current Lighting, Inc. or their respective owners. Use of them does not necessarily imply any affiliation with or endorsement by such respective owners.

DATE:	LOCATION:
TYPE:	PROJECT:
CATALOG #:	

Stormwater and Erosion Control

Exhibit 9: Stormwater and Erosion Control

The stormwater runoff associated with the Dunstan Village development was included within the overall stormwater management design for the Dunstan Crossing Subdivision as permitted through the Town of Scarborough Planning Board and the MDEP Site Location of Development Permit. Please see this Exhibit for a copy of the stormwater management narrative prepared for 4 Stewart Drive which references that Wet Pond P60 has reserve capacity for approximately 1.90 acres of impervious area and the potential, future parking would only add 2916 sf (0.07 acres) of impervious area to the cotributing watershed.

STORMWATER MANAGEMENT PLAN Dunstan Village 4 Stewart Drive – (Building B) Scarborough, Maine

This supplement to the Stormwater Management Plan has been prepared to demonstrate compliance with Stormwater Management Law for the proposed development of 4 Stewart Drive at Dunstan Village.

The development of 4 Stewart Drive includes approximately 0.61 acres of impervious area (pavement, sidewalk and building) and approximately 0.19 acres of non-impervious area (lawn and landscaping).

Based upon the anticipated master plan of development, the project is subject to the Chapter 500 Basic, General, Urban Impaired Stream and Flooding standards. The proposed erosion controls, inspection and maintenance criteria, and the stormwater management system have been designed to meet MDEP and Town of Scarborough requirements.

Regulatory Requirements

A wet pond (P60) is proposed to meet the general standards (water quality treatment) and flooding standards. The wet pond must detain a channel protection volume equal to 1.0-inch times the subcatchment's impervious area and 0.4-inch times the subcatchment's tributary non-impervious areas. The wet pond's permanent pool must have a minimum mean depth of three feet and a length to width ration of at least two to one. In addition, the permanent pool volume must be equal to 2.0 inches times the subcatchment's impervious areas.

When fully developed, subcatchment 19 is anticipated to include 2.72 acres of impervious area and 6.11 acres of landscaped area. As such, wet pond P60 has been designed for a channel protection volume of approximately 18,800 cubic feet and a permanent pool volume of approximately 37,900 cubic feet. In addition, the proposed mean depth is approximately 3.5 feet and the proposed length to width ratio is approximately 3.1 to one.

A closed drainage system has been designed to collect the stormwater run-off from the development associated with 4 Stewart Drive. The closed drainage system will connect to the proposed closed drainage system within Stewart Drive, which is routed to wet pond P60. As such, water quality treatment is provided for the stormwater run-off from 100% of new impervious area and 100% of new developed area.

The proposed wet pond will have reserve capacity for approximately 1.90 acres of impervious area and approximately 5.69 acres of non-impervious area.

Peak Rate Analysis

A quantitative analysis was performed to determine peak runoff rates in the pre-development and post-development conditions for the entire "Dunstan Crossing Subdivision". The evaluation was performed using the methodology outlined in the USDA Soil Conservation Service's "Urban Hydrology for Small Watersheds - Technical Release #55 (TR-55)". HydroCAD computer software was utilized to perform the calculations.

The previously created HydroCAD models (Pre- and Post-development) were utilized to demonstrate compliance with the Flooding Standard. Only the post-development subcatchment (#19) that is proposed to be altered by the development of 4 Stewart Drive was modified from the original post-development model.

The peak runoff rates were calculated using a 24-hour duration storm event with a Type III rainfall distribution. The rainfall amounts for Cumberland County have recently been updated and the following 24-hour duration rainfall amounts were used for this analysis:

Storm Frequency	24-hr Duration Rainfall (in.)
2-yr	3.1
10-yr	4.6
25-yr	5.8

The following table summarizes the alterations to the peak rates of discharge from subcatchment 19 as a result of the development of 4 Stewart Drive and construction of wet pond P60.

Stormwater Peak Discharge Summary Table - A												
Sub-	2	2-Year Storn	n	10	D-Year Stor	m	25-Year Storm					
Catchment	Pre (cfs)	Post (cfs)	Diff. (cfs)	Pre (cfs)	Post (cfs)	Diff. (cfs)	Pre (cfs)	Post (cfs)	Diff. (cfs)			
19	5.15	0.80	-4.35	12.08	3.72	-8.36	18.30	6.56	-11.74			

The results of the stormwater modeling indicate that the peak rates of runoff in the post-developed condition will be significantly less than the pre-developed condition for the 2-year, 10-year and 25-year storm events.

The following table summarizes the alterations to the peak rates of discharge at study point SP1 and reach segment 9R assuming that the first inch of runoff from the roof is collected and infiltrated within the proposed infiltration trenches for all new commercial buildings.

	Stormwater Peak Discharge Summary Table - B												
Study 2-Year Storm 10-Year Storm 25-Year Storm									m				
Point	Pre (cfs)	Post w/o Inf.	Post with Inf.	Pre (cfs)	Post w/o Inf.	Post with Inf.	Pre (cfs)	Post w/o Inf.	Post with Inf.				
SP1	102.94	61.01	60.63	280.16	176.69	175.56	400.70	283.20	281.49				
9R	65.85	33.34	33.05	126.04	83.20	83.02	176.52	128.33	128.21				

Conclusions

Erosion and sedimentation controls, inspection and maintenance procedures and general housekeeping requirements have been outlined to prevent unreasonable impacts on the site and to the surrounding environment.

By utilizing Best Management practices, stormwater quality treatment has been provided for at least 95% of the total impervious area and at least 80% of the total developed area. Based on the modeling data, the post-development peak rates of runoff for the 2-year, 10-year and 25-year storm events demonstrate decreases in the peak rates of runoff when compared to the pre-development peak rates of runoff.

With the incorporation of the above referenced erosion control, treatment and detention measures, the project has been designed in conformance with the Maine Department of Environmental Protection Chapter 500 Stormwater Law. Accordingly, it is anticipated that stormwater runoff from the proposed development will not cause a significant adverse effect to off-site receiving channels or downstream properties.

Prepared by,

SEBAGO TECHNICS, INC.

Richard L Meet

Richard L. Meek Sr. Project Engineer

April 23, 2018

SUPPLEMENTAL STORMWATER MANAGEMENT Dunstan Crossing Subdivision – Phases 4 through 6 Scarborough, Maine

This supplement to the Stormwater Management Plan has been prepared to demonstrate compliance with current Stormwater Management Law for the proposed development of Phases 4 through 6 at Dunstan Crossing Subdivision.

The development of Phases 4 through 6 is anticipated to include approximately 19.07 acres of impervious area (pavement, sidewalk and building) and approximately 30.48 acres of non-impervious area (lawn and landscaping).

Based upon this master plan of development, the project is subject to the Chapter 500 Basic, General, Urban Impaired Stream and Flooding standards. The proposed erosion controls, inspection and maintenance criteria, and the stormwater management system have been designed to meet MDEP and Town of Scarborough requirements.

Proposed Best Management Practices (BMP)

A closed drainage system has been designed to collect the stormwater run-off from the development. The closed drainage system will route the collected stormwater to four wet ponds (P30, P40, P50 and P60) which are proposed to meet the general standards (water quality treatment) and flooding standards for Phases 4 through 6.

Chapter 500 requires wet ponds to be designed to detain a channel protection volume equal to 1.0 inch times the subcatchment's impervious area and 0.4 inch times the subcatchment's tributary non-impervious areas. The wet pond's permanent pool must have a minimum mean depth of three feet and a length to width ratio of at least three to one. In addition, the permanent pool volume must be equal to 2.0 inches times the subcatchment's impervious area and 0.8 inch times the subcatchment's tributary non-impervious areas.

When fully developed, subcatchments 5, 5A and 5C are anticipated to include 9.75 acres of impervious area and 13.16 acres of landscaped area. As such, wet pond P30 has been designed for a channel protection volume of approximately 57,100 cubic feet and a permanent pool volume of approximately 114,800 cubic feet. In addition, the proposed permanent pool mean depth is approximately 4.2 feet and the proposed length to width ratio is approximately 3.1 to one.

When fully developed, subcatchment 8A is anticipated to include 3.83 acres of impervious area and 5.67 acres of landscaped area. As such, wet pond P40 has been designed for a channel protection volume of approximately 25,200 cubic feet and a permanent pool volume of approximately 51,100 cubic feet. In addition, the proposed permanent pool mean depth is approximately 3.8 feet and the proposed length to width ratio is approximately 3.0 to one.

When fully developed, subcatchment 21 is anticipated to include 2.13 acres of impervious area and 2.29 acres of landscaped area. As such, wet pond P50 has been designed for a channel protection volume of approximately 10,200 cubic feet and a permanent pool volume of approximately 22,600 cubic feet. In addition, the proposed permanent pool mean depth is approximately 3.0 feet and the proposed length to width ratio is approximately 3.0 to one.

When fully developed, subcatchment 19 is anticipated to include 2.44 acres of impervious area and 6.06 acres of landscaped area. As such, wet pond P60 has been designed for a channel protection volume of approximately 18,800 cubic feet and a permanent pool volume of approximately 37,900 cubic feet. In addition, the proposed permanent pool mean depth is approximately 3.5 feet and the proposed length to width ratio is approximately 3.0 to one.

Each of the four wet ponds includes an underdrained gravel trench, an outlet control structure (OCS) and an emergency spillway to regulate discharge of the channel protection volume and flooding volume. The underdrained gravel trench is a required design feature to provide cooling of stormwater runoff prior to discharge. The emergency spillway is a required design element to safely convey the 100-year storm without overtopping the embankment. The OCSs are not required to control peak rates of discharge, however, they were incorporated to maximize detention within the wet ponds and provide additional reduction to the peak rates of discharge.

In an effort to reduce the volume of stormwater draining to wet ponds P50 and P60, infiltration trenches are proposed to be installed at each new building within "Dunstan Village". The trenches are designed to retain the first inch of stormwater runoff from the rooves, which is assumed to be free of the hydrocarbons and sodium chlorides associated with the stormwater runoff and snow melt from other impervious surfaces, particularly the paved roads and parking lots. The retained stormwater runoff will infiltrate locally providing some degree of groundwater recharge. Connections to the closed drainage system will allow stormwater runoff in excess of the first inch to bypass the infiltration trenches and be routed to wet ponds P50 and P60. Since the "Dunstan Village" site is not considered suitable for an infiltration BMP due to the earthwork and fill required to achieve the project's design elevations, the project's overall water quality treatment does not assume any treatment is provided.

General Standard - Quality Treatment

Water quality treatment for Phases four through six is assumed to be provided solely by the four wet ponds. The attached treatment table summarizes the total impervious and developed areas for the proposed development and indicates the BMP measures proposed for treating the impervious areas. The conclusion is a tabulation of the effective treatment percentages for the proposed development. The results of this tabulation indicate the following:

- The post-development areas requiring treatment include approximately 19.07 acres of new impervious area and a total of approximately 49.55 acres of new developed area.
- The general standards require treatment for 95% of the new impervious areas. As such, the site is required to provide treatment for a minimum of 18.117 acres. The total area receiving treatment is 18.15 acres (approximately 95.18% of the impervious area requiring treatment).
- The general standards require treatment for 80% of the new developed areas. As such, the site is required to provide treatment for a minimum of 39.640 acres. The total area receiving treatment is 45.330 acres (approximately 91.48% of the developed area requiring treatment).

Flooding Standard - Peak Rate Analysis

A quantitative analysis was performed to determine peak runoff rates in the pre-development and post-development conditions for the entire "Dunstan Crossing Subdivision". The evaluation was performed using the methodology outlined in the USDA Soil Conservation Service's "Urban Hydrology for Small Watersheds - Technical Release #55 (TR-55)". HydroCAD computer software was utilized to perform the calculations.

The previously created HydroCAD models (Pre- and Post-development) were utilized to demonstrate compliance with the Flooding Standard. The post-development nodes associated with the four wet ponds and their tributary subcatchments were updated to reflect the current design.

The peak runoff rates were calculated using a 24-hour duration storm event with a Type III rainfall distribution. The rainfall amounts for Cumberland County have recently been updated and the following 24-hour duration rainfall amounts were used for this analysis:

Storm Frequency	24-hr Duration Rainfall (in.)
2-yr	3.1
10-yr	4.6
25-yr	5.8

The following table summarizes the alterations to the peak rates of discharge at reach segments common to both the pre-development and post development models to demonstrate the effectiveness of the proposed wet ponds at reducing peak rates of discharge. Reach 5R is located downstream of wet pond P30. Reach 8R is located downstream of wet pond P40. Reach 9R is located downstream of wet ponds P40, P50 and P60. The peak rates at Study Point SP1, located where Phillips Brook crosses Broadturn Road, are provided for reference.

	Stormwater Peak Discharge Summary Table									
Study		2-Year Storm			10-Year Storm			25-Year Storm		
Point	Pre (cfs)	Post (cfs)	Diff. (cfs)	Pre (cfs)	Post (cfs)	Diff. (cfs)	Pre (cfs)	Post (cfs)	Diff. (cfs)	
SP1	102.94	61.01	-41.93	280.16	176.69	-103.47	400.70	283.20	-117.50	
5R	56.08	37.86	-18.22	121.30	106.76	-14.54	167.99	147.12	-20.87	
8R	61.34	28.59	-32.75	115.35	69.21	-46.14	160.14	106.23	-53.91	
9R	65.85	33.34	-32.51	126.04	83.20	-42.84	176.52	128.33	-48.19	

The results of the stormwater modeling indicate that the peak rates of runoff in the post-developed condition will be significantly less than the pre-developed condition for the 2-year, 10-year and 25-year storm events.

Conclusions

Erosion and sedimentation controls, inspection and maintenance procedures and general housekeeping requirements have been outlined to prevent unreasonable impacts on the site and to the surrounding environment.

By utilizing Best Management practices, stormwater quality treatment has been provided for at least 95% of the total impervious area and at least 80% of the total developed area. Based on the modeling data, the post-development peak rates of runoff for the 2-year, 10-year and 25-year storm events demonstrate decreases in the peak rates of runoff when compared to the pre-development peak rates of runoff.

With the incorporation of the above referenced erosion control, treatment and detention measures, the project has been designed in conformance with the Maine Department of Environmental Protection Chapter 500 Stormwater Law. Accordingly, it is anticipated that stormwater runoff from the proposed development will not cause a significant adverse effect to off-site receiving channels or downstream properties.

Prepared by,

SEBAGO TECHNICS, INC.

than & Meet

Richard L. Meek Sr. Project Engineer

November 11, 2016

Exhibit 10

Traffic

Exhibit 10: Traffic Memo

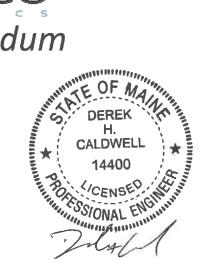
An updated Traffic Study has been submitted to the Town of Scarborough and MDOT in support of the Traffic Movement Permit (TMP) for the overall Dunstan Crossing Subdivision and Dunstan Village development and the TMP has been issued by MDOT. In association with that permit, a left turn lane will be required for northbound traffic on US Route One to enter Stewart Drive. The concept plan of that left turn lane, as provided to MDOT, is included with the plan set for 5 Stewart Drive. A traffic memo including calculated impact fees associated with the building addition is included within the application.



220373

- To: Shawn Frank, P.E. Sebago Technics, Inc
- From: Derek Caldwell, P.E., PTOE Sebago Technics, Inc

Griffin Steinman, El Sebago Technics, Inc



Date: October 21, 2022

Subject: Trip Generation Assessment Dunstan Village – Dunstan Tap and Table Expansion – Six Stewart Drive Scarborough, Maine

Introduction

The purpose of this memorandum is to provide a trip generation and impact fee calculation for the proposed expansion at the Dunstan Tap And Table restaurant, which is located at 6 Stewart Drive in Scarborough. The proposed project includes the construction of 1,008 square feet (SF) of additional dining space to the existing 3,663 SF restaurant. As such, this memorandum details trip generation and provides a roadway impact fee calculation.

Trip Generation

Using the 10th Edition of Institute of Transportation Engineers (ITE) Trip Generation Manual, to remain consistent with the previously approved Traffic Movement Permit (TMP), estimated vehicular trip generation for the proposed restaurant expansion was calculated. Land Use Code (LUC) – 932 – High-Turnover (Sit-Down) Restaurant was used for the additional space on the basis of 1,008 SF. Tables 1, 2, & 3 show the trip generation for the existing space, the proposed expansion, and the summary of both the existing and proposed space.

Table 1 – Existing Trip Generation Land Use Code 932 – High-Turnover (Sit-Down) Restaurant

	3,6	663 SF GF/	1			
Time Period	Trip Rate per 1,000 SF	Total Trips	Entering Trip %	Exiting Trip %	Entering Trips	Exiting Trips
AM Peak Hour of Adjacent Street*	-		-			-
AM Peak Hour of Generator	14.04	51	57%	43%	29	22
PM Peak Hour of Adjacent Street	9.77	36	62%	38%	22	14
PM Peak Hour of Generator	17.41	64	52%	48%	33	31
Saturday Peak Hour	11.19	41	51%	49%	21	20

*Restaurant does not currently operate during the hours of 7 AM – 9 AM.

Table 2 – Proposed Expansion Trip Generation Land Use Code 932 – High-Turnover (Sit-Down) Restaurant 1.008 SF GFA

	-,-					
Time Period	Trip Rate per 1,000 SF	Total Trips	Entering Trip %	Exiting Trip %	Entering Trips	Exiting Trips
AM Peak Hour of Adjacent Street*	-	-	-	-	-	-
AM Peak Hour of Generator	14.04	14	57%	43%	8	6
PM Peak Hour of Adjacent Street	9.77	10	62%	38%	6	4
PM Peak Hour of Generator	17.41	18	52%	48%	9	9
Saturday Peak Hour	11.19	11	51%	49%	6	5

*Restaurant does not currently operate during the hours of 7 AM – 9 AM.

Table 3 – Site Total Trip Generation 4,671 SF GFA

Time Period	Total Trips	Entering Trips	Exiting Trips
AM Peak Hour of Adjacent Street	-		17
AM Peak Hour of Generator	65	37	28
PM Peak Hour of Adjacent Street	46	28	18
PM Peak Hour of Generator	82	42	40
Saturday Peak Hour	52	27	25

As shown above in Table 2, the proposed expansion is calculated to generate 14 trips in the AM Peak Hour of the Generator, 18 trips in the PM Peak Hour of the Generator, and 11 trips in the Saturday Peak Hour. This brings the total site trip generation to 65 trips in the AM Peak Hour of the Generator, 82 trips in the PM Peak Hour of the Generator, and 52 trips in the Saturday Peak Hour.

Impact Fee

The Town of Scarborough assesses a roadway impact fee based on the amount of primary trips generated during the PM Peak Hour of the Adjacent Street traversing seven (7) different zones. Trip composition for the proposed expansion is shown in Table 4 below. A 43% pass-by rate was utilized as determined in the ITE *Trip Generation Manual* for a High-Turnover (Sit-Down) Restaurant.

Time Deried	Total Trips			Pass-By Trips (43%)			Primary Trips		
Time Period	Total	Entering	Exiting	Total	Entering	Exiting	Total	Entering	Exiting
PM Peak Hour of Adjacent St	10	6	4	4	2	2	6	4	2

Table 4 – P	Proposed	Expansion	Trip	Composition
-------------	----------	-----------	------	-------------

The project generated primary trips were assigned to the roadway network based on existing traffic patterns. The resulting impact fee trip diagram is shown in the attached Figure 1. The calculation for the impact fee is summarized in Table 5 below.

Tuble 5 Rodaway Impactice Summary					
Zone	\$/Trip	Trips		Fee	
Payne Road 1	\$ 149.43	0		7.	
Payne Road 2	\$ 292.42	0		9	
Payne Road 3	\$ 499.05	0		*	
Payne Road 5	\$ 1,024.52	0		21	
Oak Hill	\$ 755.00	2	\$	1,510.00	
Haigis Parkway at Route 1	\$ 990.00	2	\$	1,980.00	
Dunstan Corner	\$ 1,402.00	3	\$	4,206.00	
Total			\$	7,696.00	

Table 5 – Roadway Impact Fee Summary

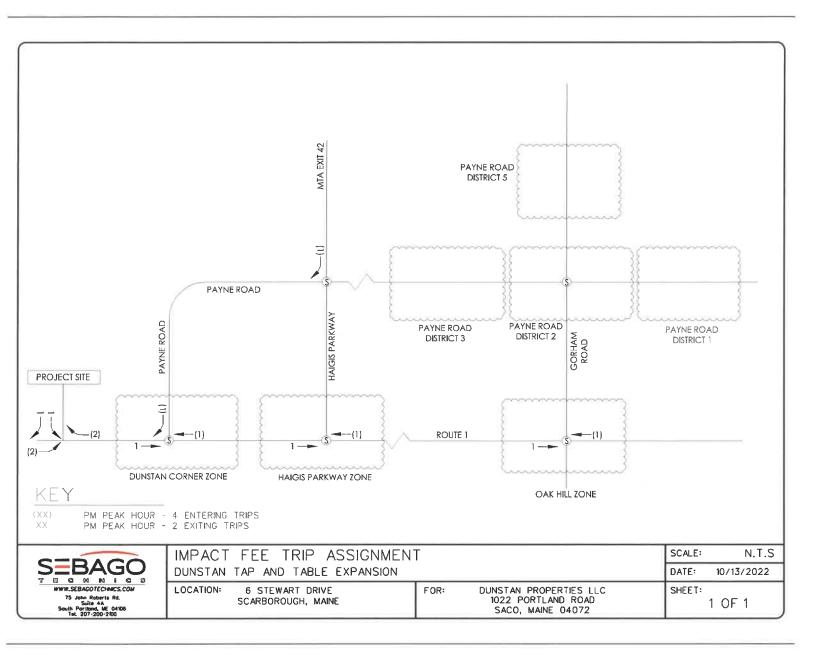
The total calculated impact fee for the project is \$7,696.00.

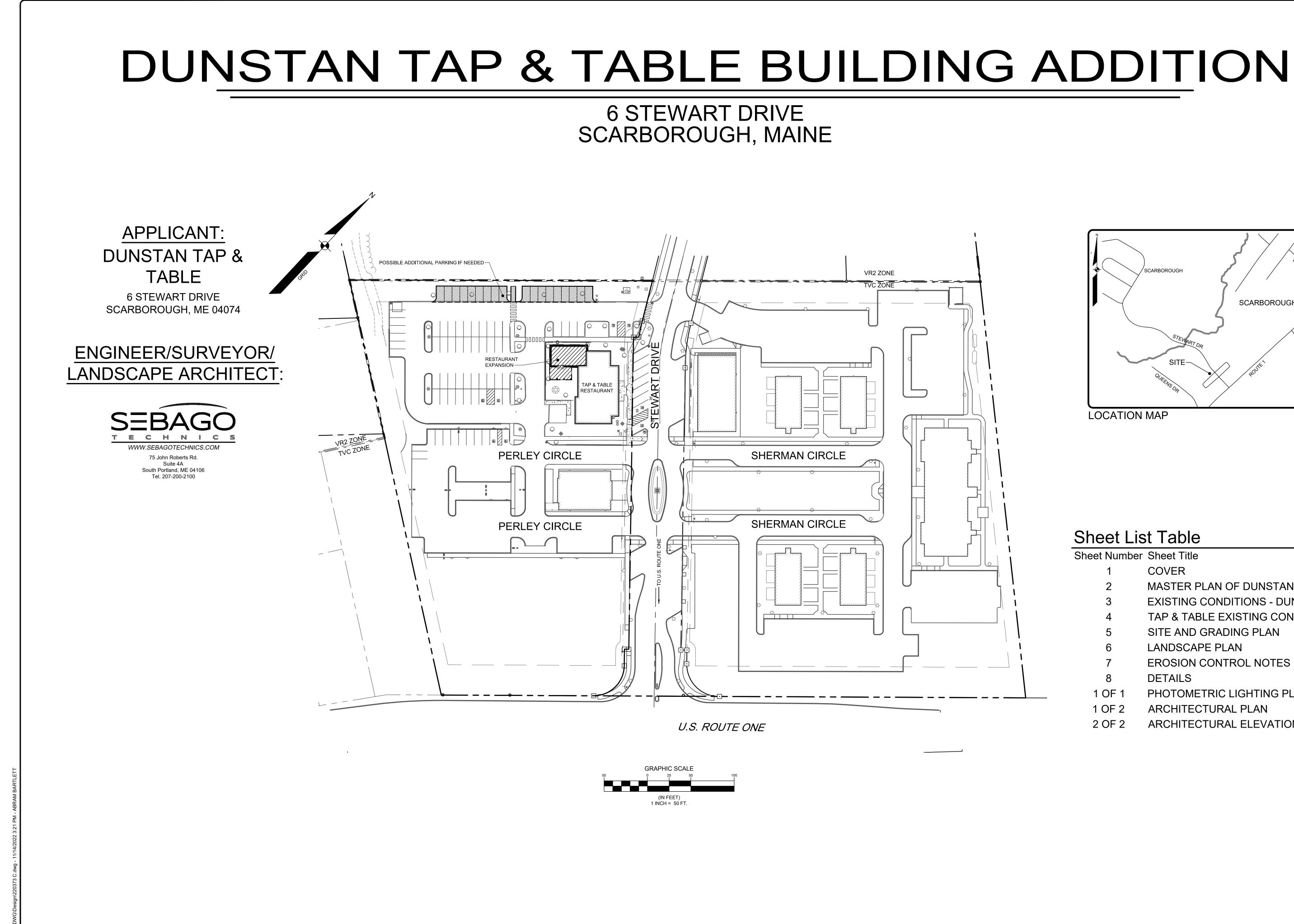
Conclusion

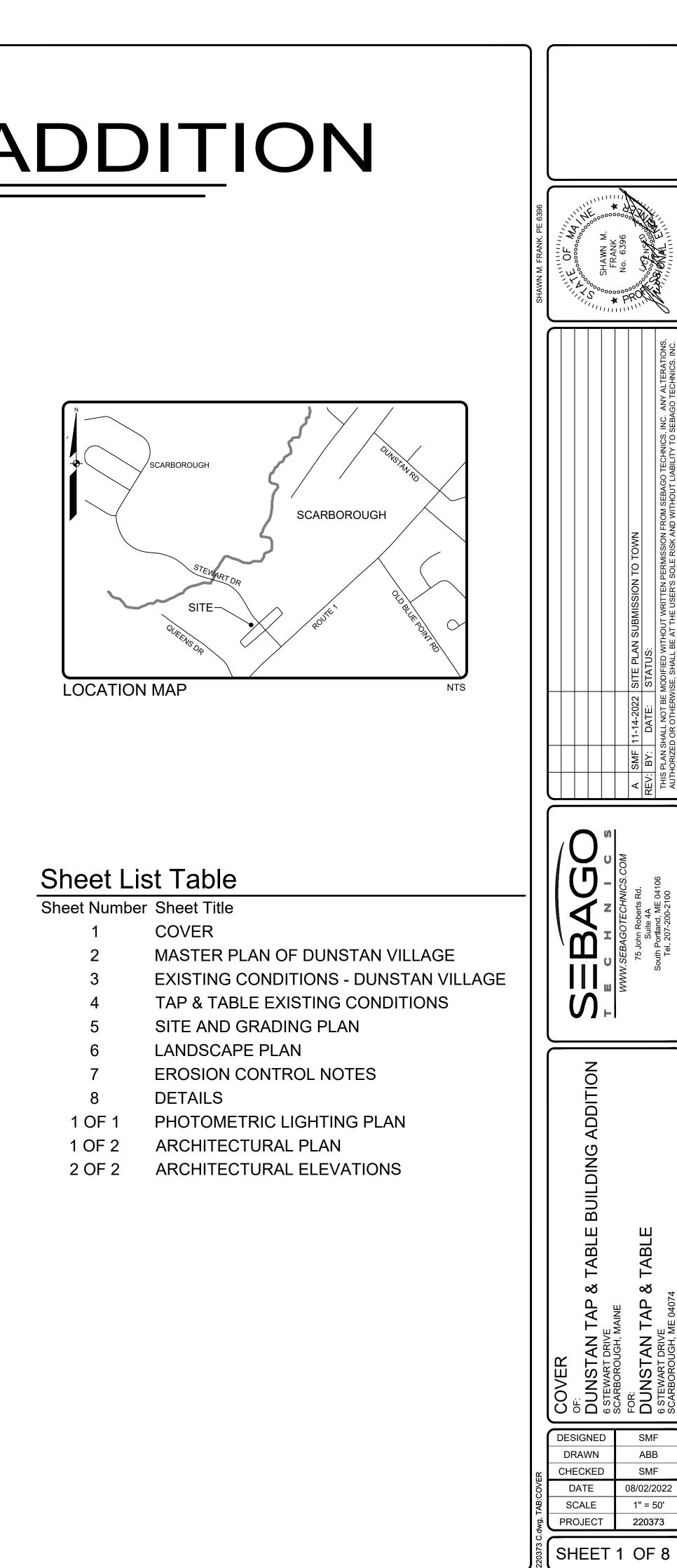
- The Dunstan Tap and Table expansion is calculated to generate a total of 14 trips in the AM Peak Hour of the Generator, 18 trips in the PM Peak Hour of the Generator, and 11 trips in the Saturday Peak Hour.
- The calculated Town of Scarborough Roadway Impact Fee for the project based on the traffic generated during the PM Peak Hour of the Adjacent Street for the expansion is \$7,696.00.

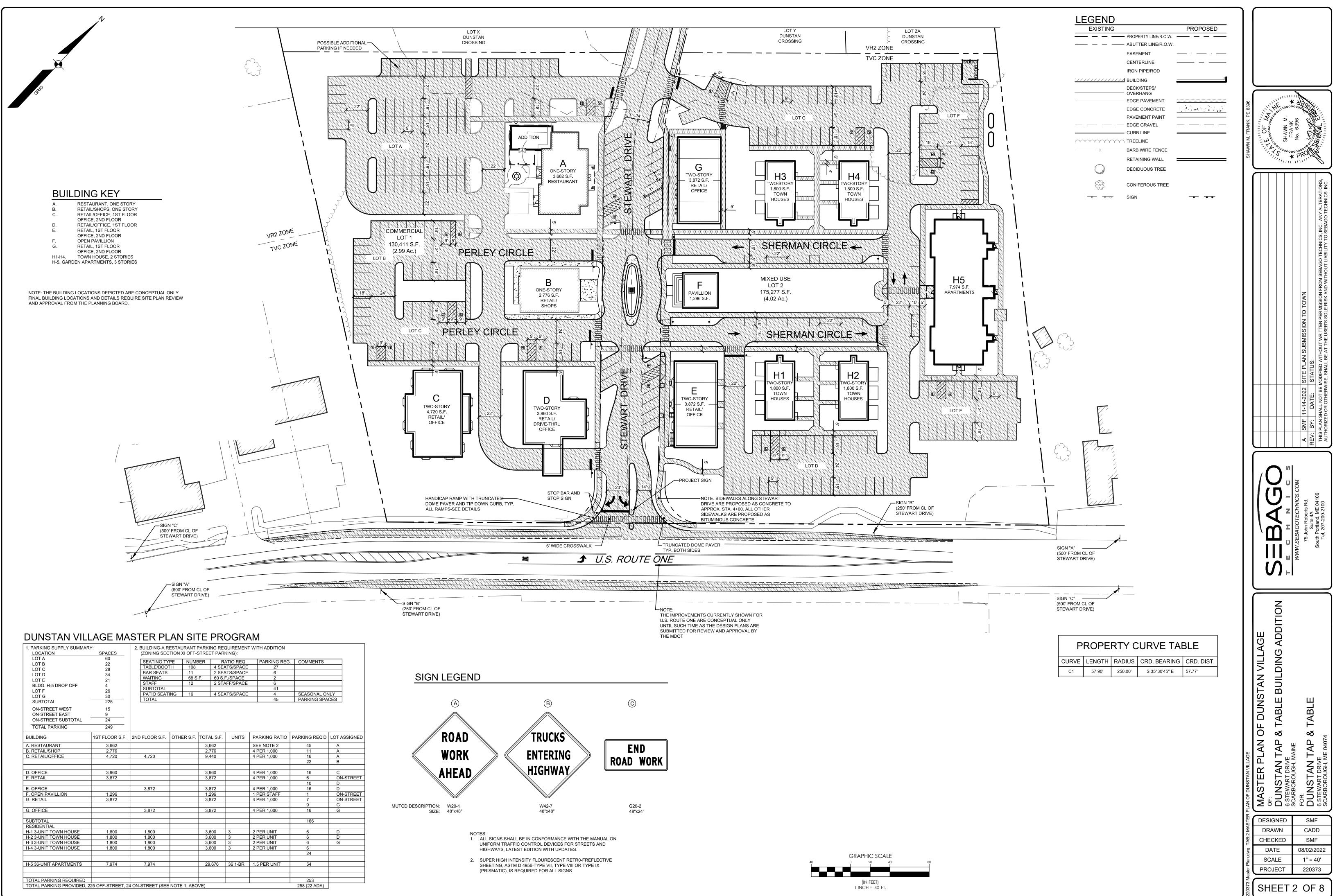
Attachment

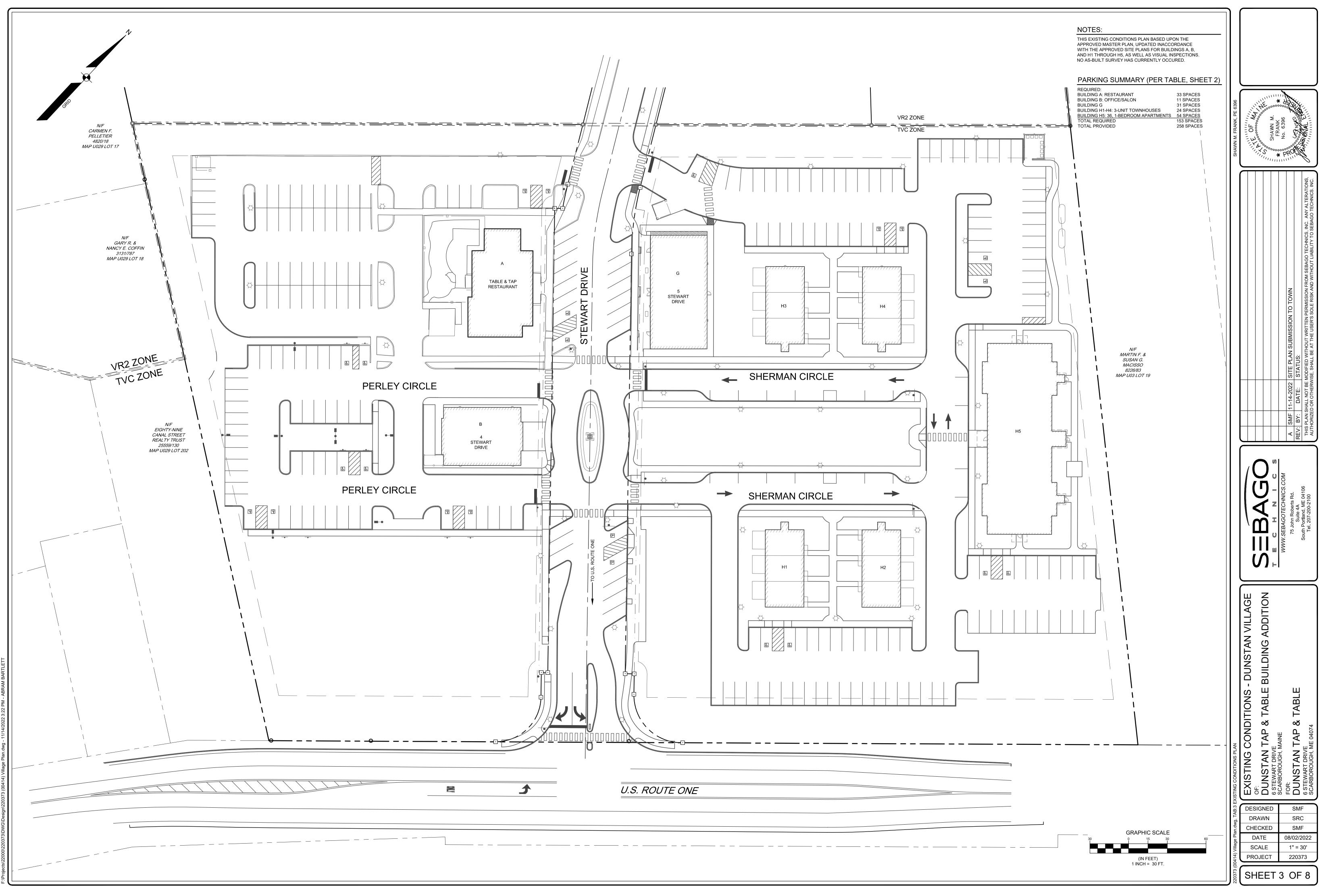
Impact Fee Diagram

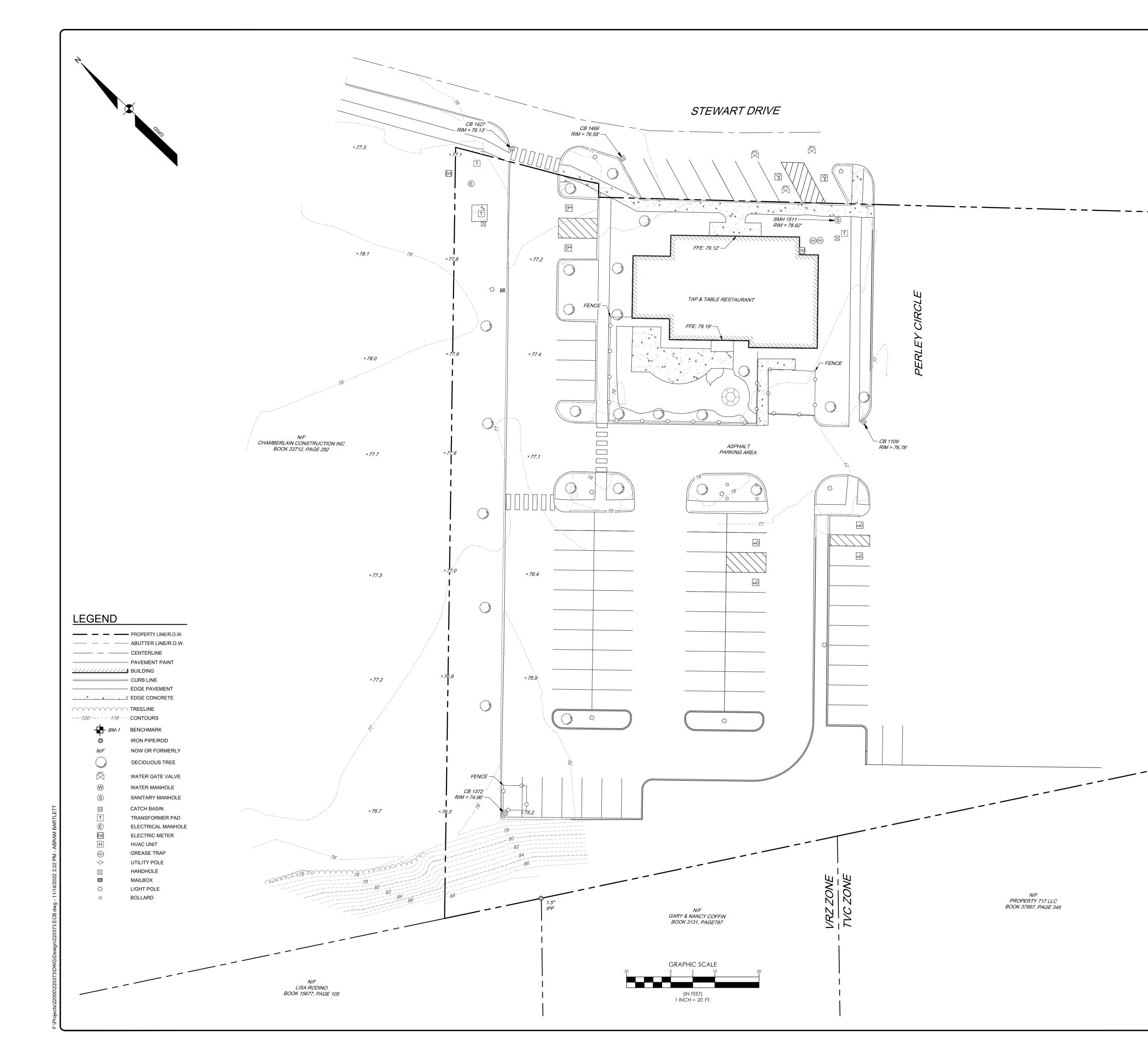


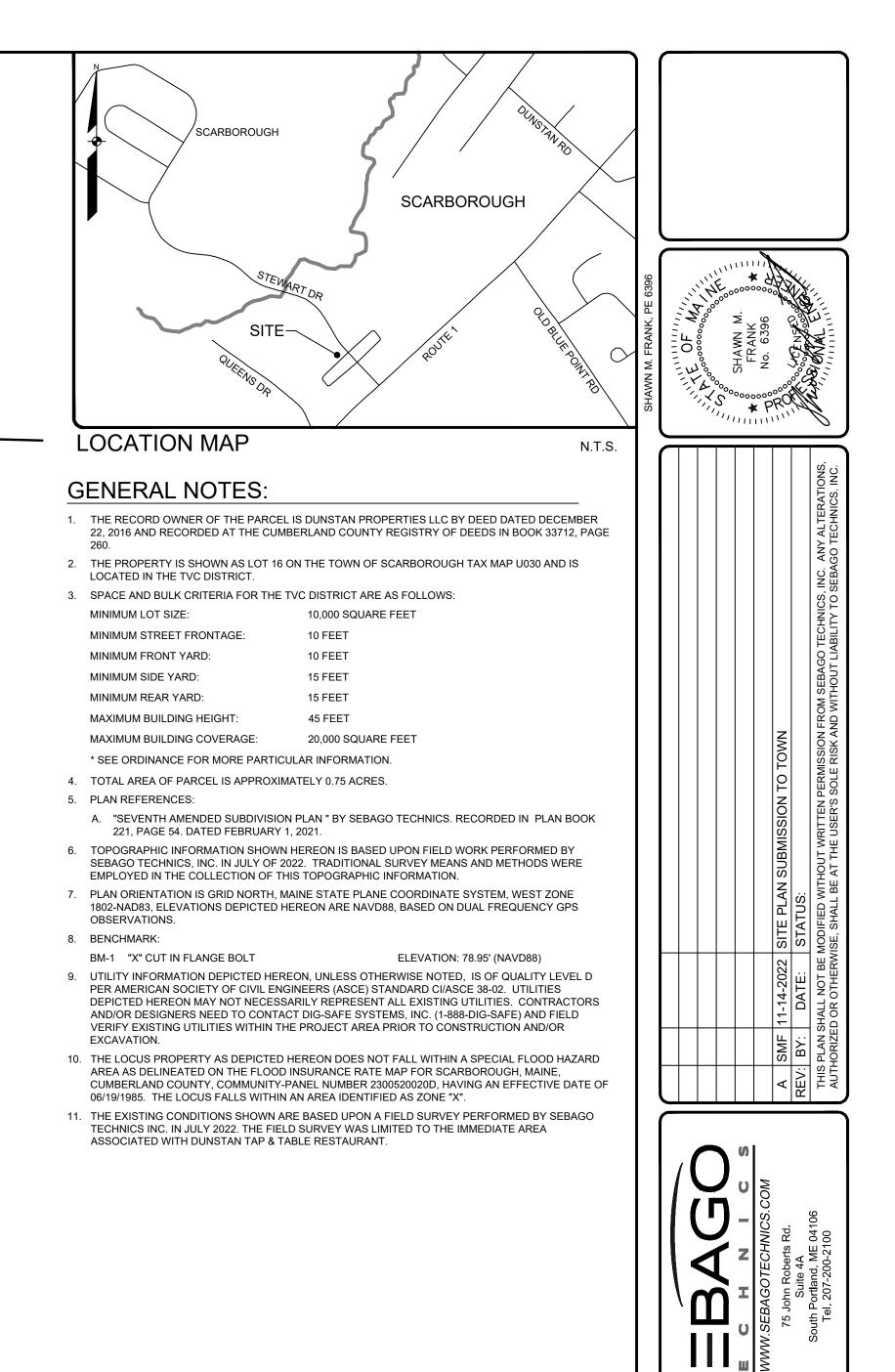




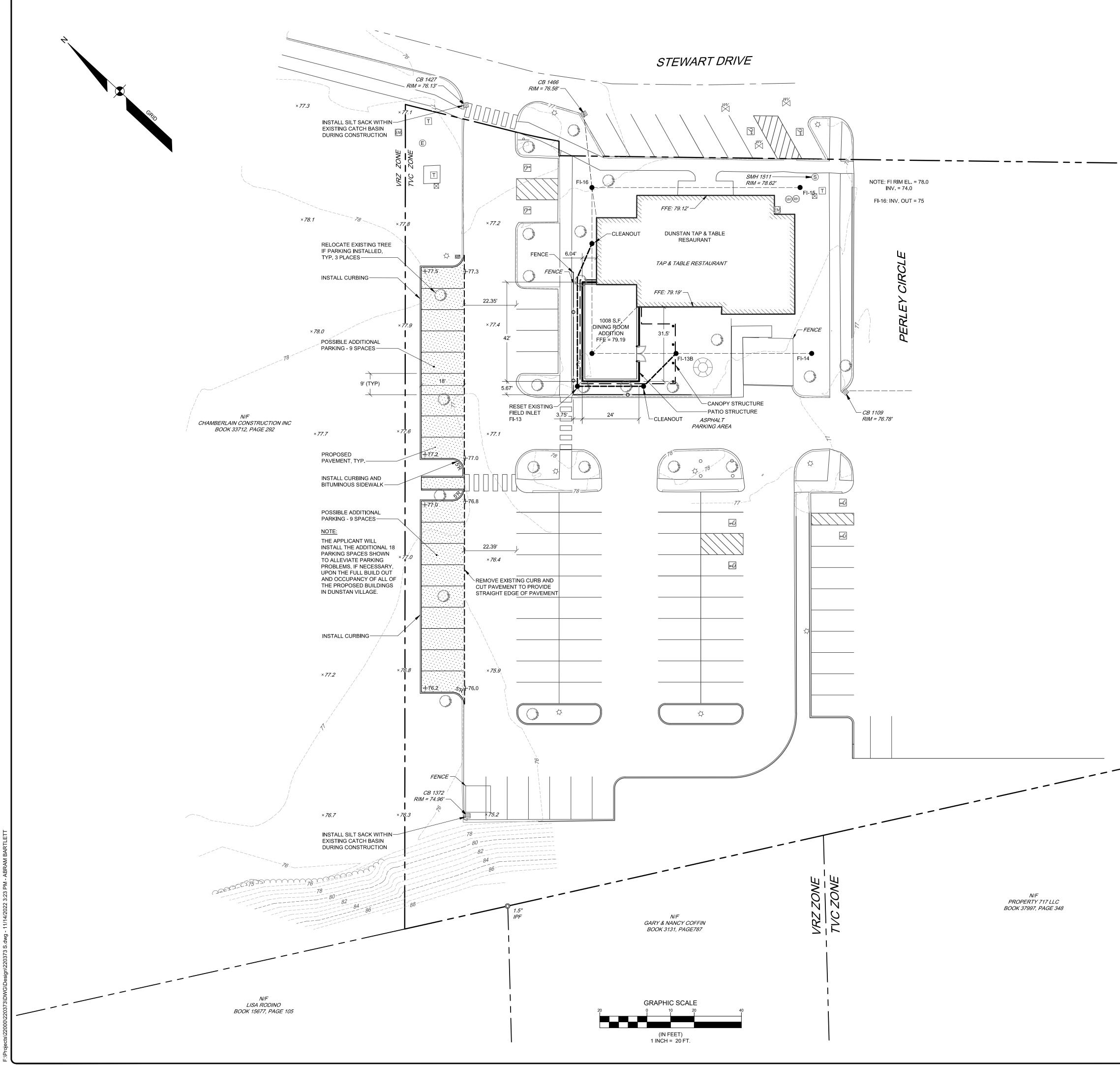








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	TAP & TABLE EXISTING CONDITIONS OF: DUNSTAN TAP & TABLE BUILDING ADDITION 6 STEWART DRIVE	SCARBOROUGH, MAINE FOR: DUNSTAN TAP & TABLE 6 STEWART DRIVE 5 SCARBOROUGH, ME 04074
	DESIGNED DRAWN	JMC
<u>i</u>	CHECKED	MWE
LAB:E	DATE	07/21/22
0373 ECB.dwg, TAB:EC	SCALE PROJECT	1" = 20' 220373
220373 E	SHEET	4 OF 8



GENERAL NOTES:

1. THE RECORD OWNER OF THE DUNSTAN TAP & TABLE PARCEL IS CRAIG JAMES 13 LLC BY DEED DATED DECEMBER 22, 2016 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 33712, PAGE 260.

2. THE PROPERTY IS SHOWN AS LOT 1603 ON THE TOWN OF SCARBOROUGH TAX MAP U030 AND IS LOCATED IN THE TVC DISTRICT.

3. SPACE AND BULK CRITERIA FOR THE TVC DISTRICT ARE AS FOLLOWS:

MINIMUM LOT SIZE:	10,000 SQUARE FEET
MINIMUM STREET FRONTAGE:	10 FEET
MINIMUM FRONT YARD:	10 FEET
MINIMUM SIDE YARD:	15 FEET
MINIMUM REAR YARD:	15 FEET
MAXIMUM BUILDING HEIGHT:	45 FEET
MAXIMUM BUILDING COVERAGE:	20,000 SQUARE FEET

* SEE ORDINANCE FOR MORE PARTICULAR INFORMATION.

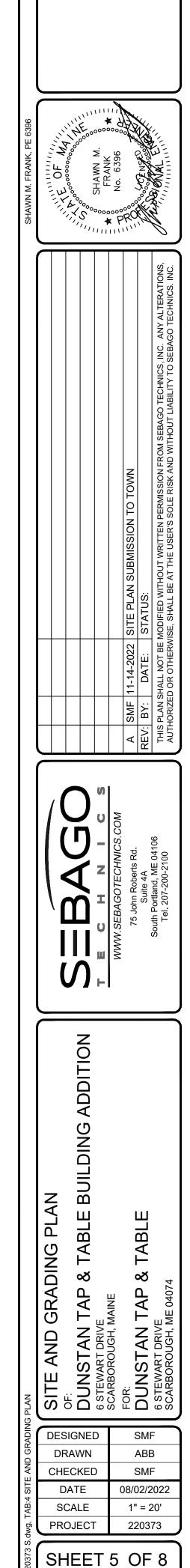
- 4. TOTAL AREA OF PARCEL IS APPROXIMATELY 0.75 ACRES. 5. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHNICS, INC. IN JULY OF 2022. TRADITIONAL SURVEY MEANS AND METHODS WERE EMPLOYED IN THE COLLECTION OF THIS TOPOGRAPHIC INFORMATION.
- 6. PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83, ELEVATIONS DEPICTED HEREON ARE NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
- 7. BENCHMARK: BM-1 "X" CUT IN FLANGE BOLT ELEVATION: 78.95' (NAVD88) 8. UTILITY INFORMATION DEPICTED HEREON, UNLESS OTHERWISE NOTED, IS OF QUALITY LEVEL D PER AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) STANDARD CI/ASCE 38-02. UTILITIES
- DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES WITHIN THE PROJECT AREA PRIOR TO CONSTRUCTION AND/OR EXCAVATION.
- 9. THE LOCUS PROPERTY AS DEPICTED HEREON DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR SCARBOROUGH, MAINE, CUMBERLAND COUNTY, COMMUNITY-PANEL NUMBER 2300520020D, HAVING AN EFFECTIVE DATE OF 06/19/1985. THE LOCUS FALLS WITHIN AN AREA IDENTIFIED AS ZONE "X".
- 10. THE PROPERTY SHOWN ON THIS PLAN MAY BE DEVELOPED AND USED ONLY AS DEPICTED ON THIS APPROVED PLAN. ALL ELEMENTS AND FEATURES OF THIS 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 SUBDIVISION PLAN IS FIRST SUBMITTED TO AND APPROVED BY THE PLANNING BOARD.
- 11. THE SCARBOROUGH ENGINEERING DEPARTMENT RESERVES THE RIGHT TO REQUIRE ADDITIONAL WORK BEYOND WHAT IS SHOWN ON THE PLAN AS UNFORESEEN FIELD CONDITIONS REQUIRE. ANY CHANGES MADE DURING CONSTRUCTION SHALL BE COORDINATED WITH AND APPROVED BY THE SCARBOROUGH ENGINEERING DEPT.
- 12. THE PERFORMANCE REQUIRED BY SECTION 9.1 OF THE TOWN OF SCARBOROUGH SUBDIVISION ORDINANCE SHALL BE FURNISHED SEPARATELY FOR EACH PHASE. NO LOTS WITHIN ANY PHASE SHALL BE SOLD, LEASED OR OFFERED FOR SALE OR BUILT UPON UNTIL THE PERFORMANCE GUARANTEE FOR THAT PHASE, IN AN AMOUNT AND IN A FORM ACCEPTABLE TO AND APPROVED BY THE PLANNING BOARD AND TOWN TREASURER, HAS BEEN TENDERED BY THE SUBDIVIDER.
- 13. THE OWNER SHALL SCHEDULE A PRE-CONSTRUCTION MEETING PRIOR TO THE START OF CONSTRUCTION. THOSE IN ATTENDANCE SHALL INCLUDE THE CONTRACTOR, REPRESENTATIVES OF THE OWNER, CENTRAL MAINE POWER CO., VERIZON, TIME WARNER CABLE, THE MUNICIPAL ENGINEER, FIELD INSPECTOR AND CONSULTING ENGINEER. ANY UTILITY PLAN REVISIONS NECESSITATED AS A RESULT OF THIS MEETING SHALL BE PREPARED AND SUBMITTED TO ALL OF THE PARTIES LISTED ABOVE.
- 14. THE BUILDING LIGHTS SHALL BE CONTROLLED BY LIGHT SENSORS.

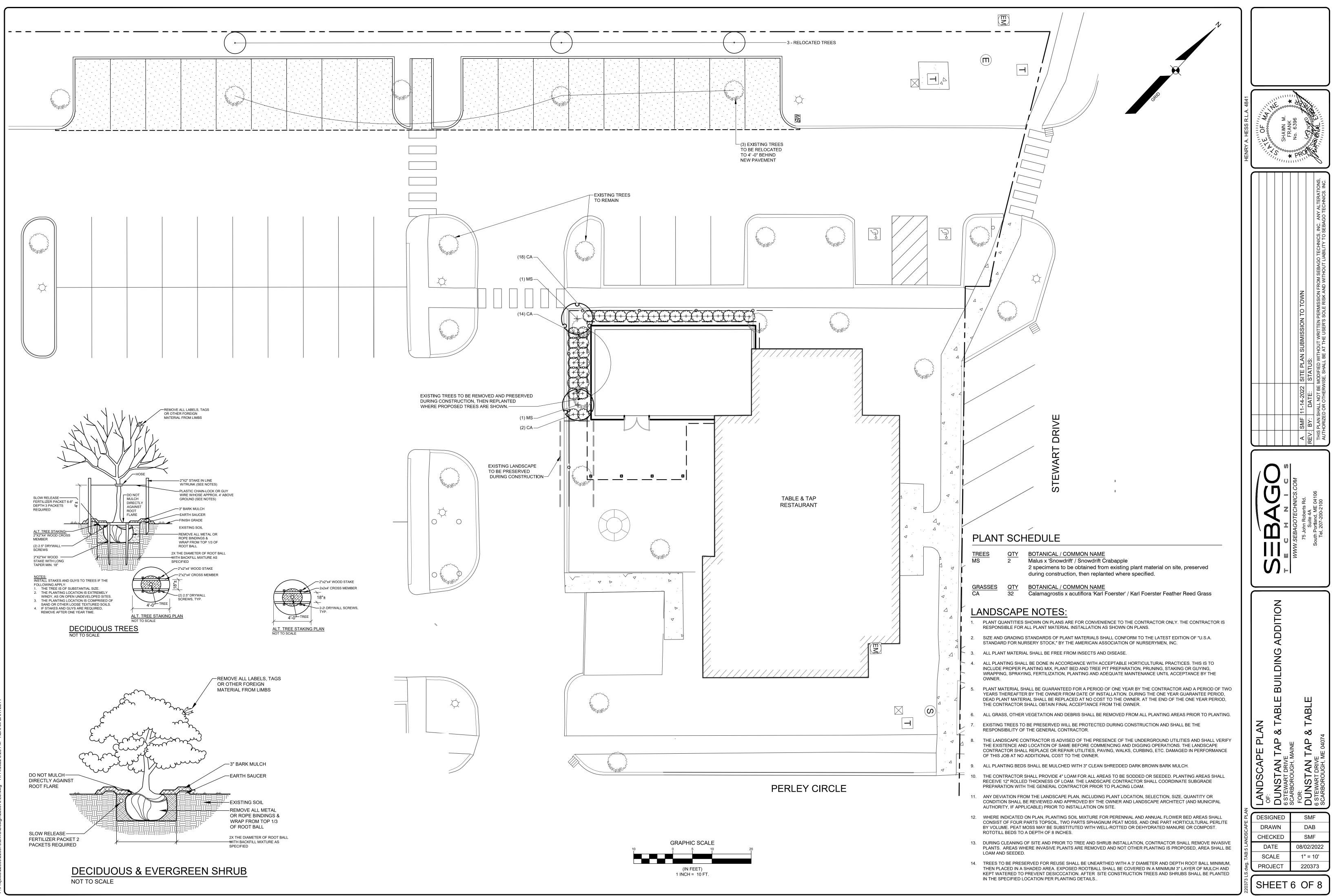
PARKING SUMMARY REQUIRED: TAP & TABLE RESTAURANT

SEATING TYPE	NUMBER	RATIO REQ.	PARKING REG.	COMMENTS		
TABLE/BOOTH	108	4 SEATS/SPACE	27			
BAR SEATS	11	2 SEATS/SPACE	6			
WAITING	68 S.F.	60 S.F./SPACE	2			
STAFF	12	2 STAFF/SPACE	6			
SUBTOTAL			41			
PATIO SEATING	16	4 SEATS/SPACE	4	SEASONAL ONLY		
TOTAL			45	PARKING SPACES		

CURRENT REQUIRED (SEE SHEET 3) ADDITIONAL REQUIRED TAP & TABLE TOTAL REQUIRED TOTAL PROVIDED

53	SPACES
2	SPACES
65	SPACES
258	SPACES





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EROSION CON	TROL	MEASURES
PRE-CONSTRUCTION PHASE		

PRIOR TO THE BEGINNING OF ANY CONSTRUCTION, SEDIMENT BARRIERS (SILT FENCE) WILL BE STAKED/INSTALLED ACROSS THE SLOPE(S), ON THE CONTOUR AT OR JUST BELOW THE LIMITS OF CLEARING OR GRUBBING, AND/OR JUST ABOVE ANY ADJACENT PROPERTY LINE OR WATERCOURSE TO PROTECT AGAINST CONSTRUCTION RELATED EROSION. THE PLACEMENT OF SEDIMENT BARRIERS SHALL BE COMPLETED IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN BEST MANAGEMENT PRACTICES AND IN ACCORDANCE WITH THIS EROSION CONTROL PLAN AND DETAILS IN THIS PLAN SET. THIS NETWORK IS TO BE MAINTAINED BY THE CONTRACTOR UNTIL ALL EXPOSED SLOPES HAVE AT LEAST 90% VIGOROUS PERENNIAL VEGETATIVE COVER TO PREVENT EROSION. TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ATTAINED.

PRIOR TO ANY CLEARING OR GRUBBING, A CONSTRUCTION ENTRANCE/EXIT SHALL BE CONSTRUCTED AT THE INTERSECTION OF THE PROPOSED ENTRANCES AND EXISTING ROADWAY TO AVOID TRACKING OF MUD, DUST AND DEBRIS FROM THE SITE.

PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL PREPARE A DETAILED SCHEDULE AND MARKED UP PLAN INDICATING AREAS AND COMPONENTS OF THE WORK AND KEY DATES SHOWING DATE OF DISTURBANCE AND COMPLETION OF THE WORK, THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE MUNICIPAL STAFF. THREE COPIES OF THE SCHEDULE AND MARKED UP PLAN SHALL BE PROVIDED TO THE MUNICIPALITY THREE DAYS PRIOR TO THE SCHEDULED PRE-CONSTRUCTION MEETING. SPECIAL ATTENTION SHALL BE GIVEN TO THE 14 DAY LIMIT OF DISTURBANCE IN THE SCHEDULE ADDRESSING TEMPORARY AND PERMANENT VEGETATION MEASURES.

CONSTRUCTION AND POST-CONSTRUCTION PHASE

AREAS UNDERGOING ACTUAL CONSTRUCTION SHALL ONLY EXPOSE THAT AMOUNT OF MINERAL SOIL NECESSARY FOR PROGRESSIVE AND EFFICIENT CONSTRUCTION. AN AREA CONSIDERED OPEN IS ANY AREA NOT STABILIZED WITH PAVEMENT, VEGETATION, MULCHING, EROSION CONTROL MATS, RIPRAP OR GRAVEL BASE ON A ROAD, SUCH AS ACTIVE EXCAVATION AND ACTIVE GRADING. LIMIT THE EXPOSED AREA TO THOSE AREAS IN WHICH WORK IS ACTIVELY OCCURRING OR CAN BE MULCHED IN THE SAME DAY. OPEN AREAS SHALL BE ANCHORED WITH TEMPORARY EROSION CONTROL AS SHOWN ON THE DESIGN PLANS AND AS DESCRIBED WITHIN THIS EROSION CONTROL PLAN WITHIN SEVEN (7) DAYS OF DISTURBANCE. AREAS LOCATED WITHIN 100 FEET OF STREAMS SHALL BE ANCHORED WITH TEMPORARY EROSION CONTROL WITHIN SEVEN (7) DAYS. REFER TO WINTER EROSION CONTROL NOTES FOR THE TREATMENT OF OPEN AREAS AFTER OCTOBER 1ST OF THE CONSTRUCTION YEAR.

THE CONTRACTOR MUST INSTALL ANY ADDED MEASURES WHICH MAY BE NECESSARY TO CONTROL EROSION/SEDIMENTATION FROM THE SITE DEPENDENT UPON THE ACTUAL SITE AND WEATHER CONDITIONS. CONTINUATION OF EARTHWORK OPERATIONS ON ADDITIONAL AREAS SHALL NOT BEGIN UNTIL THE EXPOSED SOIL SURFACE ON THE AREA BEING WORKED HAS BEEN STABILIZED, IN ORDER TO MINIMIZE AREAS WITHOUT EROSION CONTROL PROTECTION.

EROSION CONTROL APPLICATIONS & MEASURES THE PLACEMENT OF EROSION CONTROL MEASURES SHALL BE COMPLETED IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN BEST MANAGEMENT PRACTICES AND IN ACCORDANCE WITH THE EROSION CONTROL PLAN AND DETAILS IN THE PLAN SET.

1. TEMPORARY MULCHING:

ALL DISTURBED AREAS SHALL BE MULCHED WITH MATERIALS SPECIFIED BELOW PRIOR TO ANY STORM EVENT. ALL DISTURBED AREAS NOT FINAL GRADED WITHIN 14 DAYS SHALL BE MULCHED. DISTURBED AREAS ADJACENT TO NATURAL RESOURCES THAT ARE NOT GRADED WITHIN SEVEN (7) DAYS SHALL BE MULCHED. ALSO, AREAS, WHICH HAVE BEEN TEMPORARILY OR PERMANENTLY SEEDED, SHALL BE MULCHED IMMEDIATELY FOLLOWING SEEDING. EROSION CONTROL BLANKETS ARE RECOMMENDED TO BE USED AT THE BASE OF GRASSED WATERWAYS AND ON SLOPES GREATER THAN 33%. MULCH ANCHORING SHOULD BE USED ON SLOPES GREATER THAN 5% AFTER SEPTEMBER 15TH OF THE CONSTRUCTION YEAR (SEE WINTER EROSION CONTROL NOTES). TYPES OF MULCH:

HAY OR STRAW: SHALL BE APPLIED AT A RATE OF 75 LBS/1,000 S.F. (1.5 TONS PER ACRE).

EROSION CONTROL MIX: SHALL BE PLACED EVENLY AND MUST PROVIDE 100% SOIL COVERAGE. EROSION CONTROL MIX SHALL BE APPLIED SUCH THAT THE THICKNESS ON SLOPES 3:1 OR LESS IS 2 INCHES PLUS 1/2 INCH PER 20 FEET OF SLOPE UP TO 100 FEET. THE THICKNESS ON SLOPES BETWEEN 3:1 AND 2:1 SHALL BE 4 INCHES PLUS 1/2 INCH PER 20 FEET OF SLOPE UP TO 100 FEET. THIS SHALL NOT BE USED ON SLOPES GREATER THAN 2:1.

ROSION CONTROL BLANKET: SHALL BE INSTALLED SUCH THAT CONTINUOUS CONTACT BETWEEN THE MAT AND THE SOIL IS OBTAINED. INSTALL BLANKETS AND STAPLE IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

2. SOIL STOCKPILES:

STOCKPILES OF SOIL OR SUBSOIL SHALL BE MULCHED WITH HAY OR STRAW AT A RATE OF 75 LBS/1,000 S.F. (1.5 TONS PER ACRE) OR WITH A FOUR-INCH LAYER OF WOOD WASTE EROSION CONTROL MIX. THIS WILL BE DONE WITHIN 24 HOURS OF STOCKING AND RE-ESTABLISHED PRIOR TO ANY RAINFALL. ANY SOIL STOCKPILE WILL NOT BE PLACED (EVEN COVERED WITH HAY OR STRAW) WITHIN 100 FEET FROM ANY NATURAL RESOURCES. SEDIMENT BARRIERS SHALL BE INSTALLED DOWNGRADIENT OF STOCKPILES, AND STORMWATER SHALL BE PREVENTED FROM RUNNING ONTO THE STOCKPILE.

3. NATURAL RESOURCES PROTECTION:

ANY AREAS WITHIN 100 FEET FROM ANY NATURAL RESOURCES SHALL BE MULCHED USING TEMPORARY MULCHING (AS DESCRIBED IN PART 1 OF THIS SECTION) WITHIN 7 DAYS OF EXPOSURE OR PRIOR TO ANY STORM EVENT. SEDIMENT BARRIERS (AS DESCRIBED IN PART 4 OF THIS SECTION) SHALL BE PLACED BETWEEN ANY NATURAL RESOURCE AND THE DISTURBED AREA. PROJECTS CROSSING THE NATURAL RESOURCE SHALL BE PROTECTED A MINIMUM DISTANCE OF 100 FEET ON EITHER SIDE FROM THE RESOURCE.

SEDIMENT BARRIERS:

PRIOR TO THE BEGINNING OF ANY CONSTRUCTION, SEDIMENT BARRIERS SHALL BE STAKED ACROSS THE SLOPE(S), ON THE CONTOUR AT OR JUST BELOW THE LIMITS OF CLEARING OR GRUBBING, AND/OR JUST ABOVE ANY ADJACENT PROPERTY LINE OR WATERCOURSE TO PROTECT AGAINST CONSTRUCTION RELATED EROSION. SEDIMENT BARRIERS SHALL BE MAINTAINED BY THE CONTRACTOR UNTIL ALL EXPOSED SLOPES HAVE AT LEAST 90% VIGOROUS PERENNIAL VEGETATIVE COVER TO PREVENT EROSION.

SILT FENCE: SHALL BE INSTALLED PER THE DETAIL ON THE PLANS. THE EFFECTIVE HEIGHT OF THE FENCE SHALL NOT EXCEED 36 INCHES. IT IS RECOMMENDED THAT SILT FENCE BE REMOVED BY CUTTING THE FENCE MATERIALS AT GROUND LEVEL SO AS TO AVOID ADDITIONAL SOIL DISTURBANCE.

HAY BALES: SHALL NOT BE INSTALLED ADJACENT TO WETLAND. INSTALL PER THE DETAIL ON THE PLANS. BALES SHALL BE WIRE-BOUND OR STRING-TIED AND THESE BINDINGS MUST REMAIN PARALLEL WITH THE GROUND SURFACE DURING INSTALLATION TO PREVENT DETERIORATION OF THE BINDINGS. BALES SHALL BE INSTALLED WITHIN A MINIMUM 4 INCH DEEP TRENCH LINE WITH ENDS OF ADJACENT BALES TIGHTLY ABUTTING ONE ANOTHER.

EROSION CONTROL MIX: SHALL NOT BE USED ADJACENT TO WETLANDS. INSTALL PER THE DETAIL ON THE PLANS. THE MIX SHALL CONSIST PRIMARILY OF ORGANIC MATERIAL AND CONTAIN A WELL-GRADED MIXTURE OF PARTICLE SIZES AND MAY CONTAIN ROCKS LESS THAN 4 INCHES IN DIAMETER. THE MIX COMPOSITION SHALL MEET THE STANDARDS DESCRIBED WITHIN THE MDEP BEST MANAGEMENT PRACTICES. NO TRENCHING IS REQUIRED FOR INSTALLATION OF THIS BARRIER. EROSION CONTROL MIX BERMS SHALL NOT BE USED AT THE BOTTOM OF STEEP SLOPES (>8%) OR SLOPES WITH FLOWING WATER.

CONTINUOUS CONTAINED BERM: SHALL BE INSTALLED PER THE DETAIL ON THE PLANS. THIS SEDIMENT BARRIER IS EROSION CONTROL MIX PLACED WITHIN A SYNTHETIC TUBULAR NETTING AND PERFORMS AS A STURDY SEDIMENT BARRIER THAT WORKS WELL ON HARD GROUND SUCH AS FROZEN CONDITIONS, TRAVELED AREAS OR PAVEMENT. NO TRENCHING IS REQUIRED FOR INSTALLATION OF THIS BARRIER.

TEMPORARY CHECK DAMS:

SHALL BE INSTALLED PER THE DETAIL ON THE PLANS. CHECK DAMS ARE TO BE PLACED WITHIN DITCHES/ SWALES AS SPECIFIED ON THE DESIGN PLANS IMMEDIATELY AFTER FINAL GRADING. CHECK DAMS SHALL BE 2 FEET HIGH. TEMPORARY CHECK DAMS MAY BE REMOVED ONLY AFTER THE ROADWAYS ARE PAVED AND THE VEGETATED SWALE ARE ESTABLISHED WITH AT LEAST 90% OF VIGOROUS PERENNIAL GROWTH. THE AREA BENEATH THE CHECK DAM MUST BE SEEDED AND MULCHED IMMEDIATELY AFTER REMOVAL OF THE CHECK DAM.

STONE CHECK DAMS: STONE DAMS SHOULD BE CONSTRUCTED OF 2 TO 3 INCH STONE AND PLACED SUCH THAT COMPLETE COVERAGE OF THE SWALE IS OBTAINED AND THAT THE CENTER OF THE DAM IS 6 INCHES LOWER THAT THE OUTER EDGES.

HAY BALE CHECK DAMS: BALES SHALL BE WIRE-BOUND OR STRING-TIED. BALES SHALL BE INSTALLED WITHIN A MINIMUM 4 INCH DEEP TRENCH LINE WITH ENDS OF ADJACENT BALES TIGHTLY ABUTTING ONE ANOTHER. HAY BALES SHALL BE PLACED SUCH THAT COMPLETE COVERAGE OF THE SWALE IS OBTAINED AND THAT THE CENTER OF THE DAM IS 6 INCHES LOWER THAT THE OUTER EDGES.

MANUFACTURED CHECK DAMS: MANUFACTURED CHECK DAMS, AS SPECIFIED IN THE DETAIL ON THE PLANS, MAY BE USED IF AUTHORIZED BY THE PROPER LOCAL, STATE OR FEDERAL REGULATING AGENCIES. THESE UNITS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURE'S RECOMMENDATIONS. 6. STORMDRAIN INLET PROTECTION:

INLET PROTECTION SHALL BE PLACED AROUND A STORMDRAIN DROP INLET OR CURB INLET PRIOR TO PERMANENT STABILIZATION OF THE IMMEDIATE AND UPSTREAM DISTURBED AREAS. THEY SHALL BE CONSTRUCTED IN A MANNER THAT WILL FACILITATE CLEAN-OUT AND DISPOSAL OF TRAPPED SEDIMENTS AND MINIMIZE INTERFERENCE WITH CONSTRUCTION ACTIVITIES. ANY RESULTANT PONDING OF WATER FROM THE PROTECTION METHOD MUST NOT CAUSE EXCESSIVE INCONVENIENCE OR DAMAGE TO ADJACENT AREAS OR STRUCTURES.

HAY BALE DROP INLET PROTECTION: WE DO NOT RECOMMEND THE USE OF HAY BALES AS INLET PROTECTION.

CONCRETE BLOCK AND STONE INLET SEDIMENT FILTER (DROP OR CURB INLET): SHALL BE INSTALLED PER THE DETAIL ON THE PLANS. THE HEIGHT OF THE CONCRETE BLOCK BARRIER CAN VARY BUT MUST BE BETWEEN 12 AND 24 INCHES TALL. A MINIMUM OF 1 INCH CRUSHED STONE SHALL BE USED.

MANUFACTURED SEDIMENT BARRIERS AND FILTER (DROP OR CURB INLET): MANUFACTURED FILTERS, AS SPECIFIED IN THE DETAIL ON THE PLANS, MAY BE USED IF INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

7. STABILIZED CONSTRUCTION ENTRANCE/EXIT:

PRIOR TO CLEARING AND/OR GRUBBING THE SITE A STABILIZED CONSTRUCTION ENTRANCE/EXIT SHALL BE CONSTRUCTED WHEREVER TRAFFIC WILL EXIT THE CONSTRUCTION SITE ONTO A PAVED ROADWAY IN ORDER TO MINIMIZE THE TRACKING OF SEDIMENT AND DEBRIS FROM THE CONSTRUCTION SITE ONTO PUBLIC ROADWAYS. THE ENTRANCES AND ADJACENT ROADWAY AREAS SHALL BE PERIODICALLY SWEPT TO FURTHER MINIMIZE THE TRACKING OF MUD, DUST OR DEBRIS FROM THE CONSTRUCTION AREA. THE TERM "SWEEP" IS UNDERSTOOD TO MEAN REMOVAL AND RECOVERY OF TRACKED SEDIMENT WITH A STREET SWEEPER, NOT BRUSHING THE MATERIAL INTO SWALES OR STRUCTURES WITH A MECHANICAL BROOM. STABILIZED CONSTRUCTION EXITS SHALL BE CONSTRUCTED IN AREAS SPECIFIED ON THE PLANS AND AS DETAILED ON THE PLANS, THE CONTRACTOR SHALL MAINTAIN THE STABILIZED CONSTRUCTION ENTRANCE UNTIL ALL DISTURBED AREAS ARE STABILIZED

DUST CONTROL:

DUST CONTROL DURING CONSTRUCTION SHALL BE ACHIEVED BY THE USE OF A WATERING TRUCK TO PERIODICALLY SPRINKLE THE EXPOSED ROADWAY AREAS AS NECESSARY TO REDUCE DUST DURING THE DRY MONTHS. APPLYING OTHER DUST CONTROL PRODUCTS SUCH AS CALCIUM CHLORIDE OR OTHER MANUFACTURED PRODUCTS ARE ALLOWED IF AUTHORIZED BY THE PROPER LOCAL, STATE AND/OR FEDERAL REGULATING AGENCIES. HOWEVER, IT IS THE CONTRACTOR'S ULTIMATE RESPONSIBILITY TO MITIGATE DUST AND SOIL LOSS FROM THE SITE. IF OFFSITE TRACKING OCCURS, PUBLIC ROADS SHOULD BE SWEPT IMMEDIATELY AND NOT LESS THAN ONCE A WEEK AND PRIOR TO SIGNIFICANT STORM EVENTS.

TEMPORARY VEGETATION:

TEMPORARY VEGETATION SHALL BE APPLIED TO DISTURBED AREAS THAT WILL NOT RECEIVE FINAL GRADING FOR PERIODS UP TO 12 MONTHS. THIS PROCEDURE SHOULD BE USED EXTENSIVELY IN AREAS ADJACENT TO NATURAL RESOURCES. SEEDBED PREPARATION AND APPLICATION OF SEED SHALL BE CONDUCTED AS INDICATED IN THE PERMANENT VEGETATION SECTION OF THIS NARRATIVE. SPECIFIC SEEDS (FAST GROWING AND SHORT LIVING) SHALL BE SELECTED FROM THE MAINE EROSION AND SEDIMENT CONTROL BMP MANUALS FOR CONTRACTORS AND ENGINEERS, 2016 OR LATEST REVISION. ALTERNATIVE EROSION CONTROL MEASURES SHOULD BE USED IF SEEDING CAN NOT BE DONE BEFORE SEPTEMBER 15TH OF THE CONSTRUCTION YEAR.

PERMANENT VEGETATION:

REVEGETATION MEASURES SHALL COMMENCE IMMEDIATELY UPON COMPLETION OF FINAL GRADING OF AREAS TO BE LOAMED AND SEEDED. THE APPLICATION OF SEED SHALL BE CONDUCTED BETWEEN APRIL 1ST AND OCTOBER 1ST OF THE CONSTRUCTION YEAR, PLEASE REFER TO THE WINTER EROSION CONTROL NOTES FOR MORE DETAIL. REVEGETATION MEASURES SHALL CONSIST OF THE FOLLOWING:

SEEDBED PREPARATION:

A. FOUR (4) INCHES OF LOAM SHALL BE SPREAD OVER DISTURBED AREAS AND SMOOTHED TO A UNIFORM SURFACE. LOAM SHALL BE FREE OF SUBSOIL, CLAY LUMPS, STONES AND OTHER OBJECTS OVER 2 INCHES OR LARGER IN ANY DIMENSION, AND WITHOUT WEEDS, ROOTS OR OTHER OBJECTIONABLE MATERIAL B. SOILS TESTS SHALL BE TAKEN AT THE TIME OF SOIL STRIPPING TO DETERMINE FERTILIZATION REQUIREMENTS. SOILS TESTS SHALL BE TAKEN PROMPTLY AS TO NOT

INTERFERE WITH THE 14-DAY LIMIT ON SOIL EXPOSURE. BASED UPON TEST RESULTS, SOIL AMENDMENTS SHALL BE INCORPORATED INTO THE SOIL PRIOR TO FINAL SEEDING. IN LIEU OF SOIL TESTS, SOIL AMENDMENTS MAY BE APPLIED AS FOLLOWS: APPLICATION RATE

18.4 LBS /1,000 S.F.

138 LBS./1.000 S.F.

<u>ITEM</u> 10-20-20 FERTILIZER (N-P205-K20 OR EQUAL)

GROUND LIMESTONE (50% CALCIUM & MAGNESIUM OXIDE)

C. WORK LIME AND FERTILIZER INTO THE SOIL AS NEARLY AS PRACTICAL TO A DEPTH OF 4 INCHES WITH PROPER EQUIPMENT. ROLL THE AREA TO FIRM THE SEEDBED EXCEPT ON CLAY OR SILTY SOILS OR COARSE SAND.

APPLICATION OF SEED:

A. <u>SEEDING:</u> SHALL BE CONDUCTED BETWEEN APRIL 1ST AND OCTOBER 1ST OF THE CONSTRUCTION YEAR. GENERALLY A SEED MIXTURE MAY BE APPLIED AS FOLLOWS: MDEP SEED MIX 2 IS DISPLAYED)

SEED TYPE		APPLICATION RATE
CREEPING RED FESCUE		0.46 LBS/1,000 S.F. (20 LBS/ACRE)
REDTOP		0.05 LBS/1,000 S.F. (2 LBS/ACRE)
TALL FESCUE		0.46 LBS/1,000 S.F. (20 LBS/ACRE)
	TOTAL:	0.97 LBS/1,000 S.F. (42 LBS/ACRE)

NOTE: A SPECIFIC SEED MIXTURE SHOULD BE CHOSEN TO MATCH THE SOILS CONDITION OF THE SITE. VARIOUS AGENCIES CAN RECOMMEND SEED MIXTURES. MDEP RECOMMENDED SEED MIXTURES ARE IN THE EROSION AND SEDIMENT CONTROL BMP MANUAL DATED 2016 OR LATEST REVISION. HYDROSEEDING: SHALL BE CONDUCTED ON PREPARED AREAS WITH SLOPES LESS THAN 2:1. LIME AND FERTILIZER MAY BE APPLIED SIMULTANEOUSLY WITH THE SEED.

COMMENDED SEEDING RATES MUST BE INCREASED BY 10% WHEN HYDROSEEDING. C. MULCHING: SHALL COMMENCE IMMEDIATELY AFTER SEED IS APPLIED. REFER TO THE TEMPORARY MULCHING SECTION OF THIS NARRATIVE FOR DETAILS.

FOLLOWING SEEDBED PREPARATION, SOD CAN BE APPLIED IN LIEU OF SEEDING IN AREAS WHERE IMMEDIATE VEGETATION IS MOST BENEFICIAL SUCH AS DITCHES, AROUND STORMWATER DROP INLETS AND AREAS OF AESTHETIC VALUE. SOD SHOULD BE LAID AT RIGHT ANGLES TO THE DIRECTION OF FLOW. STARTING AT THE LOWEST ELEVATION. SOD SHOULD BE ROLLED OR TAMPED DOWN TO EVEN OUT THE JOINTS ONCE LAID DOWN. WHERE FLOW IS PREVALENT THE SOD MUST BE PROPERLY ANCHORED DOWN. IRRIGATE THE SOD IMMEDIATELY AFTER INSTALLATION. IN MOST CASES, SOD CAN BE ESTABLISHED BETWEEN APRIL 1ST AND NOVEMBER 15TH OF THE CONSTRUCTION YEAR, HOWEVER, REFER TO THE WINTER EROSION CONTROL NOTES FOR ANY ACTIVITIES AFTER OCTOBER 1ST.

STANDARDS FOR TIMELY STABILIZATION:

TANDARD FOR THE TIMELY STABILIZATION OF DISTURBED SLOPES -- THE CONTRACTOR WILL CONSTRUCT AND STABILIZE STONE-COVERED SLOPES BY NOVEMBER 15. HE CONTRACTOR WILL SEED AND MULCH ALL SLOPES TO BE VEGETATED BY SEPTEMBER 15. THE MDEP WILL CONSIDER ANY AREA HAVING A GRADE GREATER THAN 15% (10H:1V) TO BE A SLOPE. IF THE CONTRACTOR FAILS TO STABILIZE ANY SLOPE TO BE VEGETATED BY SEPTEMBER 15, THEN THE CONTRACTOR WILL TAKE ONE OF THE FOLLOWING ACTIONS TO STABILIZE THE SLOPE FOR LATE FALL AND WINTER. STABILIZE THE SOIL WITH TEMPORARY VEGETATION AND EROSION CONTROL MATS --- BY OCTOBER 1 THE CONTRACTOR WILL SEED THE DISTURBED SLOPE WITH VINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1,000 SQUARE FEET AND APPLY EROSION CONTROL MATS OVER THE MULCHED SLOPE. THE CONTRACTOR WILL MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR COVER AT LEAST 75% OF THE DISTURBED SLOPE BY NOVEMBER 1, THEN THE APPLICANT WILL COVER THE SLOPE WITH A LAYER OF WOOD WASTE COMPOST AS DESCRIBED IN ITEM 2(C.) OF THIS STANDARD OR WITH STONE RIPRAP AS DESCRIBED IN ITEM 2(D.) OF THIS STANDARD. STABILIZE THE SLOPE WITH SOD -- THE CONTRACTOR WILL STABILIZE THE DISTURBED SLOPE WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES THE APPLICANT PINNING THE SOD ONTO THE SLOPE WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL. AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL. THE APPLICANT WILL NOT USE LATE-SEASON SOD INSTALLATION TO STABILIZE SLOPES HAVING A GRADE GREATER THAN 33% (3H:1V). STABILIZE THE SLOPE WITH WOOD WASTE COMPOST -- THE CONTRACTOR WILL PLACE A SIX-INCH LAYER OF WOOD WASTE COMPOST ON THE SLOPE BY NOVEMBER 15.

RIOR TO PLACING THE WOOD WASTE COMPOST, THE APPLICANT WILL REMOVE ANY SNOW ACCUMULATION ON THE DISTURBED SLOPE. THE APPLICANT WILL NOT USE WOOD WASTE COMPOST TO STABILIZE SLOPES HAVING GRADES GREATER THAN 50% (2H:1V) OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE. STABILIZE THE SLOPE WITH STONE RIPRAP -- THE CONTRACTOR WILL PLACE A LAYER OF STONE RIPRAP ON THE SLOPE BY NOVEMBER 15. THE APPLICANT WILL HIRE A GISTERED PROFESSIONAL ENGINEER TO DETERMINE THE STONE SIZE NEEDED FOR STABILITY AND TO DESIGN A FILTER LAYER FOR UNDERNEATH THE RIPRAP.

STANDARD FOR THE TIMELY STABILIZATION OF DISTURBED SOILS -- BY SEPTEMBER 15 THE CONTRACTOR WILL SEED AND MULCH ALL DISTURBED SOILS ON AREAS HAVING A SLOPE LESS THAN 15%. IF THE CONTRACTOR FAILS TO STABILIZE THESE SOILS BY THIS DATE, THEN THE CONTRACTOR WILL TAKE ONE OF THE FOLLOWING ACTIONS TO STABILIZE THE SOIL FOR LATE FALL AND WINTER. STABILIZE THE SOIL WITH TEMPORARY VEGETATION - BY OCTOBER 1 THE CONTRACTOR WILL SEED THE DISTURBED SOIL WITH WINTER RYE AT A SEEDING RATE OF 3 OUNDS PER 1000 SQUARE FEET, LIGHTLY MULCH THE SEEDED SOIL WITH HAY OR STRAW AT 75 POUNDS PER 1000 SQUARE FEET, AND ANCHOR THE MULCH WITH PLASTIC NETTING THE APPLICANT WILL MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR COVER AT LEAST 75% OF THE DISTURBED SOIL BEFORE NOVEMBER 15, THEN THE APPLICANT WILL MULCH THE AREA FOR OVER-WINTER PROTECTION AS DESCRIBED IN ITEM 3(C.)

STABILIZE THE SOIL WITH SOD -- THE APPLICANT WILL STABILIZE THE DISTURBED SOIL WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION VICLUDES THE APPLICANT PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL. STABILIZE THE SOIL WITH MULCH -- BY NOVEMBER 15 THE APPLICANT WILL MULCH THE DISTURBED SOIL BY SPREADING HAY OR STRAW AT A RATE OF AT LEAST 150 OUNDS PER 1000 SQUARE FEET ON THE AREA SO THAT NO SOIL IS VISIBLE THROUGH THE MULCH. PRIOR TO APPLYING THE MULCH, THE APPLICANT WILL REMOVE ANY SNOW ACCUMULATION ON THE DISTURBED AREA. IMMEDIATELY AFTER APPLYING THE MULCH, THE APPLICANT WILL ANCHOR THE MULCH WITH PLASTIC NETTING TO PREVENT WIND FROM MOVING THE MULCH OFF THE DISTURBED SOIL.

MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION CYCLE. AFTER EACH RAINFALL, SNOW STORM OR PERIOD OF THAWING AND RUNOFF, AND AT LEAST EVERY SEVEN (7) DAYS, THE CONTRACTOR SHALL PERFORM A VISUAL INSPECTION OF ALL INSTALLED EROSION CONTROL MEASURES. THE CONTRACTOR SHALL PERFORM REPAIRS NO LATER THAN THE END OF THE NEXT WORKDAY. TO ALLOW CONTINUED PROPER FUNCTIONING OF THE EROSION CONTROL MEASURE. THE CONTRACTOR SHALL PROVIDE THE NECESSARY REGULATING AGENCIES WITH WRITTEN DOCUMENTATION DESCRIBING DATES OF INSPECTIONS AND NECESSARY FOLLOW-UP WORK TO MAINTAIN EROSION CONTROL MEASURES MEETING THE REQUIREMENTS OF THIS PLAN WITHIN SEVEN (7) DAYS.

2. FOLLOWING THE TEMPORARY AND/OR FINAL SEEDINGS. THE CONTRACTOR SHALL INSPECT THE WORK AREA SEMIMONTHLY UNTIL THE SEEDINGS HAVE BEEN ESTABLISHED. ESTABLISHED MEANS A MINIMUM OF 90% OF AREAS VEGETATED WITH VIGOROUS GROWTH. RESEEDING SHALL BE CARRIED OUT BY THE CONTRACTOR WITH FOLLOW-UP INSPECTIONS IN THE EVENT OF ANY FAILURES UNTIL VEGETATION IS ADEQUATELY ESTABLISHED.

HOUSEKEEPING:

OF THIS STANDARD.

1. SPILL PREVENTION. CONTROLS MUST BE USED TO PREVENT POLLUTANTS FROM CONSTRUCTION AND WASTE MATERIALS STORED ON SITE TO ENTER STORMWATER, WHICH INCLUDES STORAGE PRACTICES TO MINIMIZE EXPOSURE OF THE MATERIALS TO STORMWATER. THE SITE CONTRACTOR OR OPERATOR MUST DEVELOP, AND IMPLEMENT AS NECESSARY, APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING MEASURES.

GROUNDWATER PROTECTION. DURING CONSTRUCTION, LIQUID PETROLEUM PRODUCTS AND OTHER HAZARDOUS MATERIALS WITH THE POTENTIAL TO CONTAMINATE GROUNDWATER MAY NOT BE STORED OR HANDLED IN AREAS OF THE SITE DRAINING TO AN INFILTRATION AREA. AN "INFILTRATION AREA" IS ANY AREA OF THE SITE THAT BY DESIGN OR AS A RESULT OF SOILS, TOPOGRAPHY AND OTHER RELEVANT FACTORS ACCUMULATES RUNOFF THAT INFILTRATES INTO THE SOIL, DIKES, BERMS, SUMPS, AND OTHER FORMS OF SECONDARY CONTAINMENT THAT PREVENT DISCHARGE TO GROUNDWATER MAY BE USED TO ISOLATE PORTIONS OF THE SITE FOR THE PURPOSES OF STORAGE AND HANDLING OF THESE MATERIALS. ANY PROJECT PROPOSING INFILTRATION OF STORMWATER MUST PROVIDE ADEQUATE PRE-TREATMENT OF STORMWATER PRIOR TO DISCHARGE OF STORMWATER TO THE INFILTRATION AREA, OR PROVIDE FOR TREATMENT WITHIN THE INFILTRATION AREA, IN ORDER TO PREVENT THE ACCUMULATION OF FINES, REDUCTION IN INFILTRATION RATE, AND CONSEQUENT FLOODING AND DESTABILIZATION.

FUGITIVE SEDIMENT AND DUST. ACTIONS MUST BE TAKEN TO ENSURE THAT ACTIVITIES DO NOT RESULT IN NOTICEABLE EROSION OF SOILS OR FUGITIVE DUST EMISSIONS DURING OR AFTER CONSTRUCTION, OIL MAY NOT BE USED FOR DUST CONTROL, BUT OTHER WATER ADDITIVES MAY BE CONSIDERED AS NEEDED, A STABILIZED CONSTRUCTION ENTRANCE (SCE) SHOULD BE INCLUDED TO MINIMIZE TRACKING OF MUD AND SEDIMENT. IF OFF-SITE TRACKING OCCURS, PUBLIC ROADS SHOULD BE SWEPT IMMEDIATELY AND NO LESS THAN ONCE A WEEK AND PRIOR TO SIGNIFICANT STORM EVENTS, OPERATIONS DURING DRY MONTHS, THAT EXPERIENCE FUGITIVE DUST PROBLEMS, SHOULD WET DOWN UNPAVED ACCESS ROADS ONCE A WEEK OR MORE FREQUENTLY AS NEEDED WITH A WATER ADDITIVE TO SUPPRESS FUGITIVE SEDIMENT AND DUST.

DEBRIS AND OTHER MATERIALS. MINIMIZE THE EXPOSURE OF CONSTRUCTION DEBRIS, BUILDING AND LANDSCAPING MATERIALS, TRASH, FERTILIZERS, PESTICIDES, HERBICIDES, DETERGENTS, SANITARY WASTE AND OTHER MATERIALS TO PRECIPITATION AND STORMWATER RUNOFF. THESE MATERIALS MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE.

EXCAVATION DE-WATERING. EXCAVATION DE-WATERING IS THE REMOVAL OF WATER FROM TRENCHES, FOUNDATIONS, COFFER DAMS, PONDS, AND OTHER AREAS VITHIN THE CONSTRUCTION AREA THAT RETAIN WATER AFTER EXCAVATION. IN MOST CASES THE COLLECTED WATER IS HEAVILY SILTED AND HINDERS CORRECT AND SAFE CONSTRUCTION PRACTICES. THE COLLECTED WATER REMOVED FROM THE PONDED AREA, EITHER THROUGH GRAVITY OR PUMPING, MUST BE SPREAD THROUGH NATURAL WOODED BUFFERS OR REMOVED TO AREAS THAT ARE SPECIFICALLY DESIGNED TO COLLECT THE MAXIMUM AMOUNT OF SEDIMENT POSSIBLE, LIKE A COFFERDAM SEDIMENTATION BASIN. AVOID ALLOWING THE WATER TO FLOW OVER DISTURBED AREAS OF THE SITE. EQUIVALENT MEASURES MAY BE TAKEN IF APPROVED BY THE DEPARTMENT.

6. AUTHORIZED NON-STORMWATER DISCHARGES. IDENTIFY AND PREVENT CONTAMINATION BY NON-STORMWATER DISCHARGES. WHERE ALLOWED NON-STORMWATER SCHARGES EXIST, THEY MUST BE IDENTIFIED AND STEPS SHOULD BE TAKEN TO ENSURE THE IMPLEMENTATION OF APPROPRIATE POLLUTION PREVENTION MEASURES FOR THE NON-STORMWATER COMPONENT(S) OF THE DISCHARGE. AUTHORIZED NON-STORMWATER DISCHARGES ARE: A. DISCHARGES FROM FIREFIGHTING ACTIVITY:

FIRE HYDRANT FLUSHINGS: VEHICLE WASHWATER IF DETERGENTS ARE NOT USED AND WASHING IS LIMITED TO THE EXTERIOR OF VEHICLES (ENGINE, UNDERCARRIAGE AND TRANSMISSION WASHING IS PROHIBITED); DUST CONTROL RUNOFF IN ACCORDANCE WITH PERMIT CONDITIONS:

ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS; PAVEMENT WASHWATER (WHERE SPILLS/LEAKS OF TOXIC OR HAZARDOUS MATERIALS HAVE NOT OCCURRED, UNLESS ALL SPILLED MATERIAL HAD BEEN REMOVED) IF DETERGENTS ARE NOT USED; G. UNCONTAMINATED AIR CONDITIONING OR COMPRESSOR CONDENSATE;

H. UNCONTAMINATED GROUNDWATER OR SPRING WATER: FOUNDATION OR FOOTER DRAIN-WATER WHERE FLOWS ARE NOT CONTAMINATED;

UNCONTAMINATED EXCAVATION DEWATERING POTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS; AND

L. LANDSCAPE IRRIGATION.

UNAUTHORIZED NON-STORMWATER DISCHARGES. THE DEPARTMENT'S APPROVAL DOES NOT AUTHORIZE A DISCHARGE THAT IS MIXED WITH A SOURCE OF NON-STORMWATER, OTHER THAN THOSE DISCHARGES. SPECIFICALLY, THE DEPARTMENT'S APPROVAL DOES NOT AUTHORIZE DISCHARGES OF THE FOLLOWING: A. WASTEWATER FROM THE WASHOUT OR CLEAN OUT OF CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS OR OTHER CONSTRUCTION MATERIALS. FUELS, OILS OR OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE; SOAPS, SOLVENTS, OR DETERGENTS USED IN VEHICLE AND EQUIPMENT WASHING; AND TOXIC OR HAZARDOUS SUBSTANCES FROM A SPILL OR OTHER RELEASE.

WINTER EROSION CONTROL MEASURES

THE WINTER CONSTRUCTION PERIOD IS FROM OCTOBER 1 THROUGH APRIL 15. IF THE CONSTRUCTION SITE IS NOT STABILIZED WITH PAVEMENT, A ROAD GRAVEL BASE, 75% MATURE VEGETATION COVER OR RIPRAP BY NOVEMBER 15 THEN THE SITE NEEDS TO BE PROTECTED WITH OVER-WINTER STABILIZATION. AN AREA CONSIDERED OPEN IS ANY AREA NOT STABILIZED WITH PAVEMENT, VEGETATION, MULCHING, EROSION CONTROL MATS, RIPRAP OR GRAVEL BASE ON A ROAD, LIMIT THE EXPOSED AREA TO THOSE AREAS IN WHICH WORK IS EXPECTED TO BE UNDER TAKEN DURING THE PROCEEDING 15 DAYS AND THAT CAN BE MULCHED IN ONE DAY PRIOR TO ANY SNOW EVENT. ALL AREAS SHALL BE CONSIDERED TO BE DENUDED UNTIL THE SUBBASE GRAVEL IS INSTALLED IN ROADWAY AREAS OR THE AREAS OF FUTURE LOAM AND SEED HAVE BEEN LOAMED, SEEDED AND MULCHED. HAY AND STRAW MULCH RATE SHALL BE A MINIMUM OF 150 LBS./1,000 S.F. (3 TONS/ACRE) AND SHALL BE PROPERLY ANCHORED. THE CONTRACTOR MUST INSTALL ANY ADDED MEASURES WHICH MAY BE NECESSARY TO CONTROL EROSION/SEDIMENTATION FROM THE SITE DEPENDENT UPON THE ACTUAL SITE AND WEATHER CONDITIONS. CONTINUATION OF EARTHWORK OPERATIONS ON ADDITIONAL AREAS SHALL NOT BEGIN UNTIL THE EXPOSED SOIL SURFACE ON THE AREA BEING WORKED HAS BEEN STABILIZED, IN ORDER TO MINIMIZE AREAS WITHOUT EROSION CONTROL PROTECTION.

1. SOIL STOCKPILES

- RESOURCES.
- 2. NATURAL RESOURCES PROTECTION
- RAINS 3. SEDIMENT BARRIERS
- BALES AND SEDIMENT SILT FENCES. 4. MULCHING
- 5. MULCHING ON SLOPES AND DITCHES
- EROSION CONTROL BLANKETS ON ALL SLOPES EXCEPT DITCHES.
- 6. SEEDING
- 7. INSPECTION AND MONITORING REPAIRS AS NEEDED TO INSURE THEIR CONTINUOUS FUNCTION.
- STANDARDS FOR TIMELY STABILIZATION OF CONSTRUCTION SITES DURING WINTER STABILIZE THE DITCH FOR LATE FALL AND WINTER.
- DURING FLOW CONDITIONS. REDUCING THE DITCH'S CROSS-SECTIONAL AREA.
- RIPRAP AS DESCRIBED IN ITEM IV OF THIS CONDITION.

STABILIZE THE SLOPE WITH SOD -- THE APPLICANT WILL STABILIZE THE DISTURBED SLOPE WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION NCLUDES THE APPLICANT PINNING THE SOD ONTO THE SLOPE WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL. THE APPLICANT WILL NOT USE LATE-SEASON SOD INSTALLATION TO STABILIZE SLOPES HAVING A GRADE GREATER THAN 33% (3H:1V).

ABILIZE THE SLOPE WITH WOOD WASTE COMPOST -- THE APPLICANT WILL PLACE A SIX-INCH LAYER OF WOOD WASTE COMPOST ON THE SLOPE BY NOVEMBER 15. PRIOR TO PLACING THE WOOD WASTE COMPOST. THE APPLICANT WILL REMOVE ANY SNOW ACCUMULATION ON THE DISTURBED SLOPE. THE APPLICANT WILL NOT USE WOOD WASTE COMPOST TO STABILIZE SLOPES HAVING GRADES GREATER THAN 50% (2H:1V) OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE. STABILIZE THE SLOPE WITH STONE RIPRAP -- THE APPLICANT WILL PLACE A LAYER OF STONE RIPRAP ON THE SLOPE BY NOVEMBER 15. THE APPLICANT WILL HIRE A

A SLOPE LESS THAN 15%. IF THE APPLICANT FAILS TO STABILIZE THESE SOILS BY THIS DATE, THEN THE APPLICANT WILL TAKE ONE OF THE FOLLOWING ACTIONS TO STABILIZE THE SOIL FOR LATE FALL AND WINTER. THIS STANDARD.

STOCKPILES OF SOIL OR SUBSOIL WILL BE MULCHED FOR OVER WINTER PROTECTION WITH HAY OR STRAW AT TWICE THE NORMAL RATE OR AT 150 LBS/1,000 S.F. (3) TONS PER ACRE) OR WITH A FOUR-INCH LAYER OF WOOD WASTE EROSION CONTROL MIX. THIS WILL BE DONE WITHIN 24 HOURS OF STOCKING AND RE-ESTABLISHED PRIOR TO ANY RAINFALL OR SNOWFALL. ANY SOIL STOCKPILE WILL NOT BE PLACED (EVEN COVERED WITH HAY OR STRAW) WITHIN 100 FEET FROM ANY NATURAL

ANY AREAS WITHIN 100 FEET FROM ANY NATURAL RESOURCES, IF NOT STABILIZED WITH A MINIMUM OF 75% MATURE VEGETATION CATCH, SHALL BE MULCHED BY DECEMBER 1 AND ANCHORED WITH PLASTIC NETTING OR PROTECTED WITH EROSION CONTROL MATS. DURING WINTER CONSTRUCTION, A DOUBLE LINE OF SEDIMENT BARRIERS (I.E. SILT FENCE BACKED WITH HAY BALES OR EROSION CONTROL MIX) WILL BE PLACED BETWEEN ANY NATURAL RESOURCE AND THE DISTURBED AREA. PROJECTS CROSSING THE NATURAL RESOURCE SHALL BE PROTECTED A MINIMUM DISTANCE OF 100 FEET ON EITHER SIDE FROM THE RESOURCE. EXISTING PROJECTS NOT STABILIZED BY DECEMBER 1 SHALL BE PROTECTED WITH THE SECOND LINE OF SEDIMENT BARRIER TO ENSURE FUNCTIONALITY DURING THE SPRING THAW AND

DURING FROZEN CONDITIONS, SEDIMENT BARRIERS SHALL CONSIST OF WOOD WASTE FILTER BERMS AS FROZEN SOIL PREVENTS THE PROPER INSTALLATION OF HAY

ALL AREA SHALL BE CONSIDERED TO BE DENUDED UNTIL AREAS OF FUTURE LOAM AND SEED HAVE BEEN LOAMED, SEEDED AND MULCHED. HAY AND STRAW MULCH SHALL BE APPLIED AT A RATE OF 150 LB. PER 1.000 SQUARE FEET OR 3 TONS/ACRE (TWICE THE NORMAL ACCEPTED RATE OF 75-LBS./1,000 S.F. OR 1.5 TONS/ACRE) AND SHALL BE PROPERLY ANCHORED. MULCH SHALL NOT BE SPREAD ON TOP OF SNOW. THE SNOW WILL BE REMOVED DOWN TO A ONE-INCH DEPTH OR LESS PRIOR TO APPLICATION, AFTER EACH DAY OF FINAL GRADING. THE AREA WILL BE PROPERLY STABILIZED WITH ANCHORED HAY OR STRAW OR EROSION CONTROL MATTING, AN AREA SHALL BE CONSIDERED TO HAVE BEEN STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH STRAW OR HAY AT A RATE OF 150 LB. PER 1.000 SQUARE FEET (3TONS/ACRE) AND ADEQUATELY ANCHORED THAT GROUND SURFACE IS NOT VISIBLE THOUGH THE MULCH.

BETWEEN THE DATES OF SEPTEMBER 1 AND APRIL 15, ALL MULCH SHALL BE ANCHORED BY EITHER PEG LINE, MULCH NETTING, ASPHALT EMULSION CHEMICAL, TRACK OR WOOD CELLULOSE FIBER. WHEN GROUND SURFACE IS NOT VISIBLE THOUGH THE MULCH THEN COVER IS SUFFICIENT. AFTER NOVEMBER 1ST. MULCH AND ANCHORING OF ALL BARE SOIL SHALL OCCUR AT THE END OF EACH FINAL GRADING WORK DAY.

SLOPES SHALL NOT BE LEFT EXPOSED FOR ANY EXTENDED TIME OF WORK SUSPENSION UNLESS FULLY MULCHED AND ANCHORED WITH PEG AND NETTING OR WITH EROSION CONTROL BLANKETS. MULCHING SHALL BE APPLIED AT A RATE OF 230 LBS/1,000 S.F. ON ALL SLOPES GREATER THAN 8%. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS WITH A SLOPE GREATER THAN 3% FOR SLOPES EXPOSED TO DIRECT WINDS AND FOR ALL OTHER SLOPES GREATER THAN 5%. EROSION CONTROL BLANKETS SHALL BE USED IN LIEU OF MULCH IN ALL DRAINAGE WAYS WITH SLOPES 8%. EROSION CONTROL MIX CAN BE USED TO SUBSTITUTE

BETWEEN THE DATES OF OCTOBER 15 AND APRIL 1ST, LOAM OR SEED WILL NOT BE REQUIRED. DURING PERIODS OF ABOVE FREEZING TEMPERATURES FINISHED AREAS SHALL BE FINE GRADED AND EITHER PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL SUCH TIME AS THE FINAL TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER NOVEMBER 1ST AND IF THE EXPOSED AREA HAS BEEN LOOMED, FINAL GRADED WITH A UNIFORM SURFACE, THEN THE AREA MAY BE DORMANT SEEDED AT A RATE OF 3 TIMES HIGHER THAN SPECIFIED FOR PERMANENT SEED AND THEN MULCHED. DORMANT SEEDING MAY BE SELECTED TO BE PLACED PRIOR TO THE PLACEMENT OF MULCH AND FABRIC NETTING ANCHORED WITH STAPLES. IF DORMANT SEEDING IS USED FOR THE SITE, ALL DISTURBED AREAS SHALL RECEIVE 4' OF LOAM AND SEED AT AN APPLICATION RATE OF 5LBS/1000 S.F. ALL AREAS SEEDED DURING THE WINTER WILL BE INSPECTED IN THE SPRING FOR ADEQUATE CATCH. ALL AREAS SUFFICIENTLY VEGETATED (LESS THAN 75% CATCH) SHALL BE REVEGETATED BY REPLACING LOAM, SEED AND MULCH. IF DORMANT SEEDING IS NOT USED FOR THE SITE, ALL DISTURBED AREAS SHALL BE REVEGETATED IN THE SPRING. SEED TYPE SHALL BE WINTER RYE.

MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION SEASON. AT A MINIMUM, AFTER EACH RAINFALL, SNOW STORM OR PERIOD OF THAWING AND RUNOFF, THE SITE CONTRACTOR SHALL PERFORM A VISUAL INSPECTION OF ALL INSTALLED EROSION CONTROL MEASURES AND PERFORM FOLLOWING THE TEMPORARY AND OR FINAL SEEDING AND MULCHING, THE CONTRACTOR SHALL IN THE SPRING INSPECT AND REPAIR ANY DAMAGES AND/ OR UNESTABLISHED SPOTS. ESTABLISHED VEGETATIVE COVER MEANS A MINIMUM OF 90% OF AREAS VEGETATED WITH VIGOROUS GROWTH.

1. STANDARD FOR THE TIMELY STABILIZATION OF DITCHES AND CHANNELS -- THE APPLICANT WILL CONSTRUCT AND STABILIZE ALL STONE-LINED DITCHES AND CHANNELS ON THE SITE BY NOVEMBER 15. THE APPLICANT WILL CONSTRUCT AND STABILIZE ALL GRASS-LINED DITCHES AND CHANNELS ON THE SITE BY SEPTEMBER 15. IF THE APPLICANT FAILS TO STABILIZE A DITCH OR CHANNEL TO BE GRASS-LINED BY SEPTEMBER 15, THEN THE APPLICANT WILL TAKE ONE OF THE FOLLOWING ACTIONS TO

INSTALL A SOD LINING IN THE DITCH -- THE APPLICANT WILL LINE THE DITCH WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES THE APPLICANT PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL, AND ANCHORING THE SOD WITH JUTE OR PLASTIC MESH TO PREVENT THE SOD STRIPS FROM SLOUGHING

INSTALL A STONE LINING IN THE DITCH -- THE APPLICANT WILL LINE THE DITCH WITH STONE RIPRAP BY NOVEMBER 15. THE APPLICANT WILL HIRE A REGISTERED PROFESSIONAL ENGINEER TO DETERMINE THE STONE SIZE AND LINING THICKNESS NEEDED TO WITHSTAND THE ANTICIPATED FLOW VELOCITIES AND FLOW DEPTHS WITHIN THE DITCH. IF NECESSARY, THE APPLICANT WILL REGRADE THE DITCH PRIOR TO PLACING THE STONE LINING SO TO PREVENT THE STONE LINING FROM

2. STANDARD FOR THE TIMELY STABILIZATION OF DISTURBED SLOPES -- THE APPLICANT WILL CONSTRUCT AND STABILIZE STONE-COVERED SLOPES BY NOVEMBER 15. THE APPLICANT WILL SEED AND MULCH ALL SLOPES TO BE VEGETATED BY SEPTEMBER 15. THE DEPARTMENT WILL CONSIDER ANY AREA HAVING A GRADE GREATER THAN 15% (10H:1V) TO BE A SLOPE. IF THE APPLICANT FAILS TO STABILIZE ANY SLOPE TO BE VEGETATED BY SEPTEMBER 15, THEN THE APPLICANT WILL TAKE ONE OF THE FOLLOWING ACTIONS TO STABILIZE THE SLOPE FOR LATE FALL AND WINTER.

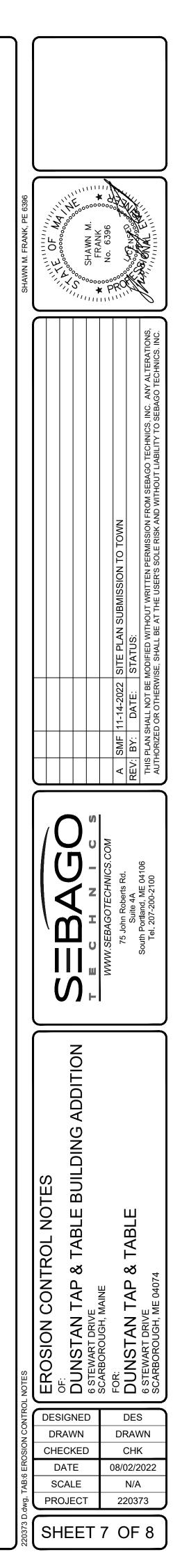
STABILIZE THE SOIL WITH TEMPORARY VEGETATION AND EROSION CONTROL MATS -- BY OCTOBER 1 THE APPLICANT WILL SEED THE DISTURBED SLOPE WITH WINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1000 SQUARE FEET AND APPLY EROSION CONTROL MATS OVER THE MULCHED SLOPE. THE APPLICANT WILL MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR COVER AT LEAST 75% OF THE DISTURBED SLOPE BY NOVEMBER 1, THEN THE APPLICANT WILL COVER THE SLOPE WITH A LAYER OF WOOD WASTE COMPOST AS DESCRIBED IN ITEM III OF THIS CONDITION OR WITH STONE

REGISTERED PROFESSIONAL ENGINEER TO DETERMINE THE STONE SIZE NEEDED FOR STABILITY AND TO DESIGN A FILTER LAYER FOR UNDERNEATH THE RIPRAP. 3. STANDARD FOR THE TIMELY STABILIZATION OF DISTURBED SOILS -- BY SEPTEMBER 15 THE APPLICANT WILL SEED AND MULCH ALL DISTURBED SOILS ON AREAS HAVING

STABILIZE THE SOIL WITH TEMPORARY VEGETATION -- BY OCTOBER 1 THE APPLICANT WILL SEED THE DISTURBED SOIL WITH WINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1000 SQUARE FEET, LIGHTLY MULCH THE SEEDED SOIL WITH HAY OR STRAW AT 75 POUNDS PER 1000 SQUARE FEET, AND ANCHOR THE MULCH WITH PLASTIC NETTING. THE APPLICANT WILL MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS GROW AT LEAST THREE INCHES OR COVER AT

LEAST 75% OF THE DISTURBED SOIL BEFORE NOVEMBER 15, THEN THE APPLICANT WILL MULCH THE AREA FOR OVER-WINTER PROTECTION AS DESCRIBED IN ITEM III OF STABILIZE THE SOIL WITH SOD -- THE APPLICANT WILL STABILIZE THE DISTURBED SOIL WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES THE APPLICANT PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL.

STABILIZE THE SOIL WITH MULCH -- BY NOVEMBER 15 THE APPLICANT WILL MULCH THE DISTURBED SOIL BY SPREADING HAY OR STRAW AT A RATE OF AT LEAST 150 POUNDS PER 1000 SQUARE FEET ON THE AREA SO THAT NO SOIL IS VISIBLE THROUGH THE MULCH. PRIOR TO APPLYING THE MULCH, THE APPLICANT WILL REMOVE ANY SNOW ACCUMULATION ON THE DISTURBED AREA. IMMEDIATELY AFTER APPLYING THE MULCH, THE APPLICANT WILL ANCHOR THE MULCH WITH PLASTIC NETTING TO PREVENT WIND FROM MOVING THE MULCH OFF THE DISTURBED SOIL.



EROSION CONTROL MIX BERM NOT TO SCALE

LAST REVISED 3/2003 OR LATER. IT MUST CONSIST PRIMARILY OF ORGANIC MATERIAL, SEPARATED AT THE POINT OF GENERATION, AND MAY INCLUDE: SHREDDED BARK, STUMP GRINDINGS, COMPOSTED BARK, OR ACCEPTABLE MANUFACTURED PRODUCTS. WOOD AND BARK CHIPS, GROUND CONSTRUCTION DEBRIS OR REPROCESSED WOOD PRODUCTS WILL NOT BE ACCEPTABLE AS THE ORGANIC COMPONENT OF THE MIX. INSTALLATION: 1. THE BARRIER MUST BE PLACED ACROSS THE SLOPE, ALONG THE CONTOUR. 2. EXISTING GROUND SHALL BE PREPARED SUCH THAT THE BARRIER MAY LIE NEARLY FLAT ALONG THE

3. THE BARRIER SHALL BE A MINIMUM OF 1 FOOT HIGH (AS MEASURED ON THE UPHILL SIDE) AND 2 FEET

WIDE FOR SLOPES LESS THAN 5% IN GRADE AND SHALL BE WIDER TO ACCOMMODATE THE ADDITIONAL

CONCENTRATED FLOW, BELOW CULVERT OUTLET APRONS, AROUND CATCH BASINS AND CLOSED STORM

SYSTEMS AND AT THE BOTTOM OF STEEP SLOPES THAT ARE MORE THAN 50 FEET FROM TOP TO BOTTOM.

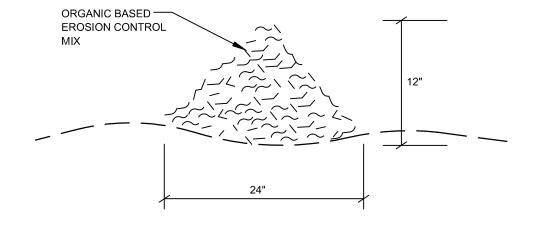
AREAS EXCEPT IN, BUT NOT LIMITED TO, THE FOLLOWING AREAS: WETLAND AREAS, AT POINTS OF

GROUND TO AVOID THE CREATION OF VOIDS AND BRIDGES IN ORDER TO MINIMIZE THE POTENTIAL OF WASH

4. EROSION CONTROL MIX CAN BE INSTALLED WHERE SILT FENCE IS ILLUSTRATED ON THE DESIGN PLANS IN

COMPOSITION IS IN ACCORDANCE WITH THE MDEP MAINE EROSION AND SEDIMENT CONTROL BMP MANUAL,

EROSION CONTROL MIX SHALL BE MANUFACTURED ON OR OFF THE PROJECT SITE SUCH THAT ITS



FILTER BARRIER NOT TO SCALE

6. BARRIER SHALL BE MIRAFI SILT FENCE OR EQUAL.

5. JOIN SECTION AS SHOWN ABOVE.

THE BASE, BUT MUST BE ACCOMPANIED BY AN INTERCEPTION DITCH.

POSTS

SECTION A

-FILTER

FABRIC

- BACKFILL

1. EXCAVATE A 6"x 6" TRENCH ALONG THE LINE OF PLACEMENT FOR THE FILTER BARRIER.

3. DRIVE POSTS INTO THE GROUND UNTIL APPROXIMATELY 2" OF FABRIC IS LYING ON THE

4. LAY THE TOE-IN FLAP OF FABRIC ONTO THE UNDISTURBED BOTTOM OF THE TRENCH,

BACKFILL THE TRENCH AND TAMP THE SOIL. TOE-IN CAN ALSO BE ACCOMPLISHED BY LAYING THE FABRIC FLAP ON UNDISTURBED GROUND AND PILING AND TAMPING FILL AT

2. UNROLL A SECTION AT A TIME AND POSITION THE POSTS AGAINST THE BACK (DOWNSTREAM)

TOP VIEW

ECTION E

SECTION A

SECTION B

สามัก นักของกับสามัน กับกิดสมับบัน กับสุด

COUPLER-

POST-

6' MAX.

SPACING

NATIVE SOIL

INSTALLATION:

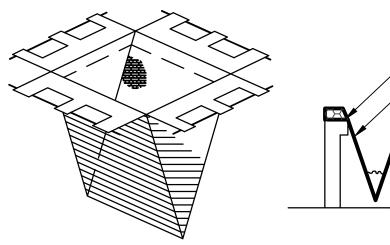
WALL OF THE TRENCH.

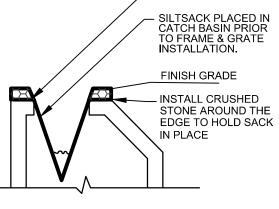
TRENCH BOTTOM.

COMPOSITION

OUTS UNDER THE BARRIER.

RUNOFF.





– CATCH BASIN

SILT SACK PROTECTION

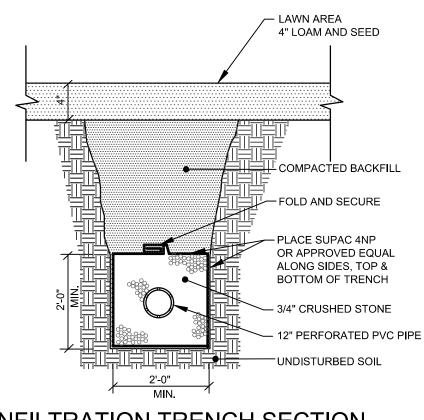
NEW INSTALLATION

NOTES

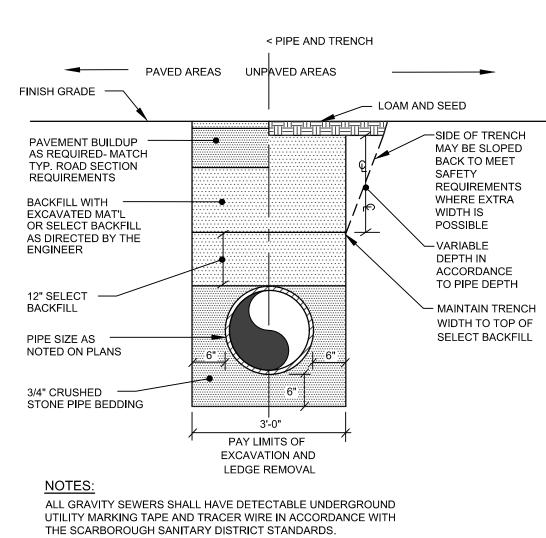
PRIOR TO FINAL GRADING AND PAVING OPERATIONS BEGIN A CATCH BASIN INSERT (SUCH AS A SILT SACK OR A DANDY BAG II) MUST BE INSTALLED IN EACH BASIN PER MANUFACTURES INSTRUCTIONS. HAY BALES SHOULD BE REMOVED ONCE INSERTS ARE INSTALLED.

CATCH BASIN PROTECTION DETAIL (FOR PAVED AREAS)

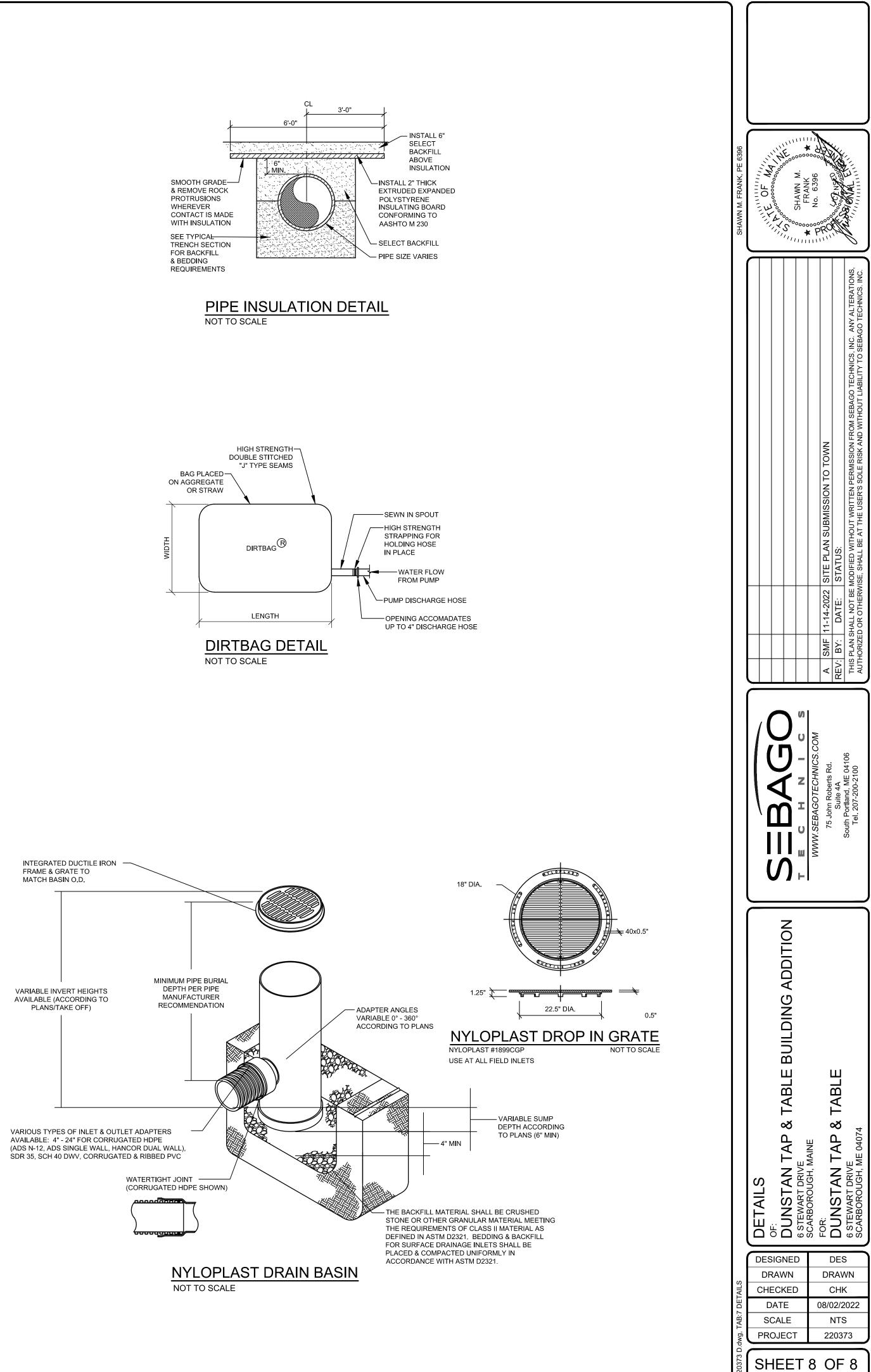
NOT TO SCALE

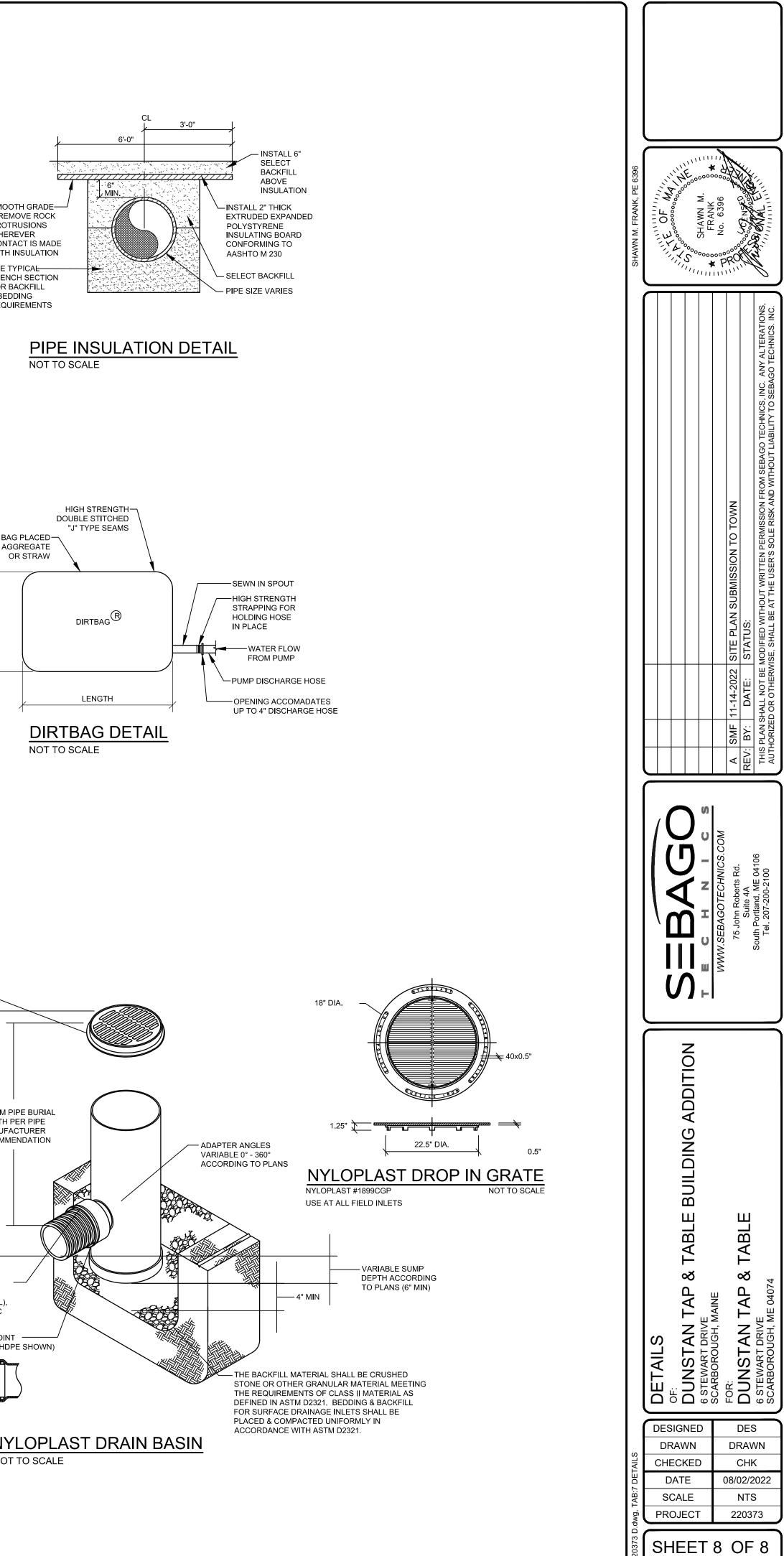


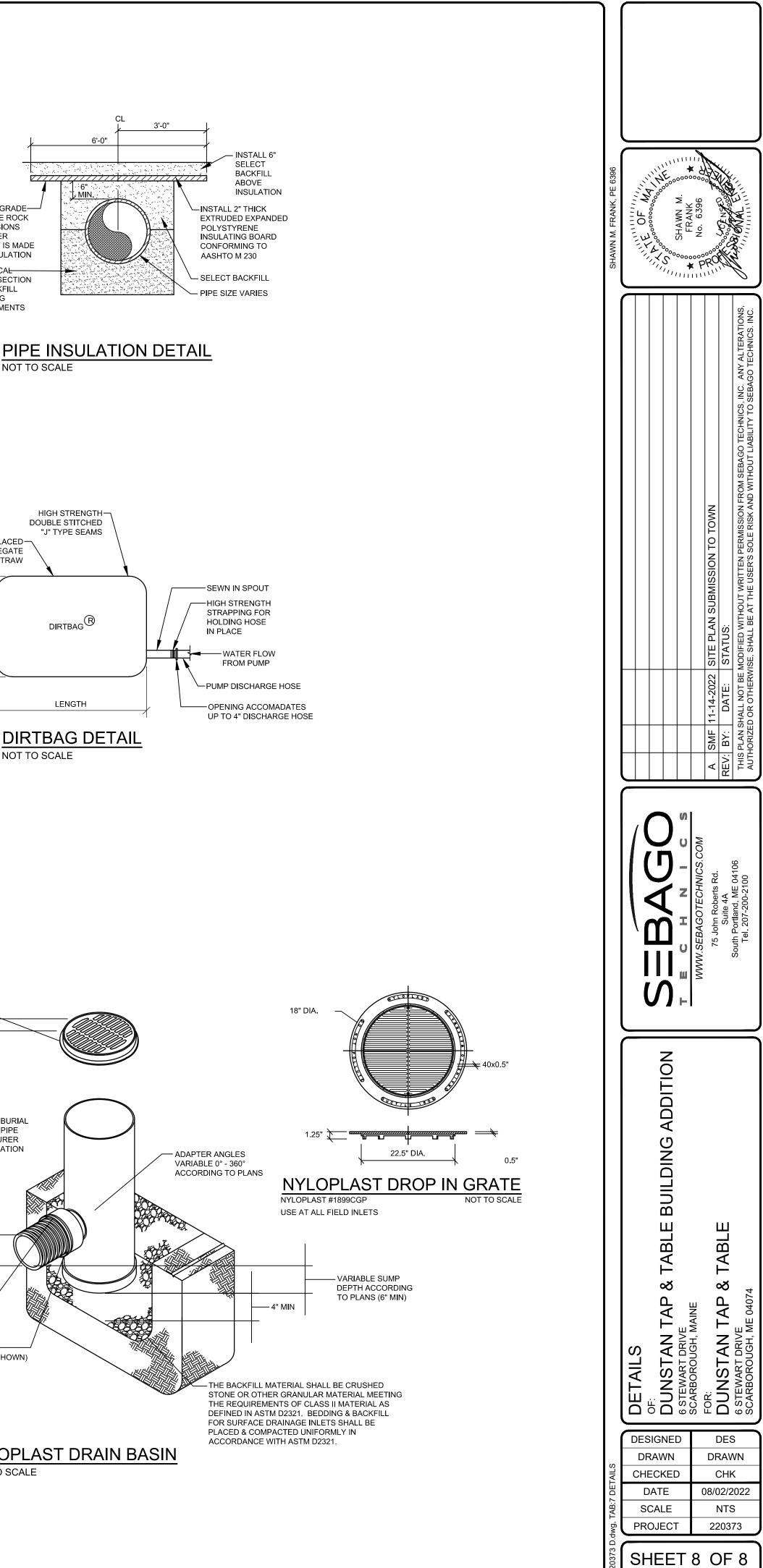
INFILTRATION TRENCH SECTION NOT TO SCALE

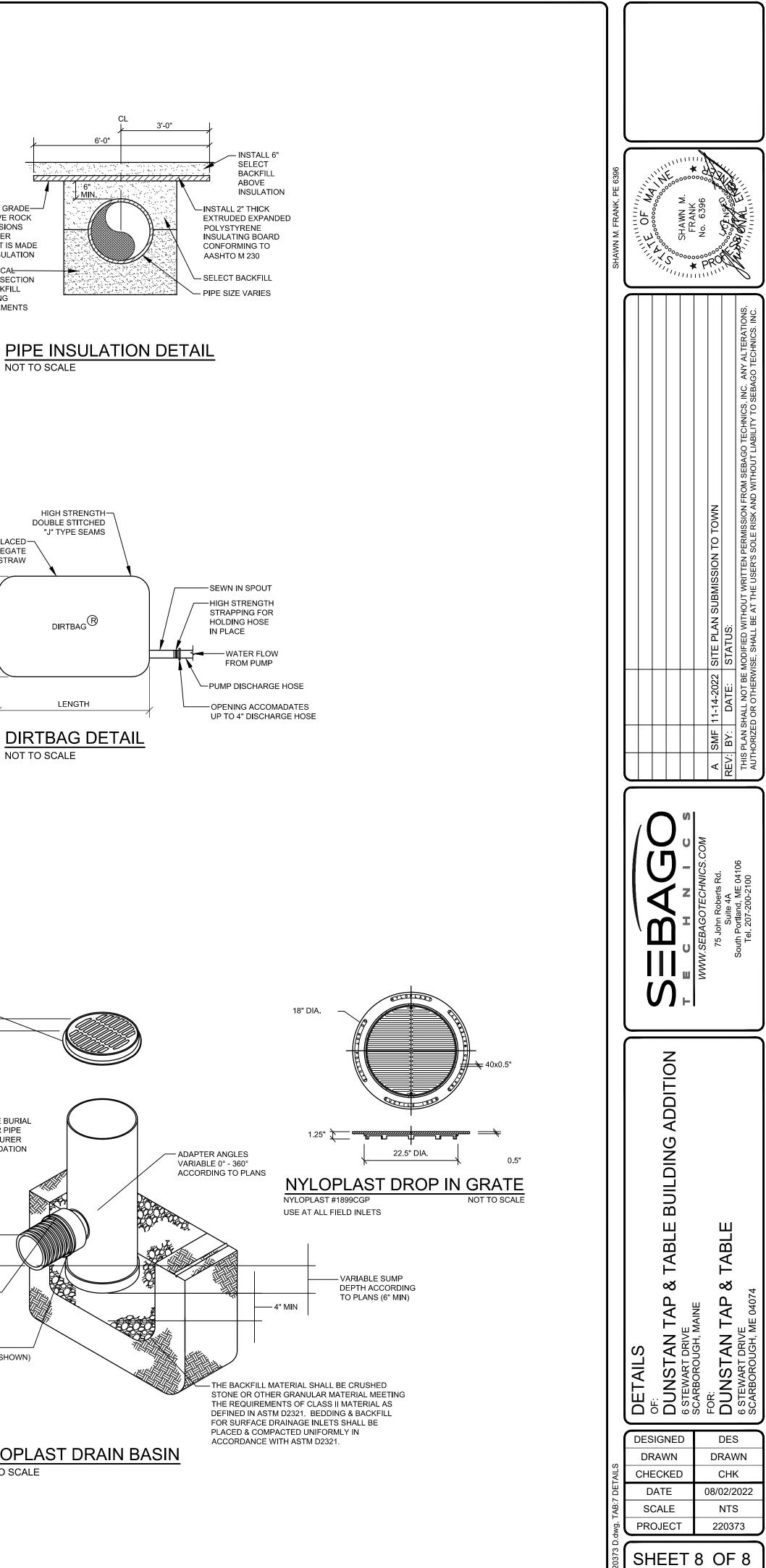


TYP. TRENCH SECTION WITHIN TOWN R.O.W. NOT TO SCALE

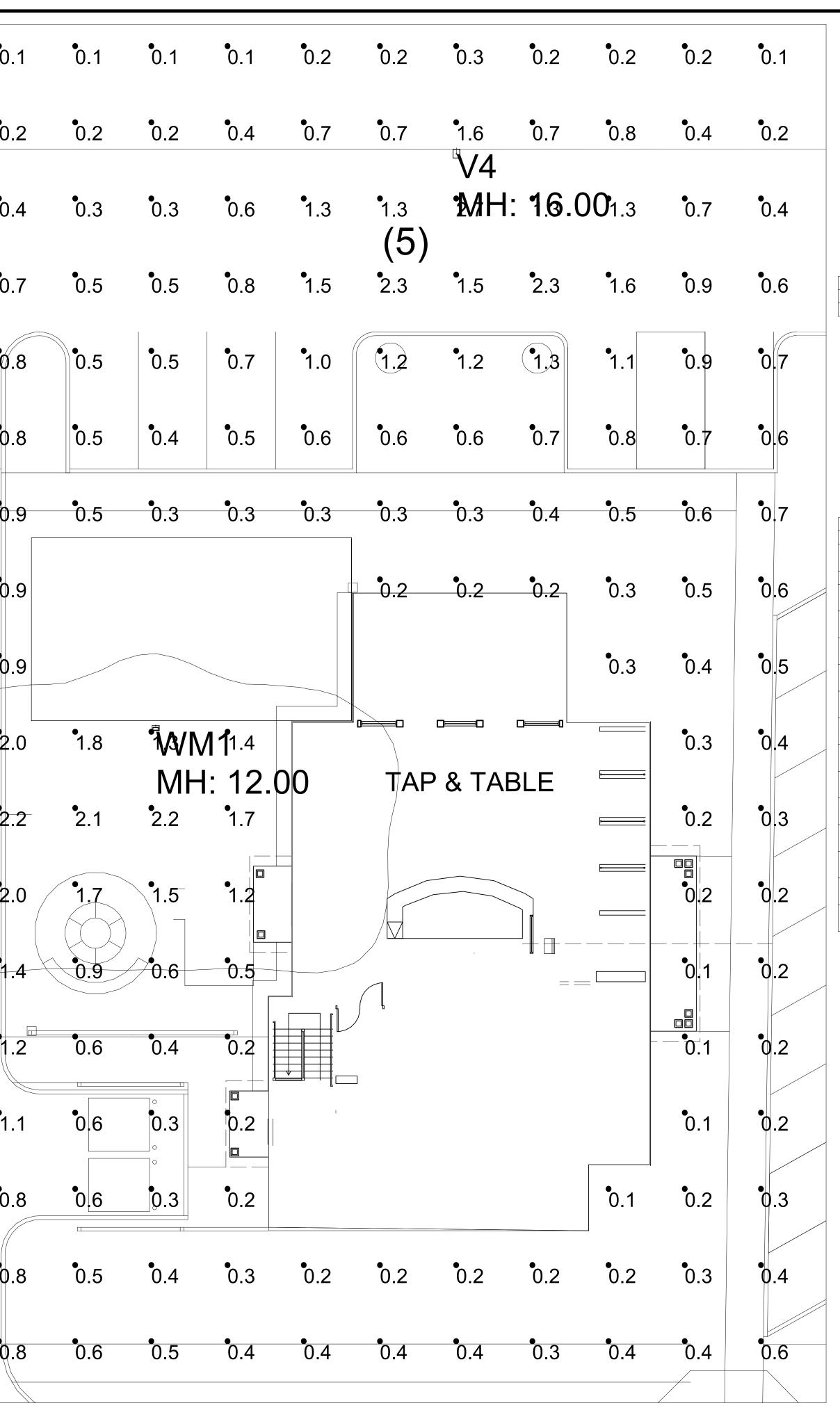








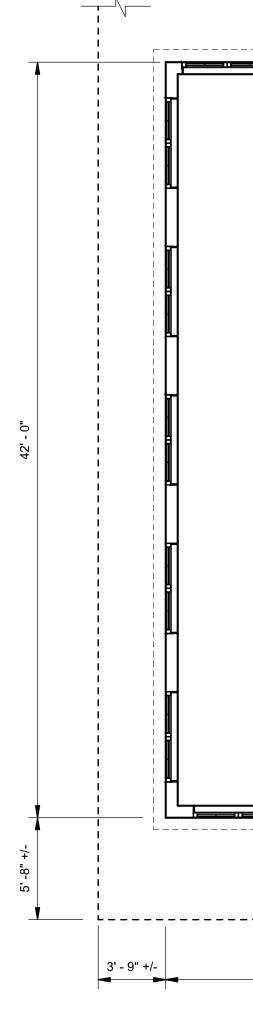
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).3	• 0.2	• 0.2	•0.2	0 .3	0.3	0.2	0.2	0 .3	0 .3	• 0.
).5	0.4	0.4	• 0.4	• 0.6	• 0 .7	•0.6 •1.5	•0.6	• 0 .7	• 0 .6	• 0 .
).8	•0.5	0.5	• 0.7	• 1 .0	• 1 .3	1 .5	• 1 .5	• 1 .3	• 1 .0	• 0 .
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).9	• 0.7	• 0.7	• 0.9	• 1 .2	• 1 .4	• 1.5	• 1 .4	• 1 .4	• 1 .2	0.
1.0	• 0.7	• 0.6	• 0.8	• 1 .2	• 1 .4	1 .5	• 1 .5	• 1 .5	1 .5	•2.
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).7	• 0.6	•0.6	• 0.7	0.9	• 1 .2	• 1 .4	• 1 .4	• 1 .4	• 1 .2	• 0 .
.3	0.8	0.6	0.6	0.8	•1.1	1.3	•1.4	1 .3	• 1 .1	•0.
0 1.8	1.1	• 0.7	• 0.6	• 0 .8	•1.1	1.3	₩5V	1.2 16.0	1 .1	•
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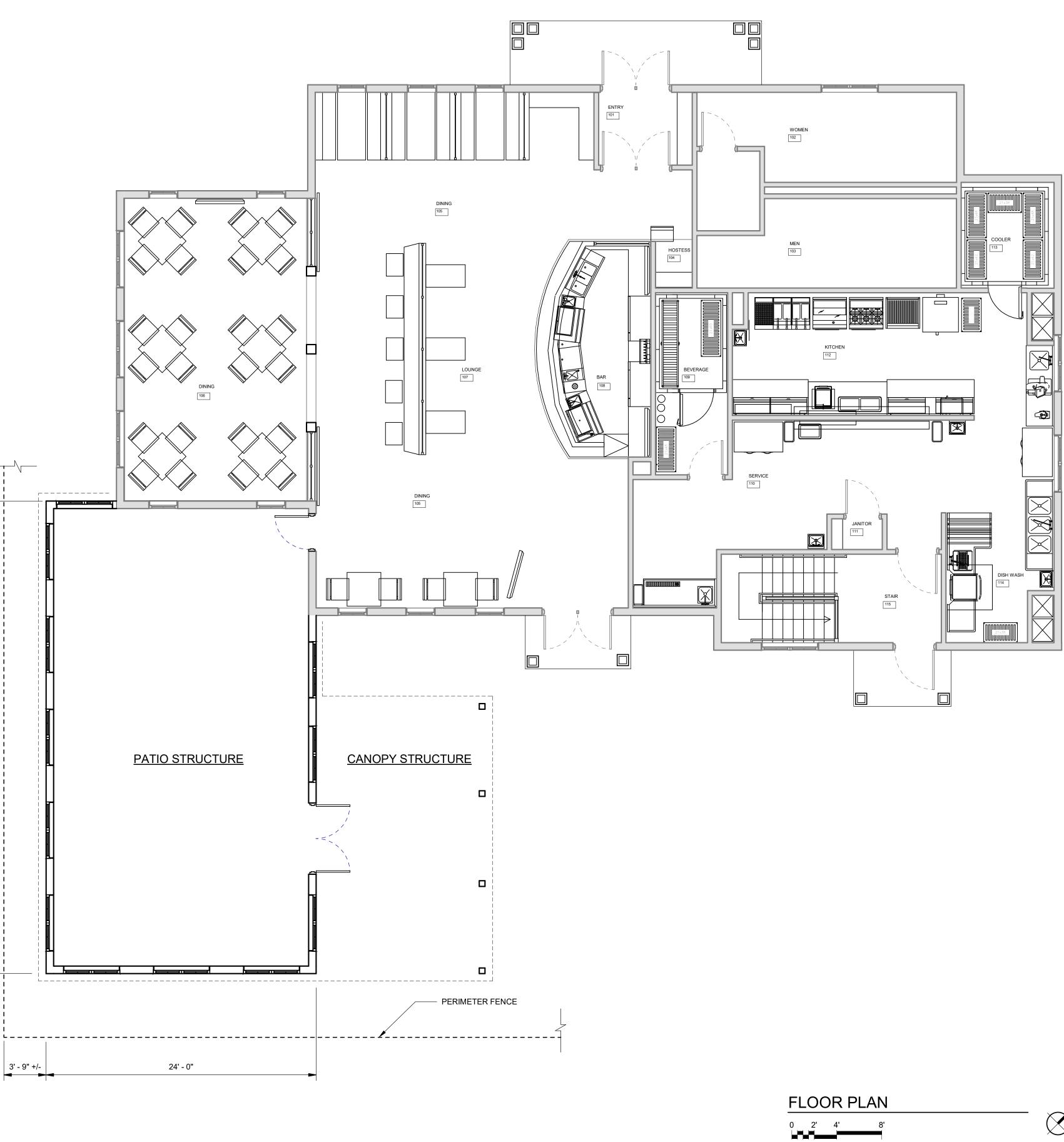


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							NOTICE: THIS DRAWING IS THE EXCLUSIVE PROPERTY OF SWANEY LIGHITNG ASSOCIATES. ITS ACCEPTANCE CONSTITUTES AN AGREEMENT THAT THE DRAWING WILL BE TREATED AS CONFIDENTIAL. THIS DRAWING IS TO BE USED FOR NO PURPOSE OTHER THAN AS DETAILED INFORMATION CONCERNING THE OPERATION OF UNITS INDICATED. THIS DRAWING IS TO BE	RETURNED UPON REQUEST AND IS NOT TO BE COMMUNICATED, DISCLOSED OR COPIED; EXCEPT AS EXPRESSLY AUTHORIZED BY SWANEY LIGHTING ASSOCIATES. NOTICE: THE INTENT OF THIS LIGHTING LAYOUT IS TO SUGGEST THE BEST UTILIZATION OF LIGHTING FIXTURES INCLUDED IN THIS DRAWING. IT IS PROVIDED USING FIXTURE PHOTOMETRICS	FURNISHED BY THE MANUFACTURER. ANY VARIATION IN FIXTURE PERFORMANCE FROM PERFORMANCE SHOWN IN IES FILE IS NOT THE RESPONSIBILITY OF THE MANUFACTURER. IT'S USE FOR ANY OTHER PURPOSE IS NOT AUTHROIZED BY SWANEY LIGHTING ASSOCIATES.



DUNSTAN TAP & TABLE PATIO STRUCTURE





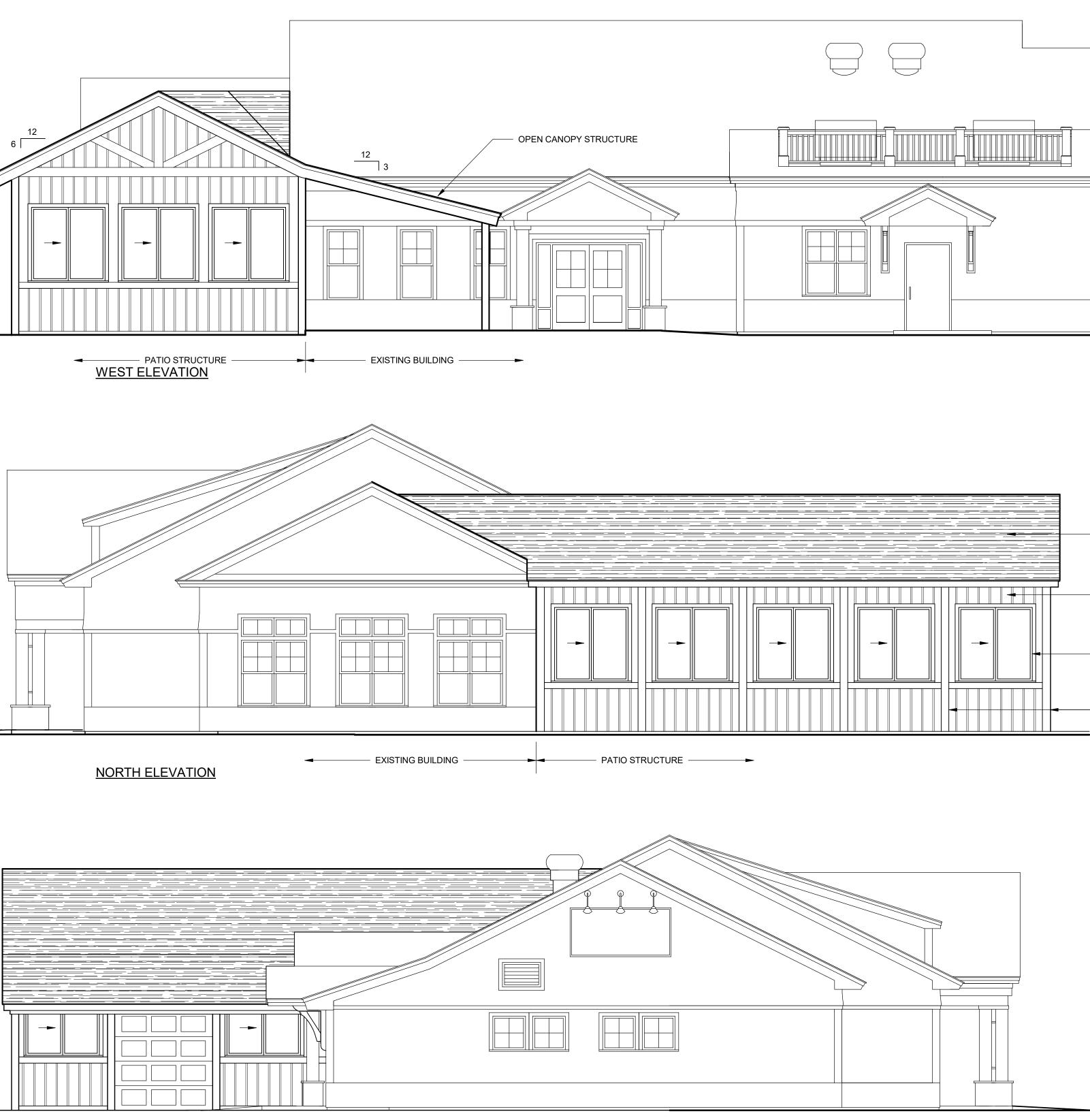
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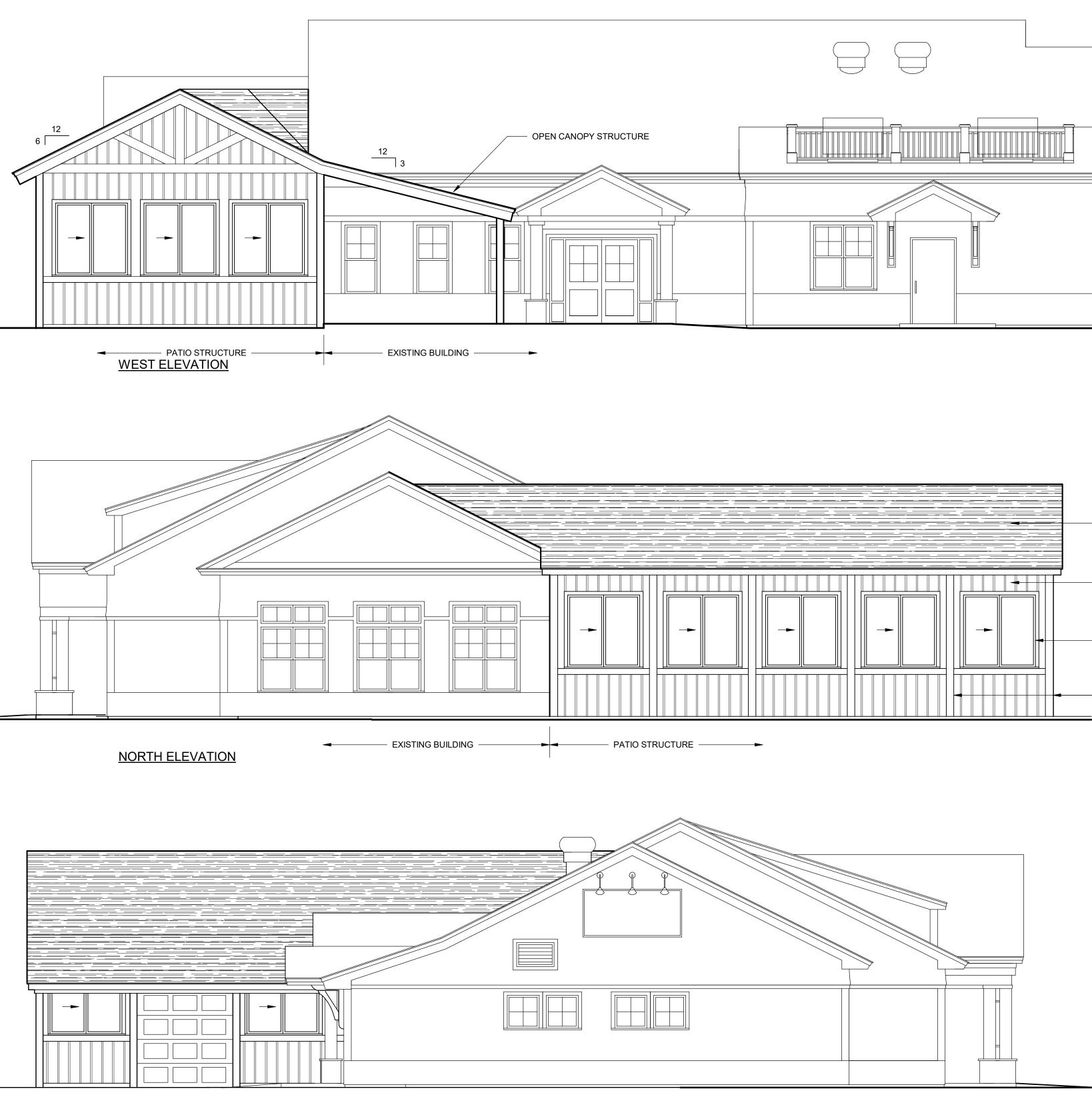


DUNSTAN TAP & TABLE PATIO STRUCTURE

SOUTH ELEVATION







ELEVATIONS 0 2' 4' 8'

- ASPHALT SHINGLES, MATCH EXG, TYP

- BOARD & BATTEN SIDING, PAINT

6' - 0" X 6' - 0" WHITE VINYL WINDOWS,
 WOOD TRIM, TYP

— WOOD PILASTER, TYP

Item #12

Nonesuch Development, LLC requests review of the fourth amended Mitchell Hill Heights Subdivision. The proposal would further subdivide Lot 50 of the approved subdivision into 5 additional lots along Martell Way. In addition, the project would extend Martell Way by approximately 705 feet to serve the 5 lots. This will require the applicant to request a waiver from the Planning Board for Zoning Ordinance Section IX.I.4.G. which sets the maximum of total lots served by a private way to six. With the 5 lots added to Martell Way, the total lot number would be 7 lots served, and otherwise construction of a road to town standards would be required. The property is further identified as 23 Fengler Road and Assessor's Map R96, Lot 50.





Town of Scarborough Subdivision Application Final Plan Submission

For:

Martell Way Subdivision Martell Way Scarborough, Maine

Applicant:

Nonesuch Development, LLC 29 Fengler Road Scarborough, ME 04074

Prepared by: Sebago Technics, Inc. 75 John Roberts Road, Suite 4A South Portland, Maine 04106

November 2022 220531

Best Places to

Vork in ME

Subdivision Application

Table of Contents

Cover Letter

Application Form & Checklist

Section 1	Evidence of Control of Property
Section 2	Narrative of Project
Section 3	Abutters List and Mailing Addresses
Section 4	Location Map
Section 5	Wastewater Accommodations
Section 6	Stormwater and Erosion Control
Section 7	Traffic Analysis
Section 8	Additional Permits/Approvals
Section 9	Identification of Historic or Archeological Resources

November 21, 2022 220531

Autumn Speer, Director of Planning and Codes Town of Scarborough P.O. Box 360 259 US Route One Scarborough, ME 04074

<u>Subdivision Plan Amendment Application, Martell Way Subdivision</u> <u>Martell Way, Tax Map R09, Lot 650, Nonesuch Development, LLC</u>

Dear Autumn:

On behalf of Nonesuch Development, LLC, we are pleased to submit the enclosed plans and application for an Amended Subdivision Plan for five (5) single-family residential lots along Martell Way. The proposed project involves the extension of Martell Way by approximately 705 linear-feet, associated stormwater infrastructure, and division of a previously approved lot. This project will be amending a previously approved Subdivision as shown on the Third Amended Subdivision of Mitchell Hill Heights.

We are hopeful that we have provided sufficient information for the amended subdivision plan review and we look forward to presenting the plan to and receiving feedback from the Planning Board at their next regularly scheduled meeting. The applicant is excited about the project and believes the proposed development will be an asset to the area by providing additional housing. Upon your review of this application, please call with any questions or if you require additional information please reach out via email or phone listed below.

Email: morr@sebagotechnics.com

Phone: 207-200-2134

Thank you for your consideration.

Sincerely,

SEBAGO TECHNICS, INC.

When On

Mathew Orr, El Civil Engineer

Cc: Nonesuch Development, LLC

TOWN OF SCARBOROUGH, MAINE

Planning Board Application Form

All applications submitted for consideration by the Planning Board shall include:

□ application form □ payment of application fees □ electronic file

submission materials (see relevant submission checklists and/or ordinance requirements)

Project Name:	Project Type:	-			
Project Location (physical address):					
Assessors Map & Lot Number:	Zoning District:				
Applicant:	Phone:E-mail:	_			
Evidence of standing? Ownership Option Lease	e Durchase and sales contract Other				
1 V	Phone:E-mail:				
Consultant/Agent:	Phone:E-mail:				
Billing Contact Information					
Name: Phor	ne: E-mail:	_			
Address:					

Application Authorization

I hereby make application to the Town of Scarborough for the above-referenced property(ies) and the development as described. The Town of Scarborough Planning Board and/or town employees are authorized to enter the property(ies) for purposes of reviewing this proposal and for inspecting improvements as a result of an approval of this proposal.

Signed:	Mathew On	
0		

_____ Date: _____

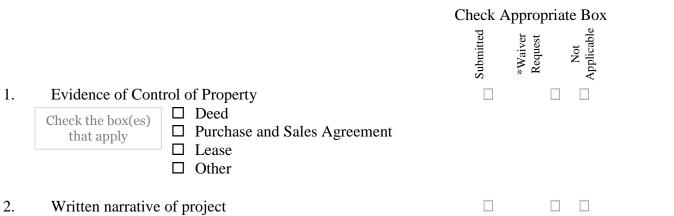
Printed name: _____

 Please identify yourself (check one): Agent* _____ Applicant/Property Owner_____

 *(If you are an agent, written authorization must be attached to this form.)

For Official Use: Application Fee	Electronic File	15 Copies
Received By	Date	

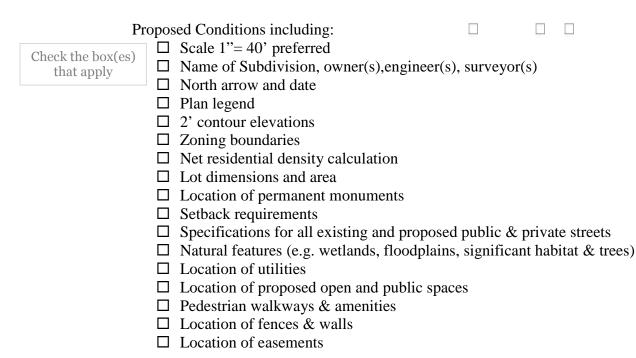
Page 1 of 1 Revision Date: May 2017 The applicant must prepare this check list and include it with the Subdivision application submission to the Planning Board. This checklist is intended to be a guide for use by the applicant, in preparation of the Subdivision Application. The preparation of this checklist should not be a substitute for a thorough review of the Town of Scarborough Subdivision and other applicable ordinances.



(At a minimum this will include a description of the intended uses of the property; a description of the existing site conditions; exiting zoning; tabulation of the number of lots allowed and proposed; amount of open space required and proposed; proposed use of open space; minimum lot sizes allowed and proposed; any special exceptions or permits required; on and off site improvements; description of traffic impacts; stormwater management)

3. Subdivision Plan(s):

Existing Conditions Plan



TOWN OF SCARBOROUGH, MAINE SUBDIVISION CHECKLIST

		Check A	ppropriat	e Box
		Submitted	Waiver Request	Not Applicable
4.	Abutters list and mailing addresses (to be provided on mailing labels)			
5.	Location Map Showing relationship of the project to the surrounding area			
6. Des	Landscaping Plan signation of the location, size, species of streetscape, parks, esplanades or	□ • other op	□ en space	
7.	Wastewater AccommodationsCheck the box(es) that apply			
8.	Stormwater and Erosion control Check the box(es) that apply Erosion control measures and details	□ etails		
	8(A). Post-Construction Stormwater Infrastructure Management If the following criteria apply to your application please refer to Ch Stormwater Infrastructure Management Ordinance for further requir		9, Post-C	onstruction
-	Disturb one or more acres of area		YES I	NO □
9.	Traffic Analysis Check the box(es) that apply How that apply Check the box(es) that ap	access		
10.	 Off-Site Improvements Check the box(es) that apply Check the box(es) Sidewalks Sidewalks Natural Areas, open space, parks Other (please describe) 			

TOWN OF SCARBOROUGH, MAINE SUBDIVISION CHECKLIST

		Check App	propriate Box
		Submitted Waiver	Request Not Applicable
11.	Open Space and Recreation Contributions A. Recreation impacts Check the box(es) that apply Calculated contribution amount req (\$500 per lot in growth area; \$250 per lot Recreation improvements in-lieu of (provide written description)	in limited grow	vth area)
	B. If required, please indicate the amount of open space that	is:	
	required: proposed:		
	C. Please indicate the type of use(s) of the open space: Check the box(es) □ Passive recreation that apply □ Active recreation □ Agricultural □ Habitat preservation □ Other (please indicate)		
12.	Does this application require: A. Permits from Other Agencies If yes, please indicate a. ME Dept. of Environmental Protection b. U.S. Army Corps of Engineers c. ME Dept. of Transportation d. Other (<i>please describe</i>)	YES Approved	NO Pending U U U U
	B. Approval from other applicable entities	YES	NO
	If yes, please indicate a. Town Council b. Zoning Board c. Fire Department d. Public Water District e. Sanitary District f. Other (please describe)	Approved	Pending

Check Appropriate Box



13. Identification of Historic or Archeological Resources

- □ ME Historic Preservation Commission
- □ Town's Comprehensive Plan
- 14. Municipal Capacity for review of DEP Site Location of Development Applications

Within the Town's designated growth areas the Planning Board has municipal capacity to review subdivisions that otherwise would require review by the Maine Department of Environmental Protection under the Site Location of Development Law. Subdivisions that meet the Site Law are required to:

- (a) Submit a complete application to the Maine Department of Inland Fisheries and Wildlife for review and comment Submission Date_____
- (b) Submit a complete application to the Maine Historic Preservation Commission for review and comment Submission Date_____

Requests for waivers or deviations from the requirements shall be submitted noting the specific standards within the Subdivision Ordinance for which waivers are sought.

AGENT AUTHORIZATION APPLICANT/ Nonesuch Development, LLC Name **OWNER** R09 Мар Martell Way PROPERTY Physical Address DESCRIPTION Scarborough, ME 650 Lot Mathew Orr (Sebago Technics, Inc.) Name 207-200-2134 Phone **APPLICANT'S** Sebago Technics, Inc. AGENT **Business Name &** 75 John Roberts Road, Suite 4A INFORMATION Mailing Address South Portland, Maine 04106

bookbyd

Nov 17, 2022

APPLICANT SIGNATURE Joseph P. Lydon DATE

PLEASE TYPE OR PRINT NAME HERE

thew On

11-17-2022

APPLICANT'S AGENT SIGNATURE

DATE

Mathew Orr PLEASE TYPE OR PRINT NAME HERE

Section 1

Evidence of Control of Property



Information Summary

Subscriber activity report

This record contains information from the CEC database and is accurate as of: Mon Nov 14 2022 17:10:41. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
NONESUCH DEVELOPMENT, LLC	20239432DC	LIMITED LIABILITY COMPANY (DOMESTIC)	GOOD STANDING
Filing Date	Expiration Date	Jurisdiction	
Filing Date 11/09/2022	Expiration Date N/A	Jurisdiction MAINE	

NONE

Clerk/Registered Agent

NANCY SAVAGE MARCUS PO. BOX 7320 PORTLAND, ME 04112

Back to previous screen

New Search

Click on a link to obtain additional information.

List of Filings	View list of filings			
Obtain additional information:				
Additional Addresses	<u>Plain Copy</u>	Certified copy		
Certificate of Existence (more info)	Short Form without amendments (\$30.00)	Long Form with amendments (<u>\$30.00)</u>		

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If you encounter technical difficulties while using these services, please contact the <u>Webmaster</u>. If you are unable to find the information you need through the resources provided on this web site,

QUITCLAIM DEED WITHOUT COVENANT

KNOW ALL BY THESE PRESENTS, that SARAH K. MARTELL of New York, New York ("Grantor"), for consideration paid, releases to CHRISTOPHER M. MARTELL, whose mailing address is 23 Fengler Road, Scarborough, Maine 04074 ("Grantee"), the land, together with the buildings thereon, in Scarborough, Cumberland County, Maine, and being more particularly bounded and described in **Exhibit A** attached hereto and incorporated herein.

WITNESS my hand and seal this $\frac{1}{0}$ day of April, 2015. WITN Sarah K. Martell

STATE OF NEW YORK COUNTY OF NEW YORK, ss

On April 16, 2015, personally appeared the above-named Sarah K. Martell and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Nétary Public Print: ____ tuh

YUH YNG LEE Notary Public, State of New York No. 01LE6105073 Qualified in Queens County Commission Expires <u>02/02/2</u>

EXHIBIT A

Parcel One

A certain lot or parcel of land situated along Fengler Road, so known, and along a private way known as Martell Way located in the Town of Scarborough, Cumberland County, Maine, being shown as Lot 51 on an amended subdivision plan entitled "Third Amended Subdivision Plan of Mitchell Hill Heights Phases 2 - 5" prepared for Gamage Realty LLC, by Sebago Technics of Westbrook, Maine, originally dated May 29, 2003 as revised through June 6, 2011, which plan was approved by the Town of Scarborough Planning Board on August 1, 2011, and recorded in the Cumberland County Registry of Deeds in Plan Book 211, Pages 301 and 302 (herein the "Plan").

This conveyance is made subject to a "Road Maintenance Agreement and Declaration of Private Road Covenants and Restrictions," dated October 21, 2011, recorded in the Cumberland County Registry of Deeds in Book 29054, Page 241.

Also subject to all of the notes on said Plan, the Notice of Planning Board Decision and all other permits, covenants and restrictions of record related to the Mitchell Hill Heights Subdivision.

Further subject to rights reserved by Wallace Fengler, for himself, his heirs, successors and assigns an appurtenant non-exclusive easement and right of way over Martell Way, subject to the terms of the Declaration.

Being the same premises conveyed to Sarah K. Martell by deed of Eric J. Martell and Stephanie S. Martell dated June 5, 2014 and recorded in Cumberland County Registry of Deeds in Book 31630, Page 276.

Parcel Two

A certain lot or parcel of land with the buildings thereon, situated in the Town of Scarborough, in the County of Cumberland and State of Maine, bounded and described as follows:

Being Lot No. 50 as shown on Plan entitled "First Amended Subdivision Plan of Mitchell Hill Heights, Phases 2-5, Mitchell Hill Road, Scarborough, Maine" prepared for Gamage Realty, LLC by Sebago Technics dated May 29, 2003, as revised through March 7, 2007, and recorded in Cumberland County Registry of Deeds in Plan Book 207, Pages 144 and 145, amending plan entitled "Subdivision Plan of Mitchell Hill Heights, Phases 2-5, Mitchell Hill Road, Scarborough, Maine" prepared for Gamage Realty, LLC by Sebago Technics dated May 29, 2003, as revised through December 21, 2004, and recorded in said Registry of Deeds in Plan Book 204, Pages 952 and 953 (which such plans together are referred to hereinafter as the "Plan").

No rights, either express or implied, are conveyed in or to the strip of land contiguous to said Lot No. 50 along is northerly boundary and extending from Fengler Road. Said strip is not a dedicated right of way or road for the benefit of any Lots in the Subdivision.

The above-described premises are conveyed subject to the following matters:

- Terms, conditions, restrictions and covenants as set forth in the Declaration of Covenants and Restrictions for Mitchell Hill Heights Subdivision, Scarborough, Maine, dated January, 2003, and recorded January 27, 2003 in said Registry of Deeds in Book 18770, Page 31, as amended by First Amendment dated February 19, 2004, and recorded in said Registry of Deeds in Book 20953, Page 317, Second Amendment dated February 4, 2005, recorded in said Registry in Book 22299, Page 66, Third Amendment dated December 7, 2006 and recorded in said Registry in Book 24639, Page 220, and Fourth Amendment dated December 7, 2006 and recorded in said Registry in Book 24639, Page 222.
- Terms and provisions of the following orders, findings and approvals issued by the State 2. of Maine Department of Environmental Protection (the "DEP Orders"): (i) Stormwater Management Law, Findings of Fact and Order, project number L-21144-NB-A-N dated January 13, 2003, recorded in said Registry of Deeds in Book 18882, Page 1 (affecting Phase 1), as amended by Modification dated May 6, 2003 and recorded in said Registry of Deeds in Book 19834, Page 266, and (ii) Site Location of Development Natural Resources Protection, Stream & Westland Alteration, Water Quality Certification, Findings of Fact and Order issued to Gamage Realty, LLC, Mitchell Hill Heights Phases 2-5, #L-21144-L3-C-N (approval) and #L21144-TE-D-N dated November 15, 2004, and recorded in said Registry of Deeds in Book 22074, Page 91, as amended by a Modification dated January 20, 2005, recorded in said Registry of Deeds in Book 22298, Page 136, and as amended by a Condition Compliance dated January 20, 2005, recorded in said Registry of Deeds in Book 22298, Page 142, and after-the-fact approval Findings of Fact and Order dated July 6, 2006 and recorded in said Registry of Deeds in Book 24188, Page 312. In furtherance of said Orders, the premises are conveyed subject to the DECLARATION OF COVENANTS AND RESTRICTIONS (Wooded Buffer No Disturbance) dated March 25, 2005, executed by Gamage Realty, LLC and recorded in said Registry of Deeds in Book 22462, Page 196.

It is expressly agreed and understand with respect to the foregoing DEP Orders that the owner of the within Lot shall be responsible for compliance with said DEP Orders insofar as the within Lot is concerned and that Gamage Realty, LLC has expressly excepted and reserved any and all rights to seek amendments, modifications or alterations to said DEP Orders with respect to any Lot or Lots retained by said Gamage Realty, LLC, and Regan Custom Homes and Gamage Realty, LLC make no representation or promise that any areas preserved or provided as "buffer areas" thereunder, or as shown on the Plan, shall be maintained as such.

3. All of the terms, conditions, notes, or matters as shown or referred to on the Plan and as shown or referred to on Plan entitled "Mitchell Hill Heights, Phase I" dated May 17,

2002 and recorded in said Registry of Deeds in Plan Book 203, Page 36, including specifically and without limitation, a Grading and Maintenance Easement, which may be granted to the Town of Scarborough or the Association, and which right and easement has been excepted and reserved to Gamage Realty, LLC along the lot frontages on Fengler Road and Freedom Road, a 25' access easement to Scarborough Land Trust, setback, and possible rights of others in and to a gravel road.

- 4. All of the General Notes set forth on the Plan, including specifically and without limitation, notes 12, 13, 16, 17, 18, 20, 21, 22, 23, 25 and 27. With respect to said General Note 25, it is understood that the responsibility for the road and stormwater infrastructure may be transferred to and undertaken by the Association. Special reference is made to General Note 21 whereby all Lots are limited to the use of natural and/or organic compounds for lawn fertilizers. This provision is a requirement of the Town of Scarborough subdivision approval.
- 5. Terms, conditions, rights, and easements of record.

Being the same premises conveyed by Regan Custom Homes to Christopher Michael Martell and Sarah K. Martell by deed dated October 1, 2009 and recorded in Cumberland County Registry of Deeds in Book 27302, Page 281.

Parcel Three

A certain lot or parcel of land with the buildings thereon, situated in the Town of Scarborough, in the County of Cumberland and State of Maine, bounded and described as follows:

Being Lot No. 51 as shown on Plan entitled "First Amended Subdivision Plan of Mitchell Hill Heights, Phases 2-5, Mitchell Hill Road, Scarborough, Maine" prepared for Gamage Realty, LLC by Sebago Technics dated May 29, 2003, as revised through March 7, 2007, and recorded in Cumberland County Registry of Deeds in Plan Book 207, Pages 144 and 145, amending plan entitled "Subdivision Plan of Mitchell Hill Heights, Phases 2-5, Mitchell Hill Road, Scarborough, Maine" prepared for Gamage Realty, LLC by Sebago Technics dated May 29, 2003, as revised through December 21, 2004, and recorded in said Registry of Deeds in Plan Book 204, Pages 952 and 953 (which such plans together are referred to hereinafter as the "Plan").

No rights, either express or implied, are conveyed in or to the strip of land contiguous to said Lot No. 50 along its northerly boundary and extending from Fengler Road. Said strip is not a dedicated right of way or road for the benefit of any Lots in the Subdivision.

The above-described premises are conveyed subject to the following matters:

1. Terms, conditions, restrictions and covenants as set forth in the Declaration of Covenants and Restrictions for Mitchell Hill Heights Subdivision, Scarborough, Maine, dated January, 2003, and recorded January 27, 2003 in said Registry of Deeds in Book 18770, Page 31, as amended by First Amendment dated February 19, 2004, and recorded in said Registry of Deeds in Book 20953, Page 317, Second Amendment dated February 4, 2005, recorded in said Registry in Book 22299, Page 66, Third Amendment dated December 7, 2006 and recorded in said Registry in Book 24639, Page 220, and Fourth Amendment dated December 7, 2006 and recorded in said Registry in Book 24639, Page 222.

Terms and provisions of the following orders, findings and approvals issued by the State 2. of Maine Department of Environmental Protection (the "DEP Orders"): (i) Stormwater Management Law, Findings of Fact and Order, project number L-21144-NB-A-N dated January 13, 2003, recorded in said Registry of Deeds in Book 18882, Page 1 (affecting Phase 1), as amended by Modification dated May 6, 2003 and recorded in said Registry of Deeds in Book 19834, Page 266, and (ii) Site Location of Development Natural Resources Protection, Stream & Wetland Alteration, Water Quality Certification, Findings of Fact and Order issued to Gamage Realty, LLC, Mitchell Hill Heights Phases 2-5, #L-21144-L3-C-N (approval) and #L21144-TE-D-N dated November 15, 2004, and recorded in said Registry of Deeds in Book 22074, Page 91, as amended by a Modification dated January 20, 2005, recorded in said Registry of Deeds in Book 22298, Page 136, and as amended by a Condition Compliance dated January 20, 2005, recorded in said Registry of Deeds in Book 22298, Page 142, and after-the-fact approval Findings of Fact and Order dated July 6, 2006 and recorded in said Registry of Deeds in Book 24188, Page 312. In furtherance of said Orders, the premises are conveyed subject to the DECLARATION OF COVENANTS AND RESTRICTIONS (Wooded Buffer No Disturbance) dated March 25, 2005, executed by Gamage Realty, LLC and recorded in said Registry of Deeds in Book 22462, Page 196.

It is expressly agreed and understood with respect to the foregoing DEP Orders that the owner of the within Lot shall be responsible for compliance with said DEP Orders insofar as the within Lot is concerned and that Gamage Realty, LLC has expressly excepted and reserved any and all rights to seek amendments, modifications or alterations to said DEP Orders with respect to any Lot or Lots retained by said Gamage Realty, LLC, and Regan Custom Homes and Gamage Realty, LLC make no representation or promise that any areas preserved or provided as "buffer areas" thereunder, or as shown on the Plan, shall be maintained as such.

- 3. All of the terms, conditions, notes or matters as shown or referred to on the Plan and as shown or referred to on Plan entitled "Mitchell Hill Heights, Phase I" dated May 17, 2002 and recorded in said Registry of Deeds in Plan Book 203, Page 36, including specifically and without limitation, a Grading and Maintenance Easement, which may be granted to the Town of Scarborough or the Association, and which right and easement has been excepted and reserved to Gamage Realty, LLC along the lot frontages on Fengler Road and Freedom Road, a 25' access easement to Scarborough Land Trust, setback, and possible rights of others in and to a gravel road.
- 4. All of the General Notes set forth on the Plan, including specifically and without limitation, notes 12, 13, 16, 17, 18, 20, 21, 22, 23, 25 and 27. With respect to said General Note 25, it is understood that the responsibility for the road and stormwater

infrastructure may be transferred to and undertaken by the Association. Special reference is made to General Note 21 whereby all Lots are limited to the use of natural and/or organic compounds for lawn fertilizers. This provision is a requirement of the Town of Scarborough subdivision approval.

5. Terms, conditions, rights, and easements of record.

Being the same premises conveyed by Eric J. Martell and Stephanie S. Martell to Christopher Michael Martell and Sarah K. Martell by deed dated October 21, 2011 and recorded in Cumberland County Registry of Deeds in Book 29054, Page 229.

Parcel Four

ALSO hereby releasing all right, title and interest in and to three certain lots or parcels of land situated along Fengler Road, so known, and along a private way known as Martell Way located in the Town of Scarborough, Cumberland County, Maine, the first two parcels being two separate but contiguous building lots shown as Lot 50 and Lot 51 on an amended subdivision plan entitled "Third Amended Subdivision Plan of Mitchell Hill Heights Phases 2 – 5" prepared for Gamage Realty LLC, by Sebago Technics of Westbrook, Maine, originally dated May 29, 2003 as revised through June 6, 2011, which plan was approved by the Town of Scarborough Planning Board on August 1, 2011, and recorded in the Cumberland County Registry of Deeds in Plan Book 211, Pages 301 and 302 (herein the "Plan") and the third parcel being a portion of the land which comprises the said Martell Way as shown on the Plan, which portion is more particularly bounded and described as follows:

Beginning at a monument marking the approximate northeasterly corner of Lot 50 at a point along the westerly sideline of said Fengler Road;

Thence along a curve to the left with an arc radius of 10.0 feet, a chord bearing of N 03° 21' 44" W, and a chord length of 13.56 feet, to a monument along the southerly sideline of said Martell Way;

Thence along the southerly sideline of said Martell Way, N 46° 03' 17" W, 107.94 feet, to a monument;

Thence along the southerly sideline of said Martell Way and a curve to the right with an arc radius of 225.0 feet, a chord bearing of N 43° 20' 28" W, and a chord distance of 21.31 feet, to a monument;

Thence along the southerly sideline of said Martell Way, N 40° 37' 39" W, 331.91 feet, to a monument;

Thence along a curve to the left with an arc radius of 125.0 feet, a chord bearing of N 52° 01' 28" W, and a chord length of 49.40 feet, to a monument;

Thence along the southerly sideline of said Martell Way, N 63° 25' 17" W, 133.15 feet, to a monument;

Thence along a curve to the right with an arc radius of 275.0 feet, a chord bearing of N 55° 40' 27" W, and a chord length of 74.14 feet, to a monument;

Thence along the southerly sideline of said Martell Way, N 47° 55' 37" W, 171.11 feet, to a monument;

Thence along a curve to the left with an arc radius of 125.0 feet, a chord bearing of N 58° 20' 09" W, and a chord length of 45.17 feet, to a monument;

Thence along the southerly sideline of said Martell Way, N 68° 44' 40" W, 133.11 feet, to an iron rod marking the remaining land of now or formerly of Wallace W. Fengler;

Thence N 21° 15' 20" E, 50.0 feet, to an iron rod along the northerly sideline of said Martell Way and remaining land now or formerly of Wallace W. Fengler;

Thence along the northerly sideline of said Martell Way, S 68° 44' 40" E, 133.11 feet, to a monument;

Thence along a curve to the right with an arc radius of 175.0 feet, a chord bearing of S 58° 20' 09" E, and a chord length of 63.23 feet, to a monument;

Thence along the northerly sideline of said Martell Way, S 47° 55' 37" E, 171.11 feet, to a monument;

Thence along a curve to the left with an arc radius of 225.0 feet, a chord bearing of S 55° 40' 27" E, and a chord distance of 60.66 feet, to a monument;

Thence along the northerly sideline of said Martell Way, S 63° 25' 17" E, 133.15 feet, to a monument;

Thence along a curve to the right with an arc radius of 175.0 feet, and a chord bearing of S 52° 01' 28" E, and a chord length of 69.16 feet, to a monument;

Thence along the northerly sideline of said Martell Way, S 40° 37' 39" E, 331.91 feet, to a monument;

Thence along a curve to the left with an arc radius of 175.0 feet, a chord bearing of S 43° 20' 28" E, and a chord length of 16.75 feet, to a monument;

Thence along the northerly sideline of said Martell Way, S 46° 03' 17" E, 107.94 feet, to a monument;

Thence along a curve to the left with an arc radius of 10.0 feet, a chord bearing of S 88° 44' 50" E, and a chord distance of 13.56 feet to a monument along said Fengler Road;

Thence along the westerly sideline of Fengler Road and a curve to the left with an arc radius of 425.0 feet, a chord bearing of S 43° 56' 43" W, and a chord length of 68.39 feet, to the point and place of beginning.

This conveyance is made subject to a "Road Maintenance Agreement and Declaration of Private Road Covenants and Restrictions," dated October 21, 2011, and recorded in the Cumberland County Registry of Deeds in Book 29054, Page 241 ("Declaration").

Also subject to all of the notes on said Plan, the Notice of Planning Board Decision and all other permits, covenants and restrictions of record related to the Mitchell Hill Heights Subdivision.

Subject to an appurtenant non-exclusive easement and right of way over Martell Way, subject to the terms of the Declaration, reserved by Wallace W. Fengler in a deed to Christopher Michael Martell and Sarah Martell dated October 21, 2011 and recorded in Cumberland County Registry of Deeds in Book 29054, Page 232.

Reference is made to a deed from Wallace W. Fengler to Christopher Michael Martell and Sarah Martell dated October 21, 2011 and recorded in Cumberland County Registry of Deeds in Book 29054, Page 232.

Meaning and intending to convey, and hereby conveying to Grantee, all my right, title and interest in and to Parcel One, and all my right, title and interest as a joint tenant in and to Parcels Two, Three and Four.

Received Recorded Resister of Deeds May 01,2015 01:43:04P Cumberland County Nancy A. Lane

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PURCHASE AGREEMENT

This Purchase Agreement ("Agreement") is dated this <u>5</u> day of June, 2022 (the "Effective Date") between Christopher Michael Martell, having an address of 23 Fengler Rd., Scarborough, ME 04074 ("Seller") and Joseph P. Lydon Jr., having an address of 29 Fengler Rd., Scarborough, ME 04074 ("Buyer").

Reference is made to the following facts:

A. Seller is the owner of a parcel of land consisting of approximately 8.17 acres commonly known as 23 Fengler Rd., Scarborough, ME (the "Existing Tract").

B. Buyer and Seller seek to subdivide the Existing Tract to create a separate legal lot of record consisting of 6 acres +/- substantially as shown as the area shaded red on the plan attached hereto as <u>Exhibit A</u> ("Subdivided Lot").

C. N/A

D. Seller is the owner of a parcel of land consisting of approximately 2.65 acres commonly known as 21 Fengler Rd. (aka 1 Martell Way), Scarborough Maine ("21 Fengler" and collectively with the Subdivided Lot the "Real Estate").

E. Seller desires to sell and Buyer desires to purchase the Real Estate, together with all rights of way, beneficial easements and other appurtenances and rights pertaining to the Real Estate (collectively the "Property"), subject to the terms and conditions set forth herein.

NOW, THEREFORE, for good and valuable consideration hereinafter specified, the sufficiency of which is hereby acknowledged, Seller and Buyer agree as follows:

1. <u>Sale and Purchase</u>. Seller shall sell and Buyer shall purchase, subject to the terms and conditions herein, the Property upon the terms and conditions set forth herein.

2. <u>Purchase Price</u>. The purchase price (the "Purchase Price") for the Property shall be purchase Price shall be payable as follows:

(a) deposit within two (2) days after execution of this Agreement by both parties (the "Deposit").

(b)

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(c) The balance of the Purchase Price shall be paid to the Seller on the date of the closing of this sale (the "Closing") by Federal wire transfer, subject to adjustments and prorations in accordance with this Agreement.

3. <u>Time of Closing</u>. Unless this Agreement is earlier terminated as herein provided, the Closing shall occur on a mutually agreeable date within 15 days after receipt of the Subdivision approval (as defined in Section 7 below), but in no event later than one hundred fifty (150) days after the Effective Date (the "Closing Date"), TIME BEING OF THE ESSENCE. The Closing shall occur through an escrow closing with counsel of Buyer serving as the closing agent.

4. <u>Martell Way Easement</u>. The Property shall be conveyed to Buyer subject to a non-exclusive easement for access and utilities over Martell Way, the form of which shall be negotiated and agreed upon prior to the expiration of the Due Diligence Period (as defined in Section 6) ("Easement"). Buyer shall provide customary insurance and indemnification related to the use of Martell Way.

5. <u>Title and Deed</u>. At the Closing, marketable fee simple title to the Real Estate shall be conveyed by Seller to Buyer, or its nominee, by quitclaim deed without covenant, subject to (i) provisions of building and zoning laws applicable to the Property in effect on the Closing Date (as the Closing Date may be extended hereunder); (ii) real property taxes for the then current tax year which are not yet due and payable on the Closing Date; (iii) any liens or encumbrances arising from Buyer's activities; (iv) any matters of record to which Buyer does not timely object in accordance with this Section 5; (v) the Easement; and (vi) the restrictions and conditions set forth in Section 13(c), (d) and (e) hereof (each a "Permitted Encumbrance").

Within thirty (30) days after the Effective Date, Buyer may review title to the Property and shall identify all objections to title or survey (the "Objections") which Buyer is unwilling to accept. Seller shall have the right, but not the obligation to use commercially reasonable efforts to remove the Objections. If Seller does not provide any notice to Buyer within ten (10) days after receipt of Buyer's notice of the Objections, Seller shall be deemed to have elected not to cure any Objections (except for the Mandatory Cure Items below). If Seller elects (or is deemed to have elected) not to cure any Objections, Buyer shall have the right, by providing Seller notice within five (5) days following the expiration of such ten (10) day period, to elect to accept the title to the Premises "as-is" or terminate the Agreement and receive a refund of the Deposit. If Buyer does not timely provide such notice, Buyer shall be deemed to have elected to accept title to the Premises "as is" and proceed to Closing as provided in this Agreement.

Notwithstanding anything to the contrary contained herein (including, without limitation, the Objections notice) in no event shall Buyer be required to take title the Property subject to, and in no event shall Seller elect or be deemed to have elected not to cure: (1) any mortgages or deeds of trust (and any ancillary encumbrances thereto) or monetary liens obtained or assumed by Seller; and/or (2) options to purchase, rights of first refusal, rights of first offer, or any other rights of purchase of the Property or any portion thereof for the benefit of any party other than Buyer) (collectively, "Mandatory Cure

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Items"). Subject to Section 13(f) hereof, Seller shall be obligated to remove and cure all such Mandatory Cure Items prior to, and as a condition of, Closing.

Buyer shall have the right to object to any new title or survey matter first occurring after the date of Buyer's title commitment or the survey (each a "New Encumbrance") that will materially and adversely affect Buyer's intended use of the Property and is not reasonably acceptable to Buyer, by giving written notice of the New Encumbrance to which Buyer is objecting before the sconer of (a) five (5) Business Days after Buyer's becoming aware thereof or (b) Closing. If Buyer does not object to any New Encumbrance as aforesaid, such New Encumbrance shall be a Permitted Encumbrance. In the event Buyer gives timely written notice of objection to any New Encumbrance as herein provided, Seller may provide evidence that Seller will cure the objection prior to Closing and the Closing Date will be extended, at Seller's option for up to thirty (30) days to allow Seller to do so. If, within said thirty (30) day period, Seller is unable to reasonably cure such objection, Buyer shall have the right, as its sole remedy, to terminate this Agreement and receive a refund of the Deposit. Seller covenants and agrees that it shall not grant or consent to any New Encumbrance before the Closing.

6. <u>Due Diligence</u>.

(a) For a period of thirty (30) days after the Effective Date (the "Due Diligence Period"), Buyer shall have the right to perform its due diligence review, in such a manner as Buyer determines, of the condition of the Property and any information related to the Property, including without limitation, title, financial information, environmental condition, planning and zoning laws, the condition of the Property, and physical characteristics relating to the Property, at Buyer's sole expense.

During such time, Buyer and its agents, designees, and employees shall have, and are hereby granted, the right to enter upon the Property to undertake such due diligence review, including without limitation, engineering studies, a Phase I environmental assessments (provided that invasive, subsurface or Phase II environmental assessment shall not be conducted without Seller's prior written consent, which consent may be granted or withheld in Seller's sole discretion), traffic and road studies and such other investigations, tests and assessments as Buyer shall desire (collectively, the "Inspections"). Buyer shall provide written advance notice (whether via email or letter) to Seller at least one (1) business day prior to entry by any third parties performing such investigations ("Buyer Inspection Parties"), which notice shall indicate the persons and purpose of each entry onto the Property. Buyer agrees to conduct and to cause the Buyer inspection Parties to conduct the Inspections (a) in a safe and professional manner, (b) so as not to create any dangerous or hazardous condition on the Property, (c) in compliance with all applicable laws, and (d) only after obtaining all permits, if any, required to be obtained with respect to such Inspections.

Buyer agrees to indemnify and save Seller harmless against all liabilities, claims, damages, penalties, costs and expenses (including, but not limited to, reasonable attorney's fees and expenses) incurred or asserted against Seller in connection with or arising out of the entry upon the Property by Buyer or Buyer Inspection Parties. Prior to

any entry upon the Property by Buyer or any Buyer Inspection Parties, Buyer shall provide Seller with copies of insurance certificates evidencing the following insurance covering said party (i) commercial general liability insurance for bodily injury and property damage arising out of the Inspections at or near the Property issued on an occurrence basis (a) with limits of not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate on an annual basis.

If Buyer determines, in its sole discretion, that the condition of the Property or any other matter related to the Property is not acceptable, then Buyer shall have the right to terminate this Agreement by giving written notice of termination to Seller prior to the expiration of the Due Diligence Period. Buyer shall be solely responsible for the cost and expense of the Inspections. If Buyer does not acquire the Property pursuant to this Agreement, Buyer shall make available to Seller copies of any reports relating to any of the Inspections and promptly restore the Property to the condition that existed immediately prior to the Inspections.

(b) In the event this Agreement is terminated pursuant to subsection (a) above, then the Deposit shall be returned to the Buyer, this Agreement shall become null and void, and the parties shall have no further rights or obligations hereunder, except those which expressly survive termination. If Buyer does not terminate this Agreement pursuant to subsection (a) above, the Deposit shall become non-refundable, except in the event of a Seller default, but shall remain applicable to the Purchase Price, and the parties shall proceed to Closing as provided for in this Agreement.

7. <u>Permits & Approvals</u>. Buyer shall be responsible at Buyer's sole cost and expense for obtaining final, non-appealable subdivision approval from the Town of Scarborough establishing the Subdivided Lot as generally shown on <u>Exhibit A</u> hereto as a separate legal lot of record and complying with all conditions of such subdivision approval (the "Subdivision"). Buyer shall submit a proposed subdivision plan to Seller by the end of the Due Diligence Period for review and approval. For a period of ten (10) days after Buyer provides the plan to Seller, Buyer and Seller shall cooperate to make any modifications to the proposed subdivision plan requested by Seller and Buyer shall submit the final Subdivision application to the municipality of Scarborough within five (5) days after the parties agree on a final subdivision plan. Buyer and Seller shall cooperate to obtain the Subdivision.

If, despite its good faith diligent efforts, Buyer has not obtained the Subdivision approval within ninety (90) days after the Effective Date ("Permit Deadline"), then Buyer and Seller shall each have the right to terminate this Agreement by written notice to the other within five (5) days after the Permit Deadline, in which event the Deposit shall be forthwith returned to Buyer, this Agreement shall become null and void and the parties shall have no further rights or obligations hereunder.

8. <u>Taxes and Assessments</u>. Real estate taxes, special assessment, betterment assessments, water rates and sewer charges, if any, shall be prorated and adjusted as of the date of Closing.

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9. <u>Transfer Tax</u>. The expense and cost of all state and local documentary, revenue stamps, or other transfer taxes, if any, relating to the sale of the Property shall be split equally by Seller and Buyer on the date of Closing. Both parties agree to execute any tax returns, inventories, conveyance forms or questionnaires required to be filed in connection with any such taxes.

10. <u>Default by Buyer</u>. If Buyer shall default in the performance of any of its obligations under this Agreement, Seller shall as its sole remedy, at law or in equity, retain the Deposit as liquidated damages, in which event this Agreement shall become null and void and the parties shall have no further rights or obligations hereunder, except those expressly stated to survive.

11. <u>Default by Seller</u>. If Seller shall default in the performance of any of its obligations hereunder, Buyer shall, as its sole remedy, have the right to: (i) terminate this Agreement, in which event the Deposit shall be forthwith returned to Buyer, and this Agreement shall become null and void and the parties hereto shall have no further rights or obligations hereunder except those expressly stated to survive; or (ii) pursue a suit for specific performance.

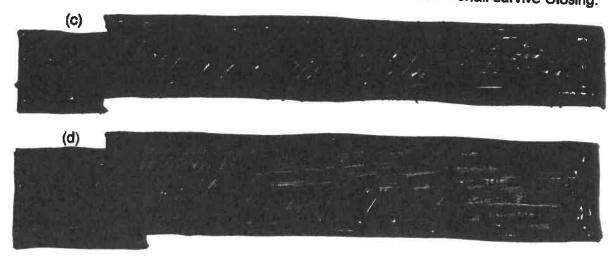
12. <u>Brokerage</u>. Buyer and Seller each represent to the other that they have not dealt with or been represented by any broker, agent or representative in connection with this transaction. Buyer and Seller each agree to indemnify, defend and hold the other harmless from and against any and all loss, cost, damage, liability or expense, including reasonable attorneys' fees, which the other may sustain, incur or be exposed to by reason of their breach of any representations or agreements made in this section and any resulting claims for a fee or commission by any broker, salesperson, finder or other third party claiming to have been employed by or at the direction of the indemnifying party. The provisions of this Section 12 shall survive the Closing Date, the delivery of the deed, or the earlier termination of this Agreement.

13. <u>Special Provisions</u>. The following provisions shall survive Closing:

(a) Within six (6) months after Closing, Buyer shall install, at Buyer's sole cost and expense at the intersection of Martell Way and Fengler Road in locations mutually agreeable to the parties: (i) a gravel or concrete pad for garbage bins; and (b) a shared mailbox bank. Such work shall be done in a good and workmanlike manner and in compliance with all applicable laws, rules, regulations, permits and approvals. Buyer shall maintain the garbage bin and mailbox bank area in attractive and clean condition and responsibility for all such maintenance be Buyer's until and unless responsibility is transferred to a homeowners' association created for the owners of homes on Martell Way. Buyer shall grant Seller an easement to use and access the garbage bin and mailbox area which shall be appurtenant to Seller's remaining property after the division of the Existing Lot and Closing on the sale of the Real Estate.

(b) Seller currently has several storage containers and various equipment associated with Seller's gun range on the Existing Tract. Seller shall remove such containers and equipment from the Subdivided Lot on or before November 1, 2022. Seller

shall have the right to relocate said containers and equipment and establish a private gun range on Seller's adjacent lot known as 4 Martell Way, which is a material part of the consideration for this transaction. The provisions of this Section 4 shall survive Closing.



21 Fengler shall remain undeveloped, and used exclusively for the (e) beautification of the entryway to Martell Way. Buyer shall be responsible at its sole cost and expense to maintain and landscape 21 Fengler in a neat and attractive manner.

Seller's obligations under this Agreement are contingent upon Seller obtaining a partial release of mortgage encumbering the Existing Tract on terms and conditions satisfactory to Seller in its sole discretion. If Seller is unable to secure a commitment from its lender prior to the expiration of the Due Diligence Period, this Agreement shall terminate and the Deposit shall be refunded to Buyer, upon which termination and refund neither party shall have any further obligation hereunder, except which expressly survive termination.

Notices. All notices and other communications required or permitted to be 14. given hereunder shall be in writing and shall be deemed received when deposited when (i) mailed by certified or registered mail, postage prepaid, or (ii) sent overnight mail by a recognized national delivery service, or (iii) emailed (with confirming hard copy mailed by certified mail) addressed as follows or to such other addresses as the parties may designate in writing from time to time:

If to Seller:	To the addresses in the introductory paragraph of this Agreement
With a Copy to:	Orr & Reno, P.A 45 S. Main St. Concord, NH 03302 Attn: John L. Arnold, Esg.

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jarnold@orr-reno.com

If to Buyer:	To the address in the introductory paragraph of this Agreement
With a Copy to:	Nancy Savage Marcus, Esg.
1	Curtis Thaxter LLC
let.	One Canal Plaza, 10 th floor
	Portland, ME 04101

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...If to Escrow Agent:

15. <u>Closing Costs</u>. Notwithstanding anything to the contrary contained herein, Closing costs shall be allocated and paid as follows:

By Buyer:

- (a) Buyer's legal fees;
- (b) Costs of survey, Subdivision, title examination and title insurance premium; and
- (c) cost of recording the deed, Subdivision plan and other recording fees (other than any title clearing documents).

By Seller:

- (a) Seller's legal fees;
- (b) cost of preparing the deed and other conveyancing documents;
- (c) the state real estate transfer tax; and
- (d) cost of obtaining and recording all title clearing documents.

16. <u>Documents to be Delivered at Closing</u>. At the Closing, the parties shall execute, acknowledge and deliver all documents required to effectuate the transaction contemplated by this Agreement including, without limitation, the following:

Seller shall provide:

(a) A quitclaim deed without covenant for the Property in proper form acceptable to Buyer's counsel duly executed, conveying good, marketable and insurable title to the Property in fee simple absolute to Buyer.

(b) A certificate of non-foreign statul(c) Completed and executed conveyance tax forms, together with payment in full of any conveyance taxes imposed on the transfer of the Property, if any are due.

(d) Such customary affidavits and other documents which Buyer's title insurance company may require in order to insure title without exception for parties in possesIn.

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(e) Releases or payoff statements for any real estate liens or other instruments or agreements to be cancelled pursuant to the terms of this Agreement, in form appropriate for recording.

(f) A settlement statement for the Closing transaction, duly executed by Seller;

(g) Any other documentation provided for herein or reasonably requested by Buyer or the Title Company to effect the sale of the Property and consummation of the agreements as contemplated herein, which are consistent with the terms hereof; and

17. Deposit and Escrow Funds.

(a) The Deposit shall be held by the Seller in a federally insured account not bearing interest for either party. In the event that the Deposit is to be returned to Buyer pursuant to the terms hereof, Buyer shall notify Seller of the reason for the return of the Deposit including reference to the specific provision of this Agreement requiring the return of the Deposit to Buyer, and Seller shall return the deposit to Buyer within five (5) calendar days.

(b

The provisions of this Section 17 shall survive any termination of the Purchase and Sale Agreement.

18. <u>Time of Essence</u>. Time is expressly declared to be of the essence of this Agreement.

19. <u>Headings</u>. The headings to the Sections hereof have been inserted for convenience of reference only and shall in no way modify or restrict any provisions hereof or be used to construe any such provisions.

20. <u>Modifications</u>. The terms of this Agreement may not be amended, waived or terminated orally, but only by an instrument in writing signed by both Seller and Buyer.

21. <u>Successors</u>. This Agreement shall inure to the benefit of and bind the parties hereto and their respective successors and assigns. Buyer shall not assign this Agreement without the prior written consent of Seller, which may be granted or withheld in Seller's sole discretion.

22. <u>Entire Agreement</u>. This Agreement contains entire agreement between Seller and Buyer, and there are no other terms, conditions, promises, undertakings, statements or representations, express or implied, concerning the sale and other undertakings contemplated by this Agreement.

23. <u>Governing Law</u>. This Agreement is made pursuant to, and shall be governed by, and construed in accordance with, the laws of the State of Maine.

24. <u>Counterparts</u>. This Agreement may be executed in separate counterparts or using counterpart signature pages, each of which shall be an original and all of which shall be deemed to be one and the same instrument. Each of the parties also agree that the delivery of an executed copy of this Agreement by facsimile, email or via another method of exchanging electronic signatures (e.g. DocuSign, Adobe Sign, etc.) shall be legal and binding and shall have the same full force and effect as if an original executed copy of this Agreement had been delivered, and neither party will have the right to object to the manner (i.e., electronic signatures, fax, or scanned images of signature pages) in which the Agreement was executed as a defense to the enforcement of this Agreement.

25. <u>Force Majeure</u>. In the event that Buyer or Seller shall be delayed, hindered in or prevented from the performance of any act required hereunder (including, but not limited to, conforming to deadlines or satisfying contingencies set forth herein) by reason of strikes, lock-outs, labor troubles, inability to procure materials, failure of power, restrictive governmental laws or regulations, riots, insurrection, the act, failure to act or default of the other party, war, pandemic or other reason beyond their control, then performance of such act shall be excused for the period of the delay and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay. The foregoing shall not excuse any delays in the payment of money.

26. <u>Like-Kind Exchange</u>. If Seller or Buyer decide to sell or purchase the Property as part of a like-kind exchange under Section 1031 of the Internal Revenue Code of 1986, as amended (a "Like-Kind Exchange"), then the other party will cooperate in executing such documentation as is reasonably necessary to complete such like-Kind Exchange, including the assignment of this Agreement to a qualified intermediary, provided that (a) Buyer and Seller shall have no liability whatsoever for the failure of the transaction to qualify as a Like-Kind Exchange, (b) Buyer and Seller shall not be required to incur any cost or expense whatsoever in connection with the Like-Kind Exchange for the other party, and (c) although the parties shall reasonably cooperate with each other, it is nonetheless expressly understood and agreed that the Closing under this Agreement shall not be delayed by reason of the Like-Kind Exchange and that Seller's obligations hereunder shall not be contingent in any way upon matters related to the Like-Kind Exchange.

IN WITNESS WHEREOF, the parties have executed this Agreement on this <u>5</u> day of June, 2022.

SELLER Christopher Michael Marter B Joseph P. Lydop

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EXHIBIT A Conceptual Subdivision Plan



ASSIGNMENT, EXTENSION AND AMENDMENT OF PURCHASE AGREEMENT

BETWEEN JOSEPH LYDON AS BUYER AND MICHAEL MARTELL

Whereas **JOSEPH LYDON** as purchaser and **CHRISTOPHER MICHAEL MARTELL** entered into a Purchase Agreement dated July 5, 2022 for the sale of certain real property located in Scarborough, Cumberland County, Maine (the "Agreement"); and

WHEREAS, Joseph Lydon intends to assign all of his rights and interests under the Agreement to Nonesuch Development, LLC ("Nonesuch"); and

WHEREAS, the parties wish to extend the closing date called for in the Agreement; and

WHEREAS, the parties wish to further amend certain of the Agreement's terms.

NOW, THEREFORE, the parties to the Agreement agree as follows:

1. Section 3 of the Agreement is amended to read as follows:

Unless this Agreement is earlier terminated according to its terms, the Closing of this Transaction shall take place on a mutually agreeable date but no later than the date that is thirty (30) days after receipt of Subdivision Approval as that term is defined in Section 7 below. Counsel of Buyer shall serve as the Closing Agent.

2. The last sentence of the first paragraph of Section 7 of the Agreement is amended to read as follows:

Buyer and Seller shall cooperate to obtain the Subdivision and an amendment to the Road Maintenance Agreement and Declaration of Private Road Covenants and Restrictions dated October 21, 2001 and recorded in the Cumberland County Registry of Deeds in Book 29054, Page 241 which has been signed by all required parties in recordable form.

- 3. The words "within ninety (90) days after the Effective Date" in the second paragraph of Section 7 are deleted and replaced with "by January 31, 2023".
- 4. Notwithstanding anything else in the Agreement to the contrary, fifty percent of the Deposition paid to Seller by Buyer shall become nonrefundable to Buyer upon execution of this Extension and Amendment of Purchase Agreement, even if Buyer or Seller subsequently elects to terminate the Agreement, as amended hereby, according to its terms.
- 5. Exhibit B to the Agreement, the form of Promissory Note, is hereby modified as follows:

The words "December 31, 2022" in Subsection (b) are deleted and replaced with "March 31, 2023".

- 6. Joseph Lydon hereby sells, assigns, transfers and conveys unto Nonesuch Development, LLC, a Maine limited liability company (hereinafter referred to as "Assignee"), its successors and assigns, all right, title and interest of Joseph Lydon, "Buyer" in the Agreement. The Assignee hereby assumes, agrees and confirms all of the covenants of the Agreement as amended herein and agrees to be bound by all terms contained therein. Notwithstanding anything contained herein to the contrary, nothing contained in this Assignment will relieve or be deemed to relieve Joseph Lydon from his obligations pursuant to the Agreement, and assignor and assignee shall be jointly and severally liable for the obligations of Buyer under the Agreement, which liability shall survive the Assignment Agreement.
- 7. Assignee hereby agrees to hold Assignor, his heirs, successors and assigns harmless, and indemnify them against any and all claims arising as a result of the Agreement as amended hereby.
- 8. Seller enters into this Agreement for the purpose of accepting the assignment herein as well as for the purpose of agreeing to the amendments contained herein.
- 9. All capitalized terms not defined in this Assignment, Amendment and Extension shall have the meanings ascribed to them in the Agreement.
- 10. Except as specifically modified herein, all of the terms and conditions of the Agreement shall remain in place and are hereby ratified and reaffirmed by Seller, Buyer and Nonesuch.

[Signature Page Follows]

IN WITNESS WHEREOF, we have executed this Extension and Amendment to Purchase & Sale Agreement as of November ___, 2022.

Michael Christopher Martell

Joseph ...

Joseph Lydon

NONESUCH DEVELOPMENT, LLC

By: Dock

Joseph Lydon, Manager

AGREEMENT FOR SALE OF REAL ESTATE SCARBOROUGH, MAINE

This agreement ("Agreement") dated this <u>day of November 2022 (the "Effective Date") is</u> made and entered into by and between WALLACE W. FENGLER, TRUSTEE OF THE WALLACE W. FENGLER REVOCABLE TRUST, a Maine Trust with a mailing address of 233 Holmes Road, Scarborough, Maine, 04074 (hereinafter referred to as "Seller,"); and NONESUCH DEVELOPMENT, LLC, a Maine limited liability Company of Scarborough, Maine (hereinafter referred to as "Buyer"), or assigns, upon the terms and conditions contained herein:

- 1. **Property:** The real property to be conveyed by Seller to Buyer consists of the land, with all buildings and improvements, located in Scarborough, Maine, and which is shown on the survey attached hereto as Exhibit A (collectively, the "Property") as "Area to Be Conveyed by Wallace W. Fengler to Nonesuch Development, LLC".
- 2. Purchase Price: The gross Purchase Price for the Property and Business shall be the "Purchase Price"), payable as follows:

a. Shall be provided by Buyer to Seller as an earnest money deposit at the time of the execution of this Agreement.

- b. Seller financing. At Closing, the Buyer shall execute and deliver to the Seller a promissory note in the original principal amount of the seller a with interest at six percent (6%) per annum, with monthly payments of principal and interest based upon a 10-year amortization schedule (with the note maturing date on the 10th anniversary of the note).
- 3. Deed. The Property shall be conveyed by Seller to Buyer by Warranty Deed conveying good and marketable title to the Property in accordance with standards adopted by the Maine State Bar Association, free and clear of all liens and encumbrances. Until delivery of the deed from Seller to Buyer, risk of loss or damage to the Property by casualty, condemnation or otherwise shall be on Seller. The acceptance by Buyer of the deed shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed or to survive the closing.
- 4. Title. If title to the Property or the Property is defective or is otherwise not free and clear of all liens and encumbrances or is not marketable as provided herein, and upon notice of such defect or defects from Buyer to Seller, the closing shall be extended for a period of fifteen (15) days during which time Seller shall undertake commercially reasonable efforts to remove such defects at Seller's expense to the reasonable satisfaction of Buyer. If record title proves defective and Seller shall fail to remove such defect or defects within said fifteen (15) day period, Buyer may, at Buyer's election, accept such title as Seller can convey without any reduction in the purchase price, or terminate this Agreement whereupon the Deposit shall be promptly returned to Buyer and the parties shall be relieved of all further obligations under this Agreement except as otherwise provided herein.

- 5. <u>USE OF PURCHASE MONEY TO CLEAR TITLE</u>. To enable Seller to make conveyance as herein provided, Seller may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.
- 6. Closing: This transaction shall be closed on or before the date that is thirty (30) days from the date that Buyer obtains subdivision approval from the Town of Scarborough for the Fourth Amended Subdivision Plan of Mitchell Hill Heights and the Amended and Restated Road Maintenance Agreement and Declaration of Private Road Covenants and Restrictions (the "Closing"), at the offices of Curtis Thaxter. Buyer shall pay the Seller the cash portion of the Purchase Price and deliver the executed promissory note relating to the Seller financing, and the parties shall execute all papers necessary for the completion of the sale of the Property.
- 7. Pro-rations: The following items shall be pro-rated as of the date of closing:
 - a. Real estate and personal property taxes;
 - b. Municipal sewer charges, if any
- 8. Maine Real Estate Transfer Tax: Seller and Buyer shall each pay one-half of the Maine real estate transfer tax payable in connection with this transaction.
- **9. Risk of Loss or Damage:** That risk of loss or damage to said premises, by fire or otherwise until title is transferred is assumed by the Seller, unless the lease between Seller and Buyer provides otherwise. In the event the lease covers issues of loss or damage to the Property, the lease shall control.
- 10. Default: If the purchase and sale of the Real Property and Business contemplated herein is not consummated because of a default by Buyer under this Agreement, then Seller shall retain all deposits as full and complete liquidated damages in which event all parties shall be relieved of all obligations hereunder. If the purchase and sale of the Real Property and Business contemplated herein is not consummated because of a default by Seller, then Buyer shall have the option to receive a full refund of all deposits whereupon all parties shall be relieved of all obligations hereunder or to pursue all its legal and equitable remedies including specific performance.
- 11. Real Estate Agency Representation and Commissions: Buyer and Seller represent to each other that they have not engaged a real estate broker in this transaction.
- **12. Counterparts:** This Agreement may be signed on any number of identical counterparts, including fax copies and electronically transmitted copies and with the same binding effect as if the signatures were all on the one instrument.
- **13. Time is of the Essence:** Whereas time is an essential part of this Agreement and that all covenants and Agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns of the respective party.
- 14. Notices: All notices required to be given, or which may be given hereunder, shall be in writing and may be emailed, and if mailed, shall be sent by mail to the party to be notified as follows:

Seller: Wallace W. Fengler, Trustee

Wallace W. Fengler Revocable Trust 233 Holmes Road Scarborough, Maine 04074

- Buyer: Nonesuch Development, LLC 29 Fengler Road Scarborough, Maine 04074
- With a copy to:Nancy V. Savage Marcus, Esq.
Curtis Thaxter
One Canal Plaza, Suite 1000
Portland, ME 04101
(207) 774-9000 ext. 213
nmarcus@curtisthaxter.com

A COPY OF THIS AGREEMENT IS TO BE RECEIVED BY ALL PARTIES AND, BY SIGNATURE, RECEIPT OF A COPY IS ACKNOWLEDGED.

Wallace W. Fengler Revocable Trust (Seller)

By: Wallace Fengler, Trustee

Date signed

NONESUCH DEVELOPMENT, LLC (Buyer)

By:

Print Name: Joseph Lydon, Jr. Title: Manager and Member

Date signed

233 Holmes Road -----Scarborough, Maine 04074

Buyer: Nonesuch Development, LLC 29 Fengler Road Scarborough, Maine 04074

With a copy to:

Nancy V. Savage Marcus, Esq. Curtis Thaxter One Canal Plaza, Suite 1000 Portland, ME 04101 (207) 774-9000 ext. 213 nmarcus@curtisthaxter.com

A COPY OF THIS AGREEMENT IS TO BE RECEIVED BY ALL PARTIES AND, BY SIGNATURE, RECEIPT OF A COPY IS ACKNOWLEDGED.

Wallace W. Fengler Revocable Trust (Seller)

Frigle By: Wallace Fengler, Trustee

November 21, 2022 Date signed

NONESUCH DEVELOPMENT, LLC (Buyer)

By:

Print Name: Joseph Lydon, Jr. Title: Manager and Member

Date signed

Wallace W. Fengler Revocable Trust 233 Holmes Road Scarborough, Maine 04074

Buyer:Nonesuch Development, LLC29 Fengler RoadScarborough, Maine 04074

With a copy to:Nancy V. Savage Marcus, Esq.
Curtis Thaxter
One Canal Plaza, Suite 1000
Portland, ME 04101
(207) 774-9000 ext. 213
nmarcus@curtisthaxter.com

A COPY OF THIS AGREEMENT IS TO BE RECEIVED BY ALL PARTIES AND, BY SIGNATURE, RECEIPT OF A COPY IS ACKNOWLEDGED.

Wallace W. Fengler Revocable Trust (Seller)

By: Wallace Fengler, Trustee

Date signed

NONESUCH DEVELOPMENT, LLC (Buyer)

By:

Print Name: Joseph Lydon, Jr. Title: Manager and Member 11/21/2022

Date signed

Section 2

Narrative of Project





Narrative of Project

Introduction:

On behalf of the applicant, Nonesuch Development, LLC, Sebago Technics is pleased to submit this subdivision application to the Town of Scarborough for the amendment of the existing Mitchell Hill Heights subdivision. The applicant is proposing to amend the previously approved subdivision plan for Mitchell Hill Heights, titled "Third Amended Subdivision Plan, Phases 2-5" created by Sebago Technics, with a last revision date of August 12th, 2011, and recorded in October of 2011. The subdivision amendment will be required to further subdivide Lot 50 and to extend Martell Way within the existing right-of-way.

Existing Site Conditions:

The subject parcel is identified on the Scarborough Tax Map R009 as Lot 650, and on the recorded subdivision plan for Mitchell Hill Heights as Lot 50. The parcel is an 8.17-acre residential lot located at the corner of Fengler Road and Martell Way and is within the Rural Farming District (RF). The lot consists of existing residential development within the eastern portion of the property, and has a narrow strip of land behind subdivision Lot 51 (Tax Map R009, Lot 7A) which connects to the large undeveloped western portion of Lot 50 with frontage along the Martell Way right-of-way. Martell Way is a private road which currently extends to the western boundary of Lot 51, with a paved hammerhead turnaround provided on Lot 51 with a temporary easement. There is currently no paved access to the western portion of Lot 50.

Proposed Subdivision:

The proposed project will subdivide the western portion of Lot 50 into five (5) single-family house lots. The lots will be sized in accordance with the cluster subdivision criteria outlined on the recorded Third Amended Subdivision Plan. This criterion states a minimum lot size of 50,000 square feet, and a minimum frontage of 125 feet. Lot 50 currently does not provide enough frontage to create five new lots, and as part of this project additional land will be obtained from the adjacent undeveloped parcel to meet the minimum frontage requirements. The adjacent parcel is identified as Lot 7 on Tax Map R009, and as "Remaining Land of Original Lot 5" on the recorded subdivision plan for Mitchell Hill Heights.

Net Residential Area & Open Space:

The net residential area calculations on the recorded subdivision plan show a total of 67 lots proposed out of an allowed 112 lots. The proposed project will increase the total number of lots within the subdivision to 72, remaining below the total number of lots allowed. There is no additional open space proposed for the subdivision as part of this project. As part of the Third Amended Subdivision Plan, approximately 2.65 acres of unbuildable land retained by Michael Martell was designated as open space. As such, we do not anticipate additional open space to be required for the creation of the proposed lots.

Proposed Road Extension:

Martell Way will be extended approximately 705 linear feet to provide access to the proposed lots. An existing 50' private right-of-way for a Martell Way extension was established to allow future access to Lot 50 as well as to the remaining land of original Lot 5 as approved in the Third Amended Subdivision Plan. The applicant is proposing to construct the full road extension of Martell Way within the existing right-of-way. As part of the road extension, the existing recreational trail and easement to the Town of Scarborough will be relocated along the northern shoulder of the road extension. The trail will then cross Martell Way and run along the western boundary of the proposed western most lot until it reconnects to the existing trail and easement located on the remaining land of original Lot 5.

Proposed Utilities:

Underground electrical services will be extended along the southern shoulder of Martell Way from the connection point at the corner of Lot 51. The proposed lots will be serviced by individual, on-site septic systems and wells. The applicant is proposing to provide fire protection within the proposed homes through the use of individual fire suppression sprinkler systems. A copy of the letter sent to Deputy Chief Brennan for review of use of sprinkler systems is included within this application package.

Stormwater Management:

The Mitchell Hill Heights Subdivision was previously approved in conjunction with a Site Location of Development Act (SLODA) permit through the Maine Department of Environmental Protection (MDEP). As part of the proposed development, an amendment of the SLODA will be filed with MDEP. Stormwater runoff associated with the extension of Martell Way and the development of the five lots will need to be treated and detained on site following MDEP Chapter 500 rules. The proposed project will use a combination of Underdrained Soil Filters and small detention basins for the collection and treatment of stormwater runoff. A full stormwater report detailing the drainage improvements was prepared for this project and is included within Section 6 of this application.

Waivers & Special Exceptions:

Street Standards:

The following waivers and/or special exceptions are being requested by the applicant for the construction of the Martell Way Road extension. We believe these requests greatly increase the overall feasibility of the project, and will help avoid undue hardship to the applicant and adjacent property owners. We believe these waivers to be necessary based on special circumstances relating to the site. In addition, the residents of Martell Way wish to maintain the status of a private road as outlined in the amended Road Maintenance Agreement. We do not believe these waivers will result in a negative impact to the overall functionality or safety of the private way or its residents.

1. <u>Road Width:</u>

The applicant is requesting a waiver to allow Martell Way to maintain a pavement width of 20' for both the road extension and the existing portion of the road. A waiver is required due to the road serving a total of seven (7) residential lots, which is greater than the maximum six (6) lots allowed by the Private Way Residential Development standards as outlined in Section IX, I. of the Scarborough Zoning Ordinance. Approval of this waiver will allow the applicant to leave the existing portion of Martell Way and the recreational trail undisturbed. This waiver will also greatly reduce the amount of stormwater runoff that will need to be treated and detained in order to meet DEP Chapter 500 standards. Increasing the existing pavement width to the required 22 feet will result in greater impacts to the surrounding natural resources, recreational trail, and lands adjacent to the Martell Way right-of-way.

2. <u>Road Crown:</u>

The applicant is requesting a waiver to allow the extended portion of Martell Way to be superelevated instead of crowned. A superelevated road is required to meet DEP Chapter 500 standards for the treatment of stormwater runoff while maintaining all disturbed project areas within the Martell Way right-of-way on the northern side of the road. Due to site constraints, a crowned roadway would result in a much larger area of disturbance, including offsite impacts on the northern side of the right-of-way that will require additional easements to be obtained on the remaining land of original Lot 5. As proposed, the road will maintain a cross slope of ¼"/Ft. from the northern edge of pavement to the southern edge of pavement for the full length of the proposed road extension. This design allows for the relocated trail and easement to continue on the northern side of the road, while also greatly reducing the amount of both on-site and off-site disturbance and easements that would otherwise be required. Crowning of the roadway would result in approximately 350 square-feet of additional wetland impact.

AMENDED AND RESTATED ROAD MAINTENANCE AGREEMENT AND DECLARATION OF PRIVATE ROAD COVENANTS AND RESTRICTIONS

This Amended and Restated Road Maintenance Agreement and Declaration of Private Road Covenants and Restrictions (the "Amended Agreement") is entered into this 21st day of November, 2022 by and between **Christopher Michael Martell an** individual with a mailing address of 23 Fengler Road, Scarborough, ME 04074 ("Martell"), **Nonesuch Development**, **LLC**, a Maine limited Liability Company with a mailing address of 29 Fengler Road ("Nonesuch"), **Wallace W. Fengler**, an individual with a mailing address of 233 Holmes Road, Scarborough, Maine, 04074 ("Fengler"), **Wallace W. Fengler**, Trustee of the Wallace W. Fengler Revocable Trust with a mailing address of 233 Holmes Road, Scarborough, Maine, 04074, (the "Trustee") (together, Martell, the Trust, and Nonesuch are now collectively the "Declarants") and the **Town of Scarborough, Maine**, a body corporate and politic with an address of 259 U.S. Route One, P.O. Box 360, Scarborough, Maine, 04074-0360 (the "Town") which joins in this Agreement for the limited purposes set forth below.

WHEREAS, a certain Road Maintenance Agreement and Declaration of Private Road Covenants and Restrictions dated October 21, 2011 was signed by Martell, Fengler and the Town and recorded in the Cumberland County Registry of Deeds in Book 29054, Page 241 (the "Agreement"); and

WHEREAS, the Trustee is the owner of certain lands consisting of approximately 15.42 acres in and around Fengler Road in the Town of Scarborough, County of Cumberland, State of Maine ("the Town"), which are a portion of that land described in a deed recorded in the Cumberland County Maine Registry of Deeds:

 Deed of Wallace Fengler, to Wallace Fengler as Trustee of the Wallace W. Fengler Revocable Trust recorded in Book 34277, Page 50 and which is shown as "REMAINING LAND OF ORIGINAL LOT 5 To BE RETAINED BY WALLACE W. FENGLER 671,527 SQ.FT. 15.42 ACRES") on the Amended Plan referenced below; and

WHEREAS, Martell is the owner of certain lands consisting of approximately 21.47 acres, more or less, in and around Fengler Road in Scarborough, County of Cumberland, State of Maine, pursuant to the following deeds:

- 1. Deed of Regan Custom Homes to Michael Martell and Sarah K. Martell dated October 1, 2009 and recorded in the Cumberland County Registry of Deeds at Book 27302, Page 281, and;
- 2. Deed of Wallace W. Fengler to Michael Martell and Sarah K. Martell dated October 21, 2001 and recorded in the Cumberland County Registry of Deeds at Book·29054, Page 232; and

3. Deed of Sarah K. Martell to Michael Martell dated April 16, 2015 and recorded in the Cumberland County Registry of Deeds in Book 32240, Page 115.

WHEREAS, Fengler was a signatory of the Agreement due to his ownership of a portion of the Development Land as that term is defined below but has since transferred his ownership of said land to the Trustee; and

WHEREAS, Martell has conveyed or intends to convey a portion of the Development Land to Nonesuch (the "Nonesuch Land") as depicted on the Amended Plan dated November ____, 2022 which was recorded in the Cumberland County Registry of Deeds in Book _____, Page ____; and

WHEREAS, Martell, Nonesuch, the Trust, and the Town wish to amend and restate the Agreement to reflect the transfer of a portion of the Development Land to Nonesuch and Nonesuch's intention to develop the Nonesuch Land; and

WHEREAS, Martell has constructed the first of two segments of the Road known as the Martell Segment – Phase I in the Agreement; and

WHEREAS, Nonesuch intends to construct the as-yet unconstructed Martell Segment – Phase II; and

WHEREAS, as a result of the foregoing deeds, the Declarants are the owners of a combined 36.89+/- acres of land located in Scarborough, County of Cumberland, State of Maine (" the Development Land"); and

WHEREAS, Nonesuch will be constructing a portion of a private road ("the Road") as shown on a certain plan entitled "Fourth Amended Subdivision Plan of Mitchell Hill Heights", dated November ___, 2022 prepared by Sebago Technics (the "Amended Plan") and approved by the Scarborough Planning Board on _____, 2022; and

WHEREAS, certain lending institutions, including the United States Department of Housing and Urban Development, require that an agreement regarding use, maintenance and repair be entered into by the parties who utilize the private road in order to ensure marketability for mortgage insurance underwriting purposes; and

WHEREAS, it serves the mutual benefit of the Declarants and the Town and all those who may in the future utilize the Road as a private road to update and amend the Agreement with respect to the construction, use, maintenance and repair of the Road as provided herein.

NOW THEREFORE, the Declarants do hereby amend and restate the Agreement and grant and declare the following rights, covenants and restrictions in perpetuity:

1. <u>PURPOSE</u>. The rights, restrictions and covenants in this Declaration include:

a. Certain duties, obligations and restrictions established for the benefit of the public, and to allow certain uses of the Development Land, to be accessed by the Road, for recreational purposes as set forth in this Declaration, and;

b. Certain rights, duties, obligations and restrictions established for the Declarants, their respective heirs, successors and assigns, which outline the uses of and responsibilities for such Roads.

2. <u>CREATION AND OWNERSHIP OF THE ROAD</u>. The Road, to be known as "Martell Way", will be located as and where described on the Amended Plan. Martell has constructed the approximately six hundred foot (600') section of the Road which begins at the intersection of the Road with Fengler Road and continues through the section marked as L125 on the Amended Plan. Nonesuch has agreed to construct the segment of the Road located between L125 and L119 on the Amended Plan. Martell has built the 600' section of the Road to the Town's specifications. Nonesuch shall build the unbuilt Nonesuch Segment, as hereinafter defined, to the Town's specifications. These two segments shall be referred to herein as the "Nonesuch Segments."

a. <u>Nonesuch Segments Road Layout</u>. The right-of-way for the Nonesuch Segments is fifty feet (50') feet in width with the travelled surface to twenty feet (20') in width as shown on the Amended Plan.

b. Future Improvements to Road. Martell shall have no obligation to build, extend or improve the Road. After Nonesuch constructs the second Nonesuch Segment. Nonesuch shall have no further obligation to build, extend or improve the Road in the event that Fengler desires or is required to build, extend or improve the Road beyond the Nonesuch Segments. The Trust shall, at its sole cost and expense, make any further Road improvements in accordance with the Amended Plan and the Town's Notice of Planning Board Decision concerning its Findings, Waivers and Conditions of Approval for the 3rd and 4th Amendments of the Mitchell Hill Heights Subdivision attached hereto as Exhibit A. Such improvements shall be completed before the issuance of any building permits for the Additional Residences, as that term is defined in Section 4.b. of this Agreement. In no event shall Martell or Nonesuch have any obligation to contribute to any Road improvements beyond the Nonesuch Segments. Furthermore, The Trust and Nonesuch shall be obligated to repair and restore any damage done to the Road by any of their respective agents who may pass and repass over the Road to clear, log and/or access the Development Land and/or to build any Additional Residences or Nonesuch Residences thereon.

c. <u>Fire Safety Improvements</u>. On December ___, 2022, the Town approved the subdivision amendment for the Nonesuch lots as configured, based on the existing fire protection water supply and emergency vehicular access system provided within the Mitchell Hill Heights subdivision. Any further subdivision amendments to create additional lots with access from Martell Way will be subject to the Town of Scarborough Fire Department's fire protection standards, which can require the installation of additional fire protection water supply and emergency vehicular access infrastructure, and the Town of Scarborough joins in this Agreement for the limited purpose of accepting this enforcement right.

3. LIMITED PUBLIC ACCESS RIGHTS. Members of the public shall have and Declarants grant and declare in favor of the Town of Scarborough, the non-exclusive right to pass over, on, or around the Development Land only in the area accessed from Fengler Road and shown on the Amended Plan being to the northeast of Lot 50 and along the twelve foot (12') access easement running along the shoulder of the Road as shown on the Amended Plan only for transitory, lowimpact, non-motorized, non-commercial outdoor recreational purposes. Such purposes include, without limitation, hiking, wildlife observation, snowshoeing, cross-country skiing, mountain biking, horseback riding and other similar outdoor recreational uses. Hunting shall not be permitted. In addition, non-exclusive use of the travelled portions of the Road is permissible for snowmobile trail riding and trail maintenance during the months of the year when the weather and snow cover reasonably permit such activity, upon such terms and conditions set forth at Section 6 of this Declaration. Such uses shall not unreasonably interfere with the use of the Road by the Declarants, as set forth in this Declaration. Use of the Road by motorized vehicles, other than snowmobiles, is prohibited, except those uses reserved by the Declarants, their respective heirs, successors and assigns, under this Declaration. Notwithstanding the foregoing, emergency vehicles shall have access to the Road to provide emergency services on the Development Land. The Town of Scarborough joins in this Agreement for the limited purpose of accepting the foregoing rights, grants, and covenants.

a. Limited Liability of Declarants. Pursuant to 14 M.R.S.A. § 159-A, as amended from time to time, as landowners who open their lands to the public for recreational purposes without charging a fee therefore, the Declarants declare that it is their intention that they shall be exempt from liability for personal injuries and property damage, absent intentionally inflicted injury or damage.

4. ACCESS MAINTENANCE AND FUTURE IMPROVEMENTS TO ROAD.

a. <u>Access Rights of Declarants: Limited Vehicular Access</u>. The Declarants, their respective heirs, successors and assigns shall have the right to use the Road, as depicted on the Amended Plan, for the purposes of ingress and egress to and from (i) Lot 50 adjacent to Fengler Road, as the same may be developed, reconfigured or subdivided in the future ("the Existing Residence"), (ii) the Nonesuch Residences and (iii) the Additional Residences, as defined below in Section 4.b, on foot and by motorized vehicles for such purposes and activities consistent with the ownership of residential, agricultural, forestry and silvacultural property within the Development Land, including without limitation, farming, forestry management, water management and/or recreation. The use of the Road by motorized vehicles shall be exclusive to the Declarants, their respective heirs, successors and assigns except as provided elsewhere herein. The public's right to use the Road is subject to the provisions and restrictions of Section 3 herein.

b. <u>Limitation on Number of Additional Residences to be Served by the Road</u>. The maximum number of additional single-family residences on the Development Land owned by Fengler that may utilize the Road for primary vehicular access is five (5) ("Additional Residences"). The maximum number of additional single-family residences on the Nonesuch Land that may utilize the Road for primary vehicular access is five (5) (the "Nonesuch Residences"). The Declarants, by mutual consent (which consent shall not be unreasonably withheld, conditioned or delayed) and without the consent of the Town of Scarborough, except.as may be required under applicable Town Ordinances, reserve the right to amend this Declaration as may be required to reflect the actual layout and location of the Additional Residences upon final location of such Additional Residences and the actual layout and location of the Nonesuch Residences, including accessory buildings, driveways and utilities. In no event, however, shall the numerical limitation imposed (i.e., five Additional Residences and five Nonesuch Residences) as to the maximum number of Additional Residences or Nonesuch Residences be amended or altered without the consent of the Town, acting by and through its Planning Department.

c. <u>Maintenance</u>. For so long as the Road is a private road (until such time as it is a road accepted and maintained by the Town of Scarborough as a public way), responsibility for maintenance costs for the Road shall be as follows:

i. Until completion of the Nonesuch Segments, Martell and Nonesuch shall be responsible for all maintenance and repair costs for the Road; and

ii. Upon completion of the Nonesuch Segments by Nonesuch, Nonesuch and Martell shall be jointly responsible for all maintenance and repair costs for the Road; and

iii. Upon construction, completion of each Nonesuch Residence, the owner or owners of each Nonesuch Residence and Martell shall be jointly responsible for all maintenance and repair costs for the Road; and

iv. Upon completion and sale of each Additional Residence, the owner or owners of each Additional Residence and each Nonesuch Residence and Martell shall be jointly responsible for all maintenance and repair costs for the Road, except that after the sale of the first Nonesuch Residence, Martell's share of all maintenance and repair costs shall be five (5) percent of the total costs with the remaining costs split equally among the owners of each Additional Residence and Nonesuch Residence.

Except as provided above with respect to Martell's share of the costs, those costs and expenses shall be shared equally by the owners of all of the Residences using the Road for their primary vehicular access, on a residence-by-residence basis. A residential structure shall be deemed a "residence" under this section upon the issuance of a certificate of occupancy for it. For the purposes of this Section, "maintenance," shall be construed to be those activities and duties that are undertaken in an effort to keep and assure the regular usefulness of the particular road improvement consistent with its intended purpose under customary and usual conditions. In contrast, "repair" and "replacement," as the case may be, shall be construed to be those activities and duties that are undertaken to restore the particular improvement to the condition of usefulness consistent with its intended purpose after the occurrence of misuse, negligence or casualty. Maintenance, repair and replacement of the Road shall include, without limitation, the following:

(A) Maintaining the surfaces in a level, smooth and evenly-covered condition with the type of surfacing material originally installed or such substitute as shall in all respects be equal in quality, use, and durability;

(B) Snow plowing, sanding and salting in a manner necessary for the safe passage to the then existing residences along Martell Way.

(C) The maintenance, repair, replacement and addition of pipes, culverts, basins and associated outlet ditches or swales to ensure proper drainage.

d. <u>Deeds.</u> The provisions of Section 5.c. of this Declaration or express reference to such sections shall be included in any conveyance of land which uses or shall use the Road for its primary vehicular access. However, the failure to include such express language in any conveyance shall not excuse any grantee from such grantee's obligations under this Declaration.

e. Agreement to Convey Fee. Martell, Nonesuch and the Trust hereby unconditionally agree to convey any interest they may have in the Road and/or the Nonesuch Segments to the Town of Scarborough (or other appropriate governmental body) for the purpose of having the Town of Scarborough accept and maintain the Road as public. Declarants acknowledge and agree that joinder herein by the Town of Scarborough for the limited purposes expressed in this Agreement does not constitute acceptance of the Road as a town way and that acceptance of all or part of the Road as a town way requires a separate order of the Scarborough Town Council.

f. <u>Indemnity and Defense</u>. Martell, Nonesuch, and the Trust hereby agree to release, indemnify and to hold each harmless from all legal and equitable claims relative to their respective use of the Road and/or the Nonesuch Segments and to defend the other from any and all such claims with counsel acceptable to either Martell, Nonesuch, or the Trust (and/or their respective successors and/or assigns) if and when either seeks indemnity and/or defense under this section.

5. <u>GATED ACCESS</u>. Martell, at his sole cost and expense, may install a gate at the beginning of the Martell Segment to ensure private access to the Road and limited recreational use of the Road as provided in this Declaration. The gate shall be of a design of Martell's choosing but designed so as to permit access as provided in Section 3 of this Declaration. The gate shall be secured with a lockbox and Martell shall provide the Town of Scarborough Fire Department and any other third party having a right of vehicular access on the respective Road, including Fengler, with a key (or other similar means of passage) for access through the gate.

6. <u>RECREATIONAL TRAILS</u>. This Declaration is subject to the existing rights of third parties to use and maintain the easement area running to and along the Road as shown on the Amended Plan (the "Recreational Trails") for recreational purposes including snowmobiling, hiking, horseback riding and walking. The Recreational Trails may not be relocated or expanded, nor may the trail system be relocated or expanded without the written consent of the Declarants, and the filing of plans by the Declarants and the Town of Scarborough Planning Department

depicting such relocation and/or expansion, and the approval by the Town of Scarborough, acting by and through its Planning Department of any and all such plans including approval of the relocated or expanded Recreational Trails. Such recreational trail uses shall not unreasonably interfere with the use of the Road by the Declarants, as set forth in this Declaration. Declarants shall be entitled to post reasonable rules and regulations as to the use of the Recreational Trails with the consent of the Town of Scarborough, acting by and through the Town Manager.

a. <u>Trail Maintenance</u>. The Recreational Trails may be maintained for the purposes described in this Section 6 by such third parties reasonably acceptable to the Declarants. Such parties shall be required to maintain insurance, naming the Declarants as additional insureds, in commercially reasonable amounts, based on the scope and nature of the improvements undertaken by that party. Such parties shall also be required to obtain written consent from the Declarants for any trail maintenance activities, which consent shall not be unreasonably withheld, conditioned, or delayed. Notwithstanding the foregoing, however, the Town of Scarborough shall have the right, but not the obligation, to maintain the Recreational Trails without regard to the foregoing requirements.

b. <u>Temporary Interruption</u>. It may become necessary from time to time to temporarily interrupt the use of the Recreational Trails for the agricultural, silvacultural, forestry or floricultural activities occurring on or about the Development Land , including timber harvesting. The Declarants shall use reasonable efforts to minimize such interruptions. In the event that use of any Recreational Trail is interrupted for more than 30 consecutive days, the Declarants shall relocate or provide for reasonably similar substitute means of Recreational Trail passage. All Recreational Trails shall be restored to their original condition by Declarants, reasonable wear and tear excepted, following such interruption.

c. <u>Responsibility for Damages</u>. If any portion of a Recreational Trail is damaged through the negligent, reckless, willful or wanton conduct of any party having rights to use such Trails, that party shall be solely responsible for the costs associated to repair such damage.

7. OPERATION AND GOVERNANCE OF ASSOCIATION.

a. <u>Scope of Declaration</u>. Except for the exemption relative to the Existing Owner as set forth in Section 2(b) of the Declaration and except as provided in Section 4(c) above, the owners of the Existing Residence, the Nonesuch Residences and Additional Residences that are served by the Road (hereinafter a "Voting Owner") jointly and severally agree to be obligated to, maintain, insure, repair, plow, sand and replace the Road, when required, so that the Road is reasonably safe and maintained in a good and passable condition for travel by vehicles and pedestrians authorized to use the Road.

b. <u>Majority Vote</u>. Upon completion of the Nonesuch Residences, until such time as the Road is accepted as a public road by the Town of Scarborough, any and all decisions with respect to the nature and extent of any work to be done, improvements to

be made, the individual or entity to be employed, the total amount of money to be expended, or any and all other matters or questions relating to the Road shall be decided by a majority vote of all owners of the Existing Residence, the Nonesuch Residences and, upon completion, the Additional Residences ("the Voting Owners") with the owner or owners of each Residence entitle to one vote. Notwithstanding the foregoing, until the Trust or its assignee or successor in interest builds any of the Additional Residences or begins using the Road to access the Development Land currently owned by the Trust, the Trust shall have no liability for maintenance costs for the Nonesuch Segments or the Road.

c. <u>Cost of Maintenance</u>. Each Voting Owner shall contribute a fractional share of the total cost of repair, maintenance, plowing and sanding of the Road, which fraction shall be a numerator of one over a denominator equal to the total number of residences which are served by the Road. Anytime after completion of the Nonesuch Residences, Nonesuch and Martell may notify the Voting Owners of the completion and pass responsibility for maintenance of the Nonesuch Segments to the Voting Owners. The Voting Owners may elect to form a Road Association pursuant to Maine law upon receipt of such notice.

All payments shall be made within fourteen (14) days after receipt of a bill for work done.

d. <u>Debt to Others</u>. Each Voting Owner's proportionate share of the reasonable charges for the work undertaken pursuant to this Declaration shall constitute a debt owed to the other Voting Owners and any unpaid portion of the costs related to this Declaration shall be a lien upon the property of the party failing to pay their share, which may be evidenced by a lien certificate recorded in the registry of deeds. Any party failing to pay their share, shall be responsible for the costs of collection, including reasonable attorney fees. Such liens may be enforced by the other Voting Owners in the same manner as lien for unpaid Association fees and expenses as provided under 23 M.R.S.A. Section 3121.

e. <u>Appointment of Manager</u>. The Voting Owners may, by majority vote, elect or appoint an agent or manager who shall be an Existing Residence, Nonesuch Residence or Additional Residence owner, who shall act on behalf of the Voting Owners in contracting to have the work done and collecting the contribution of each Voting Owner.

f. <u>Binding Arbitration</u>. In the event the Voting Owners are unable to resolve amicably a dispute arising out of or in any way related to this Declaration or the rights and remedies arising from it, any such owner shall have the right to invoke the remedy of binding arbitration by noticing their determination to do so to the other owner or owners affected by the dispute.

The notice shall be in writing, and fully set forth the contentions of the noticing party and shall appoint an alternative dispute resolution arbitrator, utilizing the Commercial Arbitration Rules and Mediation Procedures of the American Arbitration Association ("AAA") (but not necessarily using a AAA neutral or the AAA to oversee the arbitration) whose decision shall be binding and enforceable as a judgment in the Courts of the State of Maine.

The cost and expenses of arbitration shall be borne one-half by the owner or owners proposing it and one-half by the owner or owners opposed in relation to their ownership.

g. <u>Road Closure</u>. Under no condition can the Voting Owners or a majority of them close the Road to travel by other Voting Owners. However, Martell may install and maintain an access gate of their design and choosing which gate shall prevent unauthorized access onto the Road for so long as the Road remains private.

8. <u>MISCELLANEOUS</u>.

a. <u>Encumbrance and Benefit</u>. This Declaration and the covenants and conditions herein contained shall be deemed to be real covenants running with the land and benefiting and burdening the land described in deeds to all Lots and Property served by the Road.

b. <u>Recording.</u> This Amended and Restated Declaration shall be recorded in the Cumberland County Registry of Deeds.

c. <u>Limitations on Use</u>. The Road shall only be used to access single family residential properties, by vehicles reasonably needed for the purposes of constructing single family residential properties, or for those other purposes provided for herein.

d. <u>Binding Effect</u>. This Amended and Restated Declaration is binding upon the parties whose signature appear below and their heirs, successors and assigns and is binding on those parties who may in the future obtain title to any portion of the Development Property and/or the Existing Residence. This Amended and Restated Declaration shall be deemed a servitude running with and for the benefit of the Existing Residence, the Nonesuch Residences, and Additional Residences, and the Development Property.

e. <u>Protection of Lenders</u>. This Amended and Restated Declaration is intended to benefit any mortgagee or the successors of any mortgagee of any of the real estate subject to this Declaration in order to assure marketability of such real estate.

f. <u>Expiration</u>. This Amended and Restated Declaration shall terminate if and when the Road or the Nonesuch Segments are accepted as a public road by the Town of Scarborough.

This Amended Agreement is intended to replace and superseded and g. hereby supersedes the Agreement, except that capitalized terms used but not defined herein shall have the meanings given to them in the Agreement.

Dated this **a (** day of November, 2022

DECLARANTS

1×

Christopher Michael Martell

WALLACE W. FENGLER REVOCABLE TRUST

By: ______ Wallace W. Fengler, Trustee

Wallace W. Fengler

NONESUCH DEVELOPMENT, LLC

By:_____ Joseph Lydon, Member

Limited joinder by the Town of Scarborough for the purposes set forth above:

TOWN OF SCARBOROUGH, MAINE

By: ______, Authorized Town Manager

This Amended Agreement is intended to replace and superseded and g. hereby supersedes the Agreement, except that capitalized terms used but not defined herein shall have the meanings given to them in the Agreement.

Dated this _2/___ day of November, 2022

DECLARANTS

1000

Christopher Michael Martell

WALLACE W. FENGLER REVOCABLE TRUST

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Wallace W. Fengler

NONESUCH DEVELOPMENT, LLC

By: Joseph Lydon, Member

Limited joinder by the Town of Scarborough for the purposes set forth above:

TOWN OF SCARBOROUGH, MAINE

By: ____

, Authorized Town Manager

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Dated this _____ day of November, 2022

DECLARANTS

Christopher Michael Martell

WALLACE W. FENGLER REVOCABLE TRUST

By: ______ Wallace W. Fengler, Trustee

Wallace W. Fengler

NONESUCH DEVELOPMENT, LLC

By: _________ Joseph Lydon, Member

Limited joinder by the Town of Scarborough for the purposes set forth above:

TOWN OF SCARBOROUGH, MAINE

By: _____, Authorized Town Manager

Section 3

Abutters List and Mailing Addresses

Fengler, Kenneth P 6 Mitchell Hill Road Scarborough, ME 04074

Fengler, Wallace W Revocable Trust 233 Holmes Road Scarborough, ME 04074

> Lewis, Kenneth M III 28 Fengler Road Scarborough, ME 04074

Liponis, James A Living Trust 38 Freedom Road Scarborough, ME 04074

Mallipeddi, Vani 17 Fengler Road Scarborough, ME 04074

Buschagen, Jeffrey J 26 Fengler Road Scarborough, ME 04074 Cropper, Douglas 36 Freedom Road Scarborough, ME 04074

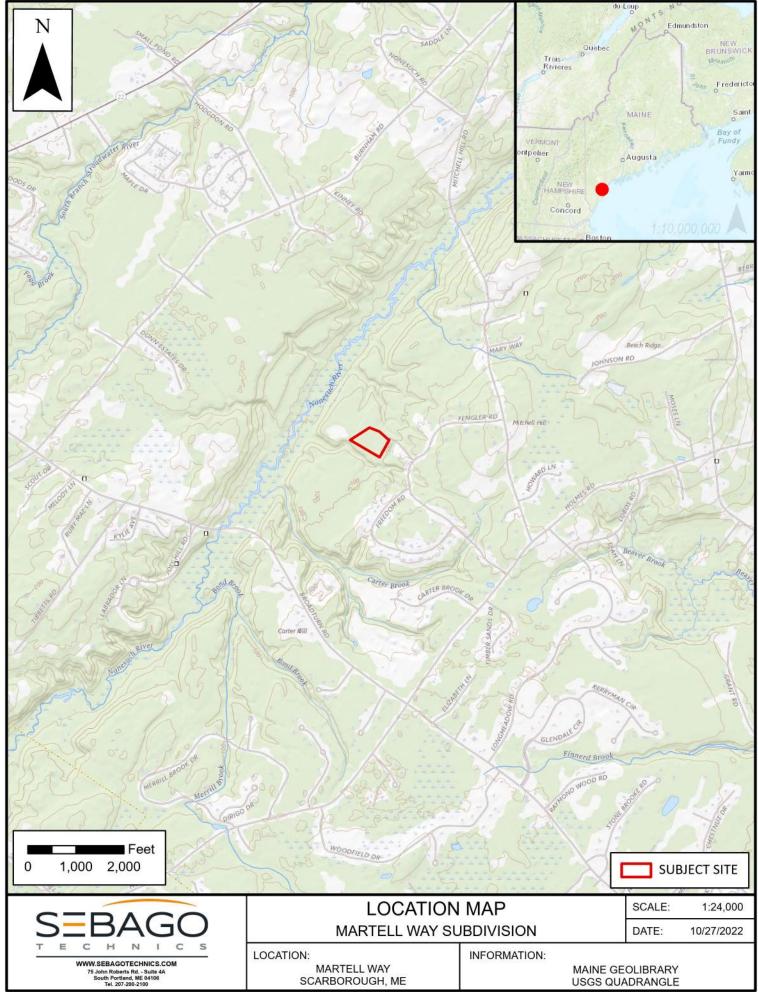
Violette, Rachelle M 14 Fengler Road Scarborough, ME 04074

Caron, Glen J 16 Fengler Road Scarborough, ME 04074

Willey, Laurie A 19 Fengler Road Scarborough, ME 04074

Section 4

Location Map



Location Map, 220531.aprx

Project Number: 220531

Section 5

Wastewater Accommodations

SOIL PROFILE/CLASSIFICATION INFORMATION

Detailed Description of Subsurface Conditions at Project Sites

Proje	roject Name: Applicant Name:					Project Location (municipality): SCARBOROUGH			
	MARTELL WAY SUBDIVISION NONESUCH DEVELOPM		ENT, L	LC					
		SOIL DESCRIPTION AN		Boring		E-mbaration Ormalial	SOIL DESCRIPTION AN		D Daving
	Exploration Symbol:	TP-1 Depth of Organic Horizon Above	Test Pit	Boring		Exploration Symbol:	TP-2	Test Pit	Boring
	Texture	Consistence	Color	Redox		Texture	Consistence	Color	Redox
1									
3									
4	LOAMY		10YR 5/6		4	LOAMY		10YR 4/5	
(s)	SAND		YELLOWISH		(s)	SAND		DARK	
- refe			BROWN		(Inches)			YELLOWISH BROWN	
					1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				
10 12		FRIABLE			SURFACE		FRIABLE		
AL 5	MEDIUM		0.5% 5%					2.5Y 5/4	
Ler –	SAND		2.5Y 5/4		VER.	MEDIUM		LIGHT OLIVE	
NW A			LIGHT OLIVE BROWN		W N			BROWN	
BELOW MINERAL SOIL SURFACE (Inches) 8 8 4 2 4 2 4			BROWN		BELOW MINERAL				
H BE					H BE				
DEPTH	COARSE				DEPTH				
<u>ا</u>	SAND				Q 40				
40					48			2.5Y 5/3	
50	MEDIUM		2.5Y 5/3	COMMON, MEDIUM,	50	COARSE SAND		LIGHT OLIVE BROWN	COMMON, MEDIUM,
55	SAND		LT. OLIVE BROWN	DISTINCT	55				DISTINCT
-	hydric	LIMIT OF EXC Slope %	Limiting factor	 ground water 		hydric	LIMIT OF EXC	AVATION = 55" Limiting factor	ground water
-	non-hydric	0-3	48"	restrictive layer	•	non-hydric	0-3	48"	restrictive layer
	Soil Series / phase name:		SED	bedrock		Soil Series / phase name		SED	bedrock
L.S.S.			Drainage Class	Hydrologic Group	L.S.S.			Drainage Class	Hydrologic Group
L.S.E.	Soil Classification:	5_ Profile	 Drainage Class		L.S.E.	Soil Classification:	5 Profile	C Drainage Class	
		SOIL DESCRIPTION AN	D CLASSIFICATION			1	SOIL DESCRIPTION AN	Drainage Class	
	Exploration Symbol:	TP-3	Test Pit	Boring		Exploration Symbol:	TP-4	Test Pit	Boring
	1-2 Texture	" Depth of Organic Horizon Above Consistence	e Mineral Soil Color	Redox		1-2 Texture	Consistence	Mineral Soil	Redox
1	Texture	Consistence	000	Redox		Texture	Consistence	000	Redux
4			10YR 5/6		4			10YR 4/5	
	LOAMY SAND		YELLOWISH			LOAMY SAND		DARK	
hes)	SAND		BROWN		hes)	GAND		YELLOWISH	
SURFACE (Inches)					SURFACE (Inches)			BROWN	
ACE □					ACE		FRIABLE		
		FRIABLE							
16					10				
OS _18 7 20					OS 71			2.5Y 5/4	
	MEDIUM		2.5Y 5/4		IERAL ∞	MEDIUM		LIGHT OLIVE	
NW -	SAND				<	SAND		BROWN	
NO			LIGHT OLIVE BROWN		BELOW MI				
BEL			BROWN		BEI				
<u>DEPTH BELOW MI</u> 					DEPTH				
<u>اط</u>	COARSE SAND				B –				
45					40			2.5Y 5/3	
50	FINE SAND		2.5Y 5/3	COMMON,	50	COARSE		LIGHT OLIVE	COMMON,
65			LT. OLIVE BROWN	MEDIUM, DISTINCT	60	SAND	+	BROWN	MEDIUM, DISTINCT
	lassalais		CAVATION = 65"	ground water				AVATION = 55"	
	hydric non-hydric	Slope % 	Limiting factor 45"	 ground water restrictive layer 	•	hydric non-hydric	Slope % 0-3	Limiting factor 48"	 ground water restrictive layer
	0.11.0.11.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1		<u>45</u>	bedrock		0.11.0		SED	bedrock
L.S.S.	Soil Series / phase name:	ADAWIS	Drainage Class	A Hydrologic Group	L.S.S.	Soil Series / phase name	ADAIVIS	Drainage Class	Hydrologic Group
L.S.E.	Soil Classification:	5	C		L.S.E.	Soil Classification:	5	C	
– ′		Profile	Drainage Class				Profile	Drainage Class	
								ATE OF MA	11.
								ATE OF MA	1111
Profe	essional Endorsement	te (as annlicable)					NG NG	Annest Contraction of the second	VALL.
1101				Λ	<u> </u>			GARY	
L.S.S.			Λ	/	D	ate:	= = /	Μ.	
L	signature:	Con	12			11/15/22		FULLERTON	11 =
		Game M E.	llorton	50 ⁻⁰		c.#: 160		NO. 355	
	name printed/typed:	Gary M. Fu	nerton			462	=×\	GARY M. FULLERTON NO. 355	
L.S.E.		()	1 /	/	D	ate:		KICENCED.	8
	signature:	Chr	12			11/15/22	111	SV7	O'III'
		- 0	~		Li	c.#:		EVALUN	IIII.
	name printed/typed: Gary M. Fullerton				355	affix professional seal			

SOIL PROFILE/CLASSIFICATION INFORMATION

Project Name: MARTELL WAY SUBDIVISION		Detailed Description of Subsur Applicant Name: NONESUCH DEVELOPM				Project Location (municipality): SCARBOROUGH			
	Exploration Symbol:	SOIL DESCRIPTION AN	Test Pit	Boring	E	ploration Symbol:	SOIL DESCRIPTION AN TP-6	Test Pit	Boring
c	1-2_	" Depth of Organic Horizon Abov Consistence	e Mineral Soil Color	Redox	0	1-2 Texture	Consistence	Mineral Soil	Redox
_1	- CARGEO				1	Texture			
					2				
4			10YR 4/6		4				
					s =			10YR 4/6	
-	LOAMY SAND		DARK YELLOWISH		(<i>Inches</i>)	LOAMY SAND		DARK	
			BROWN		10 10	0,112		YELLOWISH	
10					9 10 12 14 14 12 14			BROWN	
14		FRIABLE					FRIABLE		
					OS 18				
			2.5Y 5/6		20 EAL				
_	COARSE		LIGHT OLIVE BROWN					2.5Y 5/6	
_	SAND		BROWN		MO			LIGHT OLIVE	
30					BEL(COARSE SAND		BROWN	
-			2.5Y 5/4		DEPTH	0,112			
_			LIGHT OLIVE BROWN		DE			2.5Y 5/3	
40					40			LIGHT OLIVE	
50			2.5Y 5/3	COMMON,	50			BROWN	COMMON,
54	SAND		LT. OLIVE BROWN	MEDIUM, DISTINCT	54				MEDIUM, DISTINCT
		LIMIT OF EXO Slope %	CAVATION = 54"			hydric	LIMIT OF EXC Slope %	AVATION = 54" Limiting factor	ground water
	hydric non-hydric	0-3	Limiting factor	restrictive layer	•	nyaric non-hydric	0-3	Limiting factor	restrictive layer
s.s.	Soil Series / phase name:			bedrock A	L.S.S.	oil Series / phase name		SED	bedrock
5.5.			Drainage Class	Hydrologic Group	L.o.o.			Drainage Class	Hydrologic Group
i.e.	Soil Classification:	5_ Profile	C Drainage Class		L.S.E.	oil Classification:	5 Profile	C Drainage Class	
		SOIL DESCRIPTION AN	D CLASSIFICATION	—			SOIL DESCRIPTION AN	D CLASSIFICATION	—
	Exploration Symbol:	TP-7 Depth of Organic Horizon Abov	Test Pit	Boring	E	ploration Symbol:	TP-8	Test Pit	Boring
	Texture	Consistence	Color	Redox	0	Texture	Consistence	Color	Redox
					1				
3					3	LOAMY		10YR 4/6	
	FINE SANDY LOAM		7.5YR 2.5/1		4	SAND		DARK	
<u>}</u>			BLACK		(Se			YELLOWISH BROWN	
í9		FRIABLE			7 8 8			Diterin	
10		FRIABLE		COMMON, MEDIUM,	E				
		FRIABLE		COMMON, MEDIUM, DISTINCT	JRFACE (Inche		FRIABLE		
10 12 14 16	LOAMY	FRIABLE	2.5Y 5/2	MEDIUM,	9 10 12 12 14	MEDIUM	FRIABLE	2.5Y 5/4	
10 12 14 16 18	LOAMY SAND	FRIABLE		MEDIUM,	SOIL SURFACE	MEDIUM SAND	FRIABLE	2.5Y 5/4 LIGHT OLIVE	
20	LOAMY SAND	FRIABLE	2.5Y 5/2 GRAYISH BROWN	MEDIUM,	RAL SOIL SURFACE		FRIABLE	2.5Y 5/4	
20	LOAMY SAND	FRIABLE	GRAYISH	MEDIUM,	RAL SOIL SURFACE		FRIABLE	2.5Y 5/4 LIGHT OLIVE	
20	LOAMY SAND		GRAYISH BROWN	MEDIUM,	RAL SOIL SURFACE		FRIABLE	2.5Y 5/4 LIGHT OLIVE	
20	LOAMY SAND	CEMENTED	GRAYISH	MEDIUM,	RAL SOIL SURFACE		FRIABLE	2.5Y 5/4 LIGHT OLIVE	
20	LOAMY SAND		GRAYISH BROWN 7.5YR 2.5/3 VERY DARK BROWN	MEDIUM,	RAL SOIL SURFACE	SAND	FRIABLE	2.5Y 5/4 LIGHT OLIVE	
20	LOAMY SAND COARSE SAND	CEMENTED	GRAYISH BROWN 7.5YR 2.5/3	MEDIUM,	DEPTH BELOW MINERAL SOIL SURFACE	SAND	FRIABLE	2.5Y 5/4 LIGHT OLIVE	
20	LOAMY SAND COARSE SAND		GRAYISH BROWN 7.5YR 2.5/3 VERY DARK BROWN 7.5YR 3/4 DARK	MEDIUM,	DEPTH BELOW MINERAL SOIL SURFACE b b b b c <	SAND	FRIABLE	2.5Y 5/4 LIGHT OLIVE BROWN 2.5Y 5/3 LIGHT OLIVE	
20	LOAMY SAND COARSE SAND	CEMENTED	GRAYISH BROWN 7.5YR 2.5/3 VERY DARK BROWN 7.5YR 3/4	MEDIUM,	DEPTH BELOW MINERAL SOIL SURFACE	SAND	FRIABLE	2.5Y 5/4 LIGHT OLIVE BROWN 2.5Y 5/3	COMMON, MEDIUM,
	LOAMY SAND COARSE SAND	CEMENTED	GRAYISH BROWN 7.5YR 2.5/3 VERY DARK BROWN 7.5YR 3/4 DARK BROWN	MEDIUM,	DEPTH BELOW MINERAL SOIL SURFACE b b b b c <	SAND		2.5Y 5/4 LIGHT OLIVE BROWN 2.5Y 5/3 LIGHT OLIVE BROWN	
20	LOAMY SAND COARSE SAND	CEMENTED	GRAYISH BROWN 7.5YR 2.5/3 VERY DARK BROWN 7.5YR 3/4 DARK	MEDIUM, DISTINCT	□ DEPTH BELOW MINERAL SOIL SUFFACE	SAND COARSE SAND		2.5Y 5/4 LIGHT OLIVE BROWN 2.5Y 5/3 LIGHT OLIVE	MEDIUM, DISTINCT ground water
20	LOAMY SAND COARSE SAND	CEMENTED FRIABLE	GRAYISH BROWN 7.5YR 2.5/3 VERY DARK BROWN 7.5YR 3/4 DARK BROWN CAVATION = 50"		DEPTH BELOW MINERAL SOIL SUFFACE	SAND COARSE SAND	LIMIT OF EXC	2.5Y 5/4 LIGHT OLIVE BROWN 2.5Y 5/3 LIGHT OLIVE BROWN AVATION = 60"	MEDIUM, DISTINCT
	LOAMY SAND COARSE SAND	CEMENTED FRIABLE LIMIT OF EXC Slope % 0-3_	GRAYISH BROWN 7.5YR 2.5/3 VERY DARK BROWN 7.5YR 3/4 DARK BROWN CAVATION = 50" Limiting factor 6"PD_	MEDIUM, DISTINCT	DEPTH BELOW MINERAL SOIL SUFFACE	SAND COARSE SAND	LIMIT OF EXC Slope % 	2.5Y 5/4 LIGHT OLIVE BROWN 2.5Y 5/3 LIGHT OLIVE BROWN AVATION = 60" Limiting factor 	MEDIUM, DISTINCT ground water restrictive layer bedrock A
 	LOAMY SAND COARSE SAND hydric non-hydric Soil Series / phase name:	CEMENTED FRIABLE LIMIT OF EXC Slope % 	GRAYISH BROWN 7.5YR 2.5/3 VERY DARK BROWN 7.5YR 3/4 DARK BROWN CAVATION = 50" Limiting factor 6" 	MEDIUM, DISTINCT	DEPTH BELOW MINERAL SOIL SUFFACE 0	SAND COARSE SAND hydric non-hydric pil Series / phase name	LIMIT OF EXC Slope % _	2.5Y 5/4 LIGHT OLIVE BROWN 2.5Y 5/3 LIGHT OLIVE BROWN AVATION = 60" Limiting factor 	BEDIUM, DISTINCT ground water restrictive layer bedrock
200 200 30 30 30 30 30 30 30 30 30 30 30 30 3	LOAMY SAND COARSE SAND	CEMENTED FRIABLE LIMIT OF EXC Slope % 	GRAYISH BROWN 7.5YR 2.5/3 VERY DARK BROWN 7.5YR 3/4 DARK BROWN CAVATION = 50" Limiting factor 6"PD_	MEDIUM, DISTINCT	DEPTH BELOW MINERAL SOIL SUFFACE	SAND COARSE SAND hydric non-hydric oil Series / phase name oil Classification:	LIMIT OF EXC Slope % 0-3 : ADAMS Profile	2.5Y 5/4 LIGHT OLIVE BROWN 2.5Y 5/3 LIGHT OLIVE BROWN AVATION = 60" Limiting factor A8" SED Drainage Class C Drainage Class	MEDIUM, DISTINCT ground water restrictive layer bedrock Hydrologic Group
 	LOAMY SAND COARSE SAND hydric non-hydric Soil Series / phase name:	CEMENTED FRIABLE LIMIT OF EXC Slope % NAUMBURG 	GRAYISH BROWN 7.5YR 2.5/3 VERY DARK BROWN 7.5YR 3/4 DARK BROWN Limiting factor 6" PD Drainage Class 	MEDIUM, DISTINCT	DEPTH BELOW MINERAL SOIL SUFFACE 0	SAND COARSE SAND hydric non-hydric oil Series / phase name oil Classification:	LIMIT OF EXC Slope % 0-3 : ADAMS Profile	2.5Y 5/4 LIGHT OLIVE BROWN 2.5Y 5/3 LIGHT OLIVE BROWN AVATION = 60" Limiting factor A8" SED Drainage Class C Drainage Class	MEDIUM, DISTINCT ground water restrictive layer bedrock Hydrologic Group
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20 20 30 30 40 50 50 3.S.	LOAMY SAND COARSE SAND hydric non-hydric soil Series / phase name: Soil Classification:	CEMENTED FRIABLE LIMIT OF EXC Slope % NAUMBURG Profile	GRAYISH BROWN 7.5YR 2.5/3 VERY DARK BROWN 7.5YR 3/4 DARK BROWN Limiting factor 6" PD Drainage Class 	MEDIUM, DISTINCT	Date	SAND COARSE SAND hydric non-hydric oil Series / phase name oil Classification:	LIMIT OF EXC Slope % 0-3 : ADAMS Profile	2.5Y 5/4 LIGHT OLIVE BROWN 2.5Y 5/3 LIGHT OLIVE BROWN AVATION = 60" Limiting factor A8" SED Drainage Class C Drainage Class	MEDIUM, DISTINCT ground water restrictive layer bedrock Hydrologic Group
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222 222 222 222 34 40 	LOAMY SAND COARSE COARSE SAND Nydric non-hydric Soil Series / phase name: Soil Classification: Soil Classification:	CEMENTED FRIABLE FRIABLE CLIMIT OF EXC Slope % 0-3 NAUMBURG 5 Profile S (as applicable)	GRAYISH BROWN 7.5YR 2.5/3 VERY DARK BROWN 7.5YR 3/4 DARK BROWN CAVATION = 50" Limiting factor 	MEDIUM, DISTINCT	Date	SAND COARSE SAND hydric non-hydric oil Series / phase name oil Classification:	LIMIT OF EXC Slope % 0-3 : ADAMS Profile	2.5Y 5/4 LIGHT OLIVE BROWN 2.5Y 5/3 LIGHT OLIVE BROWN AVATION = 60" Limiting factor A8" SED Drainage Class C Drainage Class	MEDIUM, DISTINCT ground water restrictive layer bedrock Hydrologic Group
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Sebago Technics, Inc.

220531

SOIL PROFILE/CLASSIFICATION INFORMATION

Detailed Description of Subsurface Conditions at Project Sites

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Production Sprink: PP-10 Castral Operation Sprink: The 10 Castral Operation Sprink: Description Sprink: Descrip						20					
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Lab Lab <thlab< th=""> <thlab< th=""> <thlab< th=""></thlab<></thlab<></thlab<>				-							
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Machina base BROWN Common frequencies 2	NO -			LIGHT OLIVE		MO -	SAND				
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Image: space	<u> </u>			LIGHT YELLOWISH BROWN					OLIVE	MEDIUM, DISTINCT	
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LIMIT OF EXCAVATION = 60" hydric Slope % Limiting factor ground water non-hydric O-3 52" ground water or hydric Slope % Limiting factor or ground water Lss. Soil Series / phase name: ADAMS SED A A Drainage Class A Lss. Soil Classification: 5 B Drainage Class A Drainage Class Soil Classification: 7 C				LIGHT YELLOWISH	MEDIUM,						
non-hydric 0-3 52" restrictive layer bedrock non-hydric 0-3 40" restrictive layer bedrock Lss. Soil Series / phase name: ADAMS SED A Drainage Class Hydrologic Group Lss. Soil Classification: 5 B Profile Drainage Class				AVATION = 60"							
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Lss Drainage Class Hydrologic Group Lss Drainage Class Hydrologic Group Lss Soil Classification: 7 Profile Drainage Class					bedrock						
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Project Name:

SOIL PROFILE/CLASSIFICATION INFORMATION

Project Location (municipality):

Detailed Description of Subsurface Conditions at Project Sites

Applicant Name:

	MARTELL WAY SU	JEDIVISION	N	ONESUCH DEVELOPN	IENI, L			SCARBOROUGH	
		SOIL DESCRIPTION AND					SOIL DESCRIPTION AN	D CLASSIFICATION	
	Exploration Symbol:	TP-13	Test Pit	Boring		Exploration Symbol:	TP-14	Test Pit	Boring
		Depth of Organic Horizon Above		Boining			Depth of Organic Horizon Above		Boining
	Texture	Consistence	Color	Redox		Texture	Consistence	Color	Redox
-	Texture	Consistence	00101	Redex		Texture	Consistence	00101	Redex
2	2				2				
3	8				3	6			
4			2.5Y 5/4		_4	LOAMY		10YR 4/6	
	LOAMY		LIGHT OLIVE			SAND		1011 4/0	
hes 7	SAND		BROWN		hes		FRIABLE	DARK	
" ucl	FILL				"luci			YELLOWISH	
<u>ار ا</u>	9				SURFACE (Inches)			BROWN	
		FRIABLE			RFAC				
					14	1			
16	3				S 1	6			
S 18								2.5Y 5/4	
7 -20	LOAMY		10YR 4/6		24 V	GRAVELLY SAND		LIGHT OLIVE BROWN	
ЦЩ —	SAND		DARK YELLOWISH		UEP 24			BROWN	
26			BROWN		III III				
DEPTH BELOW MINERAL SOIL SURFACE (Inches)					BELOW MINERAL				
30 12 12	GRAVELLY		2.5Y 5/6		× 12	COARSE SAND	CEMENTED	7.5YR 4/6	COMMON,
H -	SAND		LIGHT OLIVE		H -	SAND	CEMENTED	STRONG	MEDIUM,
1 <u> </u>			BROWN		DEPTH			BROWN	DISTINCT
G 45	5								
			2.5Y 6/4		45			2.5Y 6/3	
- 63	FINE		LIGHT YELLOWISH	COMMON,	- 50	VERY FINE		LIGHT YELLOWISH	
	SAND		BROWN	MEDIUM,		SAND		BROWN	
60				DISTINCT	60				
<u> </u>	bydria		AVATION = 60"	dround water	-	bydria		AVATION = 60"	ground water
•	hydric non-hydric	Slope %	Limiting factor	 ground water restrictive layer 	•	hydric non-hydric	Slope %	Limiting factor	 ground water restrictive layer
└ →			53"	bedrock				24"	bedrock
L.S.S.	Soil Series / phase name:	ADAMS	SED	A	L.S.S.	Soil Series / phase name:	CROGHAN	MWD	A
⊢_{	0.11.01		Drainage Class	Hydrologic Group		0-11-01161		Drainage Class	Hydrologic Group
L.S.E.	Soil Classification:	5_ Profile	B Drainage Class		L.S.E.	Soil Classification:	5 Profile	C Drainage Class	
<u> </u>		SOIL DESCRIPTION AND			-		SOIL DESCRIPTION AN	D CLASSIFICATION	
	Exploration Symbol:		Test Pit	Boring		Exploration Symbol:		Test Pit	Boring
	·	Depth of Organic Horizon Above	Mineral Soil				Depth of Organic Horizon Above	Mineral Soil	
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Section 6

Stormwater and Erosion Control



CIVIL ENGINEERING . SURVEYING . LANDSCAPE ARCHITECTURE

STORMWATER MANAGEMENT REPORT

For

MARTELL WAY SUBDIVISION SCARBOROUGH, MAINE

Prepared for:

Nonesuch Development, LLC 29 Fengler Road Scarborough, Maine 04074

Prepared by:

Sebago Technics, Inc. 75 John Roberts Rd, Suite 4A South Portland, ME 04106

November, 2022

AYLOR

1/21/2022

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Appendices

Appendix 1:	Stormwater Quality Calculations
Appendix 2A:	Hydrologic Modeling– Existing Conditions (HydroCAD)Summary
Appendix 2B:	Hydrologic Modeling – Proposed Conditions (HydroCAD) Summary
Appendix 3:	Inspection, Maintenance and Housekeeping Plan
Appendix 4:	Subsurface Investigations
Appendix 5:	Flood Insurance Rate Map
Appendix 6:	Stormwater Management Plans

STORMWATER MANAGEMENT REPORT MARTELL WAY SUBDIVISION SCARBOROUGH, MAINE

1. Introduction

This Stormwater Management Plan Report has been prepared to present analyses performed to address the potential impacts associated with the project due to proposed modification in stormwater runoff characteristics and land cover changes. The stormwater management controls that are outlined in this report have been designed to suit the proposed development and to comply with applicable regulatory requirements.

2. Existing Conditions

The project site is approximately 8.17-acres of partially developed land on Martell Way in Scarborough. The parcel consists of undeveloped woodland to the west, and residential development to the east. The proposed site is identified on the Town of Scarborough Tax Map R009 as Lot 650. The site generally slopes west from Fengler Road, and typical slopes on the site range from approximately 1-20%.

The proposed site is tributary to Nonesuch River. Nonesuch River is not listed as urban impaired in the Maine Department of Environmental Protection (DEP) Chapter 502.

The proposed development area of the site is not located in an identified flood zone per the FEMA Flood Insurance Rate Map for the Town of Scarborough, Community Panel 2300530020D with an effective date of 1985. A copy of the flood insurance rate map is attached in Appendix 5.

3. <u>Soils</u>

Soil information for the site was obtained via the USDS United States Department of Agriculture and Natural Resource Conservation Services (NRCS) Web Soil Survey. The Hydrologic Groups (HSG) of the soils on site as classified by the Soil Conservation Service are delineated on the stormwater management plans and are as follows:

Soil Map Symbol	Soil Name	Slope (%)	HSG
WmB	Windsor	0-8	А
WmD	Windsor	15-35	А

A copy of the Class D (Medium Intensity) NRCS Web Soil Survey is included in Appendix 4.

4. Proposed Site Improvements

The proposed site improvements consist of subdividing the existing 8.17-acre parcel to create five (5) additional single-family house lots with frontage on Martell Way. Access for the proposed lots will be provided by a dead-end private road that will be extended within the existing private right of way for Martell Way. The existing private road will be extended approximately 700 linear feet, for a total combined road length of approximately 1,400 linear feet. Stormwater runoff will be treated by three grassed underdrained soil filters. Additional stormwater detention will be provided by two detention basins located within the proposed house lots. The proposed site improvements are for the construction of the road extension and stormwater control methods only. Development of the individual house lots is not proposed as part of this project. The proposed site improvements will result in a total developed area of approximately 81,384 square feet, and create approximately 20,274 square feet of new impervious area.

5. Existing Conditions Model

The Existing Conditions Stormwater Management Plan consists of four (4) subcatchments labeled 1.0S through 3.0S in the HydroCAD model. Three (3) locations were identified as Points of Analysis (POA) for comparing peak runoff rates.

POA-1 is located north of the center of the site where runoff drains through an existing ravine that continues northeast away from the site. Subcatchments 1.0S and 1.1S contribute runoff to this POA with a total runoff area of approximately 19.6 acres. POA-1 and the associated drainage areas are tributary to Nonesuch River.

POA-2 is located at the northeast corner of the site where runoff drains through an existing wetland. Subcatchment 2.0S contributes runoff to this POA with an overall runoff area of approximately 6.9 acres. POA-2 and the associated drainage area is tributary to Nonesuch River.

POA-3 is located southeast of the site where runoff collects within a deep ravine. Subcatchment 3.0S contributes runoff to this POA with an overall runoff area of approximately 6.4 acres. POA-3 and the associated drainage area is tributary to Nonesuch River.

6. Proposed Conditions Model

The Proposed Conditions Stormwater Management Plan consists of the same overall area as the Existing Conditions plan, however, the proposed condition subcatchments have been broken into smaller watersheds as a result of the proposed development. Subcatchment areas have been modeled to account for the future development of each lot by utilizing the approximate curve number for 1-acre lots provided within HydroCAD, which assumes 20% impervious coverage. The stormwater BMPs have been designed for control of peak runoff rates from this future development, however stormwater quality treatment is provided for the roadway only. The provided treatment has been designed to meet the Chapter 500 standards for the linear portion of a project.

Subcatchments 10.0S through 10.5S are tributary to POA-1 in the proposed conditions with a total area of approximately 19.6-acres. Subcatchment 10.0S consists primarily of offsite area and is relatively unchanged from the existing conditions. Subcatchments 10.1S and 10.2S consist primarily of the Martell Way right of way and receive treatment through two underdrained soil filters (UDSF). Subcatchment 10.3S consists of primarily house lot area that will be collected by a detention basin for control of peak runoff rates. Subcatchment 10.4S consists of house lot area that flows to the onsite wetlands. Lastly, Subcatchment 10.5S consists of existing lot area that drains to UDSF-1, which will provide additional detention of runoff above the water quality volume for flooding control.

Subcatchments 20.0S through 20.2S contribute runoff to POA-2 in the proposed conditions with a total area of approximately 6.9-acres. Subcatchment 20.0S receives stormwater quality treatment from the third soil filter located near the end of the road extension, and 20.1S receives flooding control from the detention pond located at the southeast corner of the last proposed house lot. Subcatchment 20.2S represents the small remaining area draining to POA-2 that is not collected for treatment or detention.

Subcatchment 30.0S contributes runoff to POA-3 in the proposed conditions and is unchanged from existing conditions Subcatchment 3.0S.

The three treatment BMPs (grassed underdrained soil filters) have been designed and sized in accordance with Maine DEP BMP standards contained within Chapter 500 and the BMP Manual. Sizing calculations can be found in Appendix 1.

7. Stormwater Management

Basic Standard - Chapter 500, Section 4(B)

Since the project will disturb more than one (1) acre of land area, MDEP Basic Standards apply, requiring that grading or other construction activities on the site do not impede or otherwise alter drainage ways to have an unreasonable adverse impact. We have avoided adverse impacts by providing an Erosion & Sedimentation Control Plan, and an Inspection, Maintenance and Housekeeping Plan (Appendix 3) to be implemented during construction and post-construction stabilization of the site. These construction requirements have been developed following Best Management Practice guidelines.

General Standard - Chapter 500, Section 4(C)

Since the project site has an existing Site Law Permit (Mitchell Hill Heights Subdivision), MDEP General Standards apply, which require a project's stormwater management system to include treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. To mitigate the changes in hydrologic patterns due to the development of this project, three underdrained soil filters and two detention basins have been implemented into the stormwater management infrastructure. Filtration BMPs are very effective at removing a wide range of pollutants through the use of organic soil filter media.

The project is for the construction of a road only, therefore, it falls under the linear portion exception of the General Standard (Chapter 500, Section 4(C)5(c)). This exception reduces the treatment requirements to no less than 75% of the linear portion's impervious area and 50% of the linear portion's developed area (landscaped area and impervious area combined). Through the use of the aforementioned BMP's, 82% of new impervious area and 70% of new developed area will be receiving treatment. This meets the requirements for the Maine DEP General Standards, Linear Portion of a Project Exemption. Treatment and BMP calculations are attached to this report as Appendix 1.

Flooding Standard – Chapter 500, Section 4(F)

Since the project site has an existing Site Law Permit (Mitchell Hill Heights Subdivision), DEP flooding standards apply. The flooding standard requires that the peak runoff rates in the proposed conditions do not exceed the existing peak runoff rates in the 24-hour storms of the 2, 10, and 25-year frequencies. To determine accurate peak runoff rates for the fully developed subdivision, the assumed curve number for 1-acre house lots provided within HydroCAD was utilized in the Proposed Conditions Model. Based on this method of calculation, the HydroCAD Model demonstrates that the fully developed subdivision will not increase peak rates of stormwater runoff at the identified points of analysis for the 2, 10, and 25-year storm events.

Runoff curve numbers were determined for each of the subcatchments by measuring the area of each hydrologic soil group within each type of land cover. Hydrologic soil groups on the site were determined by the Class D (Medium Intensity) NRCS Web Soil Survey. The type of land cover was determined based on survey data, field reconnaissance, and aerial photography. Times of concentration were determined from site topographic maps in accordance with SCS procedures.

The 24-hour rainfall values utilized in the hydrologic model were obtained from Appendix H of MDEP's Chapter 500: Stormwater Management (effective date August 2015). Rainfall values for Cumberland County are listed in the table below.

Storm Frequency Precipitation (in./24 hr) Cumberland County				
2-year	3.1			
10-year	4.6			
25-year	5.8			

The following table presents the results of the peak runoff calculations at the analysis points for the existing and proposed conditions.

	Peak Runoff Rate Summary Table						
Analysis Point	Storm Event	Existing Conditions (cfs)	Proposed Conditions (cfs)				
	2-year	0.1	0.1				
POA-1	10-year	1.1	0.8				
	25-year	4.0	3.8				
	2-year	0.0	0.0				
POA-2	10-year	0.0	0.0				
	25-year	0.1	0.1				
	2-year	0.0	0.0				
POA-3	10-year	0.0	0.0				
	25-year	0.1	0.1				

The HydroCAD Data output sheets from this analysis are appended to this report (Appendix 2) along with the Stormwater Management Plans (Appendix 5). The model predicts that the peak runoff rates in the fully developed subdivision at all points of analysis will be at or below existing peak runoff rates for the 2, 10, and 25-year storm events with implementation of the proposed stormwater management practices.

8. Summary

The proposed development has been designed to manage stormwater runoff through Best Management Practices approved by MDEP. Stormwater BMP's provide treatment to 82% (75% required) of impervious areas, and 70% (50% required) of the total developed area associated with development of the roadway only. Control of stormwater quantity has been designed for both the proposed roadway development and all future lot development by utilizing an assumed runoff curve number for a typical 1-acre house lot. Peak stormwater discharge rates from the fully developed subdivision are predicted to be at or below existing conditions for the 2, 10, and 25-year storm events at all three points of analysis. Additionally, erosion and sedimentation controls along with associated maintenance and housekeeping procedures have been outlined to prevent unreasonable impacts on the site and to the surrounding environment.

Prepared by:

SEBAGO TECHNICS, INC.

Christopher Taylor, PE Senior Project Engineer

Jeffrey Pollard, El Civil Engineer

Section 7

Traffic Analysis



CIVIL ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE

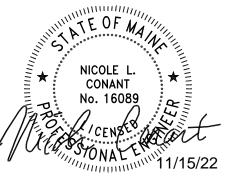
Memorandum

220531

- To: Mathew Orr, El, Sebago Technics
- From: Nikki Conant, P.E., Sebago Technics

Griffin Steinman, EI, Sebago Technics

Date: November 15, 2022



Subject: Traffic Impact Assessment, Martell Way Subdivision, Scarborough

Introduction

The purpose of this memorandum is to provide a Traffic Impact Assessment (TIA) for proposed subdivision on Martell Way in Scarborough, Maine. The development is proposed to create five (5) single-family home lots in the Mitchell Hill Heights Subdivision, which was approved in 2011. Access to the site is proposed via an extension of Martell Way, which connects to Fengler Road. This memorandum details the estimated trip generation of the development, provides a crash data review of the surrounding roadways, and a roadway impact fee calculation.

Trip Generation

Trip generation was completed utilizing the 11th edition of the Institute of Transportation Engineers (ITE), *Trip Generation Manual.* Land use code (LUC) 210 – Single-Family Detached Housing was utilized based on five (5) dwelling units. LUC 210 is described as a "single-family detached home on an individual lot." Estimated trip generation for the proposed subdivision is outlined in Table 1.

Time Period	Average Rate per Dwelling Unit	Trips	Entering	Exiting
Weekday	9.43	48	24 (50%)	24 (50%)
AM Peak Hour – Adjacent Street (7 – 9 AM)	0.70	4	1 (26%)	3 (74%)
AM Peak Hour – Generator	0.75	4	1 (26%)	3 (74%)
PM Peak Hour – Adjacent Street (4 – 6 PM)	0.94	5	3 (63%)	2 (37%)
PM Peak Hour – Generator	0.99	5	3 (64%)	2 (36%)
Saturday	9.48	48	24 (50%)	24 (50%)
Saturday Peak Hour	0.92	5	3 (54%)	2 (46%)

Table 1 – Proposed ITE Trip Generation Land Use Code 210 – Single-Family Detached Housing 5 Dwelling Units

As demonstrated in Table 1, the proposed subdivision on Martell Way is estimated to generate four (4) trips, five (5) trips, and five (5) trips during the AM, PM, and Saturday peak hour periods, respectively. Given this level of trip generation, a Traffic Movement Permit (TMP) would not be required from the MaineDOT as project trip generation does not exceed the 100-trip threshold to require a permit. It is our understanding that the previous subdivision was built and occupied over ten (10) years ago, so the need for a traffic movement permit (TMP) is based on the new development only. Additionally, a traffic study is not anticipated given the project does not generate over 35 trips during a peak hour, as outlined in the Town of Scarborough Ordinances.

Crash Data

The MaineDOT Public Map Viewer was utilized to determine if there are any high crash locations within the immediate vicinity of the site. An intersection or section of roadway is deemed an HCL if two criteria are met: a Critical Rate Factor (CRF) greater than 1.0 and a minimum of eight (8) crashes in a three-year period. Fengler Road was reviewed during the most recent three-year study period from 2019 to 2021 to determine if there is a notable crash history in the vicinity of the proposed access.

Based on the crash information, both the intersection of Fengler Road and Mitchell Hill Road, and the Holmes Road link where Fengler Road intersects, are not high crash locations. As such, there are no recommendations for improvements in conjunction with this project.

Impact Fee

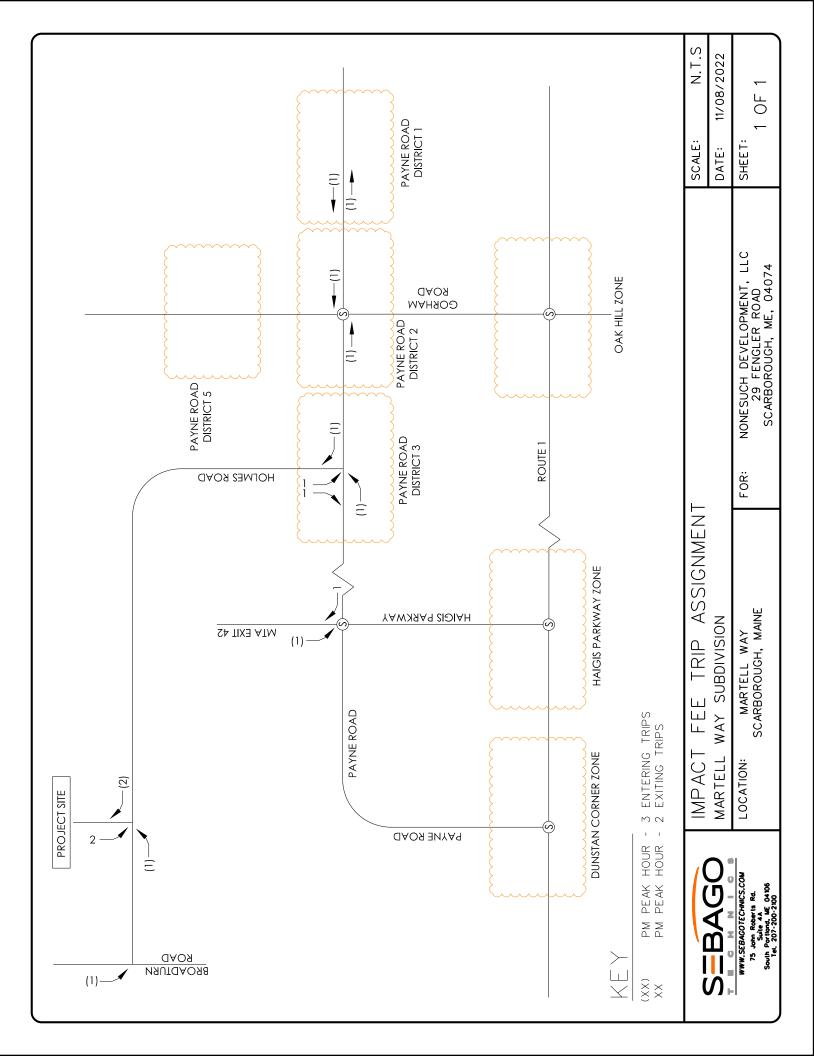
The calculated project generated trips were assigned to the area roadways to determine which impact fee zones would be traveled through during the PM peak hour of the adjacent street, as required by the Town of Scarborough Ordinance. The trips were assigned through the impact fee zones based on area turning movement counts and knowledge of area traffic patterns. The resulting impact fee trip diagram is shown in Figure 1, attached to this memorandum. The resulting preliminary impact fees are summarized in Table 2:

Impact Fee Zone	Cost Per Trip	Number of Trips	Total Fee
Payne Road District 1	\$149.43	2	\$ 298.86
Payne Road District 2	\$292.42	2	\$ 584.84
Payne Road District 3	\$499.05	4	\$ 1,996.20
Payne Road District 5	\$1,024.52	-	-
Oak Hill	\$755.00	-	-
Haigis Parkway at Route 1	\$990.00	-	-
Dunstan Corner	\$1,402.00	-	-
		Total Impact Fee	\$2,879.90

Table 2 – Impact Fee Calculation

Conclusion

- The proposed five (5) lot subdivision of Martell Way is estimated to generate four (4) trips, five (5) trips, and five (5) trips during the AM, PM, and Saturday peak hour periods, respectively. As such, the development does not require a TMP from the MaineDOT as project trip generation does not surpass the 100-trip threshold during any peak hour period.
- Crash data for Fengler Road, which provides access to Martell Way, was reviewed and no high crash locations were identified. As such, there are no recommendations for improvements in conjunction with this project.
- The preliminary calculated impact fee for the Martell Way Subdivision is \$2,879.90



Section 8

Additional Permits/Approvals





Additional Permits & Approvals

Fire Department Approval:

The project will need to be reviewed and approved by the Scarborough Fire Department in regards to life safety and fire suppression. Please see letter to Deputy Chief Brennan and associated materials within this section.

Maine DEP, Site Location of Development (Site Law):

Since there is an existing Site Law permit for the site, an application for a Site Law Amendment will need to be reviewed and approved by Maine DEP. This application requires the proposed project to meet Chapter 500 standards for stormwater management.

Maine DEP, Natural Resources Protection Act (NRPA):

The Mitchell Hill Heights Subdivision has existing wetland impacts totaling 43,488 square feet. The additional proposed wetland filling will result in a cumulative total greater than 43,560 square feet (1-acre), which will require a Tier 3 NRPA Permit for impact to freshwater wetlands.

U.S. Army Corps of Engineers, Wetland Fill:

Impacts to freshwater wetlands are required to be reviewed and approve by the U.S. Army Corps of Engineers.





November 8, 2022 220531

Deputy Chief John Brennan Scarborough Fire & Rescue 275 US Route 1 Scarborough, ME 04074

Email submittal: jbrennan@scarboroughmaine.org

<u>Subdivision Application, Mitchell Hill Heights, Fire Safety Review Request</u> <u>Martell Way, Tax Map R09, Lot 650</u>

Dear Deputy Chief Brennan:

This letter and accompanying materials are provided to assist in your review of a proposed subdivision amendment and private way extension of Martell Way. The project is located within the Mitchell Hill Heights Subdivision, last amended and approved in August of 2011. The proposed project will extend Martell Way approximately 705 linear feet, bringing the total road length to approximately 1,390 linear feet as measured from the intersection with Fengler Road to the end of the proposed hammerhead. The project also proposes to subdivide Lot 650 to create five (5) new single-family residential lots.

Fire safety and prevention within the existing subdivision is achieved through the use of five (5) dry hydrants and their associated underground storage cistern tanks. The closest dry hydrant is located approximately 790 feet south of the Martell Way/Fengler Road intersection. The next closest dry hydrant is located approximately 1,520 feet north of the intersection. For this phase, the project applicant proposes to install individual fire suppression sprinkler systems within the homes that are built on the lots created.

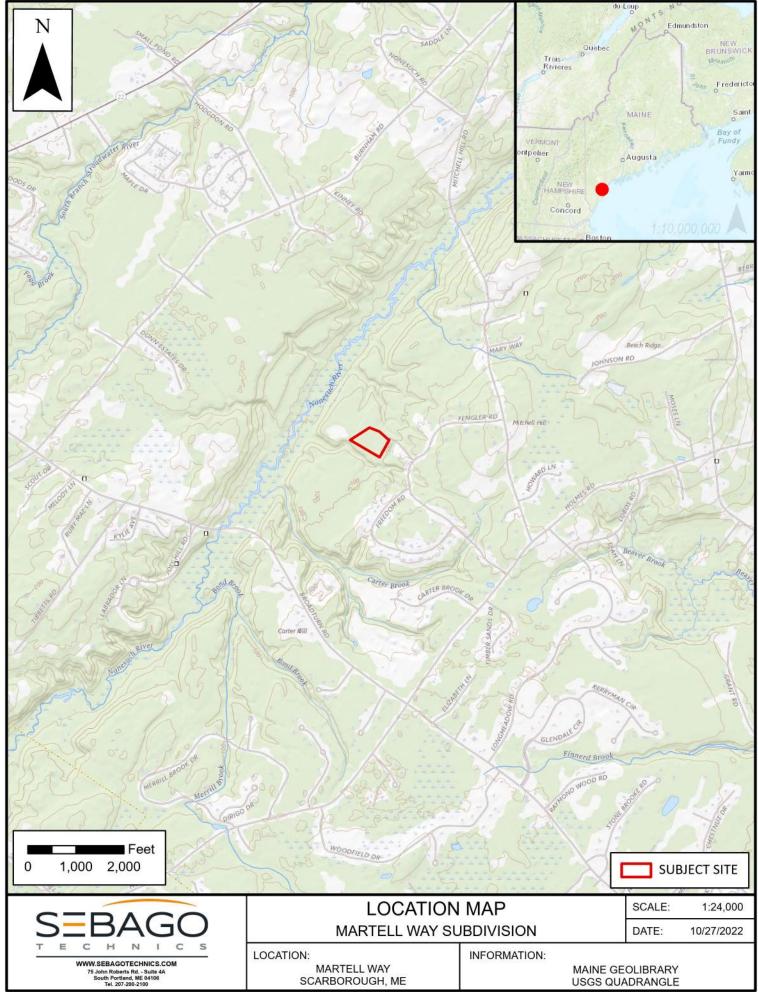
Attached to this letter is a plan showing the required turning movements, a location map, and a map showing dry hydrant locations.

We are hopeful that we have supplied sufficient information for your review of the proposed fire safety measures. Upon review, please contact me if you have any questions or require additional information. I can be reached by email at <u>morr@sebagotechnics.com</u> or via my direct line, 207-200-2134.

Sincerely,

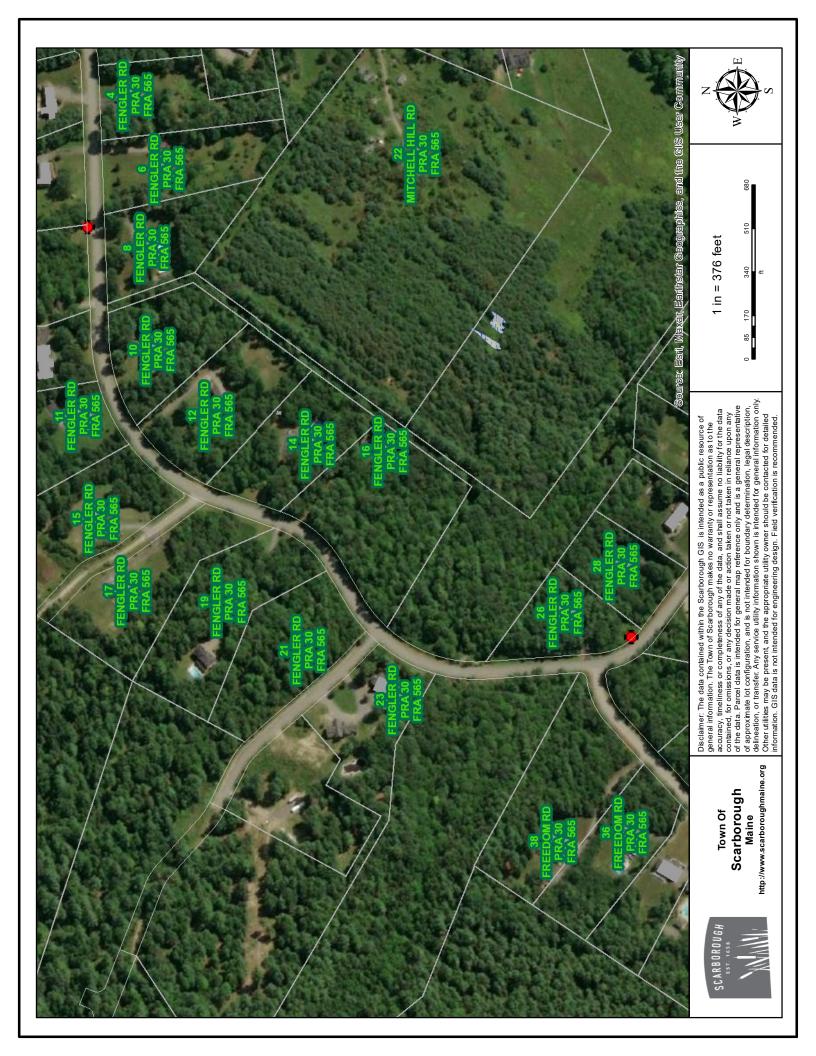
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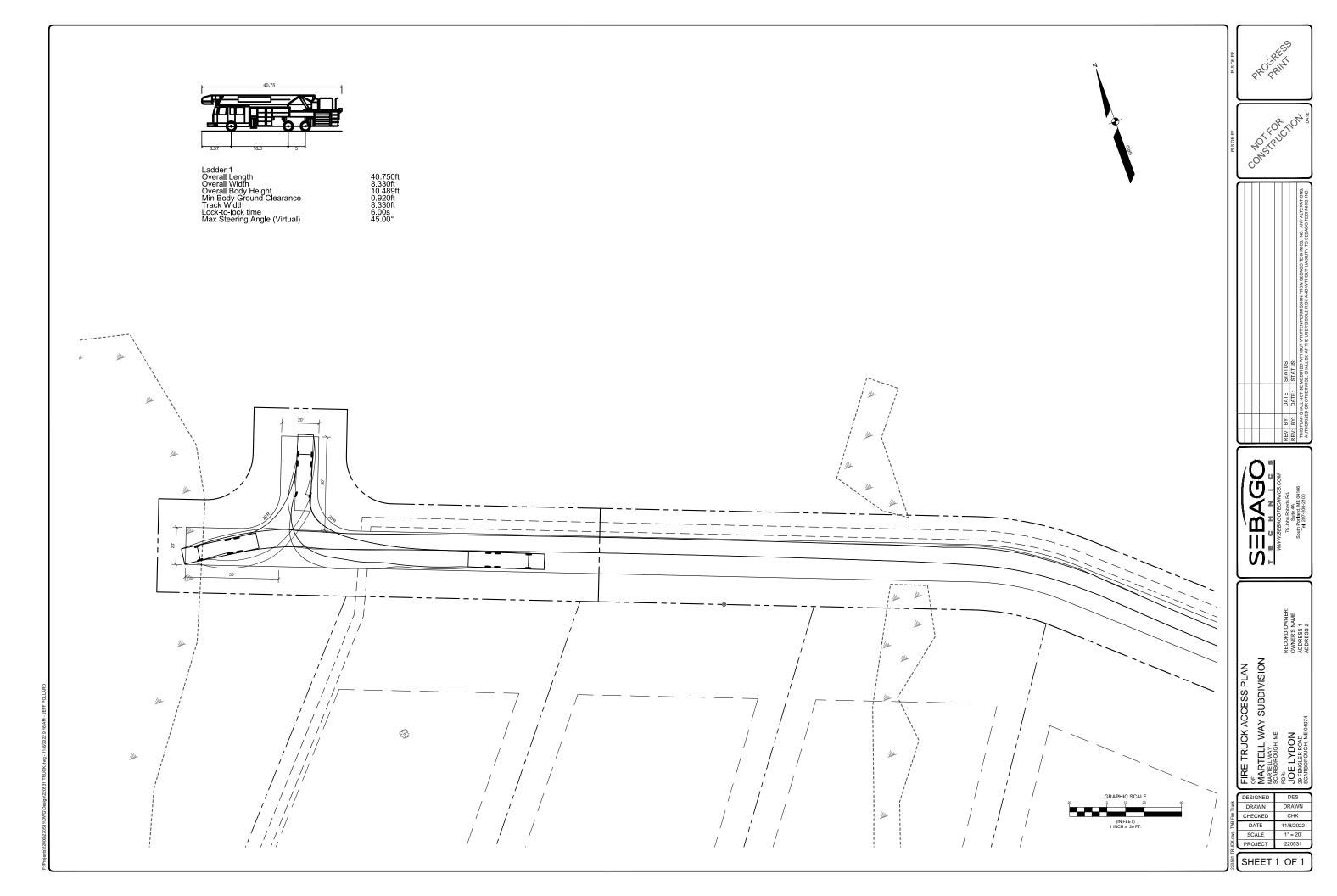
Mathew Orr, El Civil Engineer Enc.



Location Map, 220531.aprx

Project Number: 220531





Section 9

Identification of Historic or Archeological Resources



October 26, 2022 220531

Mr. Kirk Mohney, Director and State Historic Preservation Officer Maine Historic Preservation Commission 65 State House Station Augusta, Maine 04333



Email submittal: MHPCprojectreview@maine.gov

Re: Proposed Residential Subdivision Martell Way, Scarborough Tax Map R009/Lot 650

Dear Mr. Mohney:

On behalf of our client, Joe Lydon, Sebago Technics, Inc. respectfully requests a site review for a proposed 5 lot residential subdivision on an 8.17-acre parcel located on Martell Way, Scarborough. The parcel is located within an existing subdivision that first received approval in 2002. There is an existing right-of-way for a road extension to the proposed project site. The proposed work will include extending a private road within the existing right-of-way and subdividing the subject lot to create 5 new residential properties. As part of the site permitting due diligence, we request a review by the Maine Historic Preservation Commission for any properties, structures, or other areas of historical significance in the vicinity of the proposed site.

The site is primarily wooded and located in Scarborough's Rural Farming (RF) District. Since the site is located within a newer subdivision developed within the last 20 years, there are no abutting properties greater than fifty years of age. Additionally, a review of the National Register of Historic Places database did not identify any nearby historical structures or areas of concern. I have included a sketch plan, USGS Location Map exhibit, and aerial images of the site (2003 & 2021) for reference.

If you have any questions or require additional information, please do not hesitate to contact me at (207) 200-2140 or directly at jpollard@sebagotechnics.com. I look forward to hearing from you.

Sincerely,

SEBAGO TECHNICS, INC.

Jeffrey Pollard, El Civil Engineer

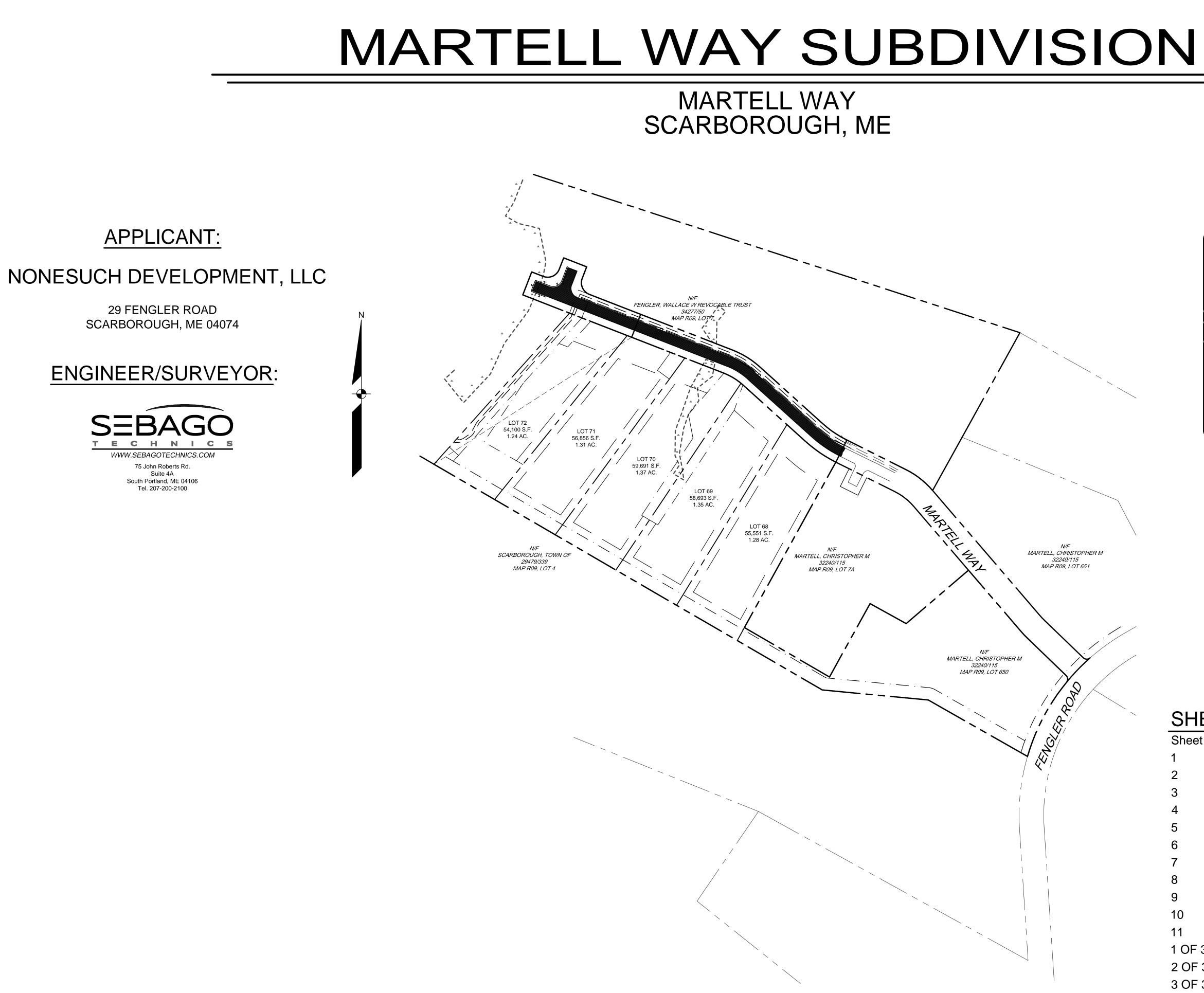
enc. USGS Site Location Map Aerial Images Sketch Plan Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

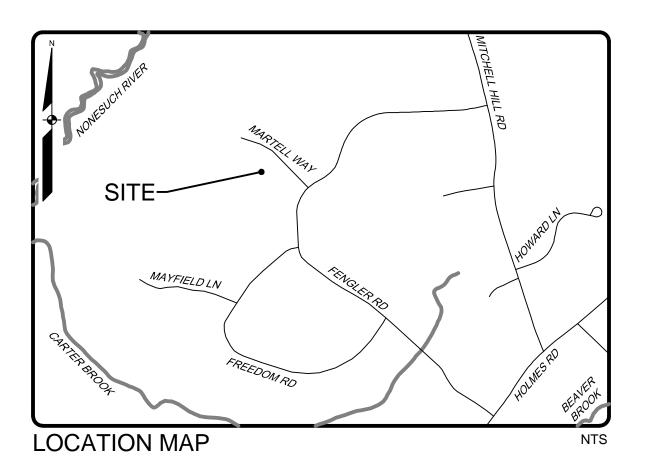
Kirk F. Mohney, State Historic Preservation Officer Maine Aistoric Preservation Commission

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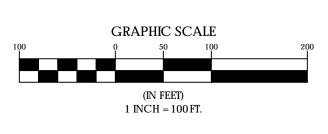
Date





SHEET INDEX

Sheet Number	Sheet Title
1	COVER SHEET
2	NOTES AND LEGEND SHEET
3	SITE PLAN
4	GRADING & UTILITY PLAN
5	PLAN AND PROFILE
6	EROSION CONTROL NOTES
7	EROSION CONTROL DETAILS
8	DETAILS
9	DETAILS
10	EXISTING CONDITIONS SWM PLAN
11	PROPOSED CONDITIONS SWM PLAN
1 OF 3	FOURTH AMENDED SUBDIVISION PLAN
2 OF 3	FOURTH AMENDED SUBDIVISION PLAN
3 OF 3	FOURTH AMENDED SUBDIVISION PLAN



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Ø	DRAINAGE MANHOLE	
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OHU	OVERHEAD UTILITY	
	UNDERGROUND UTILITY	
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€ H	ELECTRIC METER	
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G	ENERAL NOTES		
1.	THE RECORD OWNER OF THE PARCEL IS CHRISTOR RECORDED AT THE CUMBERLAND COUNTY REGIS		FOLLOWING DEEDS
	BOOK 29054, PAGE 232, DATED OCT 21, 20 BOOK 29054, PAGE 229, DATED OCT 21, 20 BOOK 32240, PAGE 115, DATED MAY 1, 201	11	
2.	THE PROPERTY IS SHOWN AS LOT 650 ON THE TO LOCATED IN THE RURAL FARMING DISTRICT (R-F).		X MAP R09 AND IS
3.	SPACE AND BULK CRITERIA:		
	MINIMUM LOT SIZE: MINIMUM STREET FRONTAGE:	80,000 S.F. 200 FEET	<u>CLUSTER</u> 50,000 S.F. 125 FEET
	MINIMUM FRONT YARD: MINIMUM SIDE YARD:	50 FEET 15 FEET	50 FEET 15 FEET
	MINIMUM REAR YARD: MAXIMUM BUILDING COVERAGE:	15 FEET 25%	15 FEET 25%
	*SPACE AND BULK CRITERIA BASED ON RECORDE		
4.	NATURAL RESOURCE INVENTORY: A WETLAND DE SITE IN NOVEMBER OF 2022 BY COLE R. PETERS, I TECHNICS, INC. THIS DELINEATION CONFORMS TO 1987 WETLANDS DELINEATION MANUAL AND NORT PUBLISHED BY THE U.S. ARMY CORPS OF ENGINE GLOBAL POSITIONING SYSTEMS (GPS) TECHNOLC	PROFESSIONAL WETLAND O THE STANDARDS AND M THEAST REGIONAL SUPPLE ERS. ALL WETLAND FLAGS	SCIENTIST OF SEBAGO ETHODS OUTLINED IN THE EMENT AUTHORED AND S WERE LOCATED USING
5.	EXTERIOR BOUNDARY INFORMATION SHOWN HER INTERIOR LOT CALCULATIONS WERE PERFORMED		ON PLAN REFERENCE 7A.
6.	TOPOGRAPHICAL INFORMATION SHOWN HERON IS	S BASED UPON AERIAL PH	OTOGRAMMETRY.
7. A.	PLAN REFERENCES: PLAN ENTITLED "STANDARD BOUNDARY SURV HILLROAD, HOLMES ROAD, NONESUCH RIVER ROSS BOUNDARY SURVEYS, DATED AUGUST	AND OTHERS" FOR WALL	
9.	ALL WORK SHALL CONFORM TO THE APPLICABLE	CODES AND ORDINANCES	
10.	CONTRACTOR SHALL VISIT THE SITE AND FAMILIA AFFECTING THE PROPOSED WORK AND SHALL MA		
	CONTRACTOR SHALL BE RESPONSIBLE FOR FAMIL DOCUMENTS, FIELD CONDITIONS AND DIMENSION ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDIN SHALL BE BROUGHT TO THE ATTENTION OF THE E WORK.	S AND CONFIRMING THAT NG WITH CONSTRUCTION.	THE WORK MAY BE ANY DISCREPANCIES
11.	CONTRACTOR SHALL NOTIFY ENGINEER OF ALL P ARE NOT FOUND IN THE FIELD.	RODUCTS OR ITEMS NOTE	D AS "EXISTING" WHICH
12.	PROVIDE ALL EQUIPMENT AND MATERIALS IN ACC RECOMMENDATIONS AND OWNER'S REQUIREMEN OR WHERE LOCAL CODES OR REGULATIONS TAKE	ITS UNLESS SPECIFICALLY	
13.	CONTRACTOR SHALL VERIFY ALL DIMENSIONS AN AND ERECTION OF ANY MATERIAL. ANY UNUSUAL ATTENTION OF THE ENGINEER.		
14.	CONTRACTOR SHALL CLEAN AND REMOVE DEBRIS SIDEWALKS, ADJACENT AREAS, OR OTHER PUBLIC		
15.	CONTRACTOR SHALL INCORPORATE PROVISIONS EXISTING STRUCTURES, PHYSICAL FEATURES, AN CONSTRUCTION. CONTRACTOR SHALL RESTORE DIRECTED BY DESIGN DRAWINGS.	ID MAINTAIN SITE STABILIT	Y DURING
16.	SITE CONTRACTOR SHALL OBTAIN ALL REQUIRED	PERMITS PRIOR TO CONS	TRUCTION.
17.	ALL EROSION AND SEDIMENT CONTROL MEASURE "MAINE EROSION AND SEDIMENT CONTROL BMPS QUALITY OF THE MAINE DEPARTMENT OF ENVIRO BE THE RESPONSIBILITY OF THE CONTRACTOR TO PLAN AT ALL TIMES.	" PUBLISHED BY THE BURE NMENTAL PROTECTION, L/	AU OF LAND AND WATER
18.	ALL PAVEMENT MARKINGS AND DIRECTIONAL SIG THE MANUAL OF UNIFORM TRAFFIC CONTROL DE		
19.	ALL PAVEMENT JOINTS SHALL BE SAWCUT PRIOR JOINT.	TO PAVING TO PROVIDE A	DURABLE AND UNIFORM
20.	NO HOLES, TRENCHES OR STRUCTURES SHALL B ACCESSIBLE TO THE PUBLIC OR IN PUBLIC RIGHT		IN ANY EXCAVATION
21.	IMMEDIATELY UPON COMPLETION OF CUTS/FILLS, AREAS IN ACCORDANCE WITH EROSION CONTROL		
22.	THE CONTRACTOR SHALL BE FULLY AND SOLELY AND RECTIFICATION OF ALL DAMAGED AND DEFE CONNECTION WITH THE CONTRACT WORK. THE C DIRECTED BY THE OWNER ALL SUCH DAMAGED O PERIOD OF ONE YEAR FROM THE DATE OF SUBST	CTIVE MATERIAL AND WOF ONTRACTOR SHALL REPL/ R DEFECTIVE MATERIALS	RKMANSHIP IN ACE OR REPAIR AS
23.	ALL WORK PERFORMED BY THE GENERAL CONTR CONFORM TO THE REQUIREMENTS OF LOCAL, ST GOVERNING REQUIREMENTS, WHETHER OR NOT	ATE OR FEDERAL LAWS, A	S WELL AS ANY OTHER
24.	WHERE THE TERMS "APPROVED EQUAL", "OTHER GENERAL QUALIFYING TERMS ARE USED IN THES REFERENCE IS MADE TO THE RULING AND JUDGE	E NOTES, IT SHALL BE UND	DERSTOOD THAT
25.	THE GENERAL CONTRACTOR SHALL PROVIDE ALL TURNED OVER TO THE OWNER.	NECESSARY PROTECTION	N FOR THE WORK UNTIL
26.	THE GENERAL CONTRACTOR SHALL MAINTAIN A C DRAWINGS ON SITE DURING ALL PHASES OF CON		
27.	THE CONTRACTOR SHALL TAKE FULL RESPONSIB APPROVED PLANS NOT AUTHORIZED BY THE ARC		
28.	DETAILS ARE INTENDED TO SHOW END RESULT O DIMENSION AND CONDITION SHALL BE SUBMITTED PRIOR TO ANY WORK.		
29.	BEFORE THE FINAL ACCEPTANCE OF THE PROJEC EQUIPMENT AND MATERIALS, REPAIR OR REPLAC BEEN DAMAGED OR DESTROYED DURING CONST TO THE PROJECT WHICH HAVE BEEN OBSTRUCTE PROJECT AREA NEAT AND PRESENTABLE.	E PRIVATE OR PUBLIC PRO RUCTION, CLEAN THE ARE	OPERTY WHICH MAY HAVE AS WITHIN AND ADJACENT
30.	CONTRACTOR SHALL BE RESPONSIBLE FOR MAIN STORM DRAINAGE SYSTEM DURING CONSTRUCTI		

APPROVAL BY THE DESIGN ENGINEER.

WING DEEDS

UTILITY DEMOLITION NOTES

1. PROTECT EXISTING BOUNDARY LINE MONUMENTATION. IF DISTURBED, EXISTING MONUMENTATION TO BE RESET BY A PROFESSIONAL LAND SURVEYOR.

- 2. DEMOLITION SHOWN IS FOR MAJOR SITE ELEMENTS TO BE DEMOLISHED. OTHER MINOR DEMOLITION MAY BE REQUIRED AS PART OF CONSTRUCTION AND SHALL BE CONSIDERED INCIDENTAL TO THE COST OF CONSTRUCTION. COORDINATE ALL DEMOLITION WORK WITH SITE AND BUILDING DRAWINGS.
- 3. PRIOR TO ANY DEMOLITION, THE CONTRACTOR SHALL SUBMIT A SEQUENCE OF DEMOLITION PLANS TO THE OWNER. THIS PLAN SHALL DEPICT LOCATIONS OF PROPOSED TERMINATIONS AND ANY TEMPORARY SERVICES THAT WILL BE NEEDED.
- 4. CONTRACTOR REQUIRED TO CONFIRM/MAINTAIN BENCHMARKS. IF IMPACTED CONTRACTOR IS RESPONSIBLE FOR NOTIFICATION/RELOCATION AND COORDINATION WITH PROJECT TEAM.

GRADING & EROSION NOTES

- SIDESLOPES SHALL NOT BE STEEPER THAN 3:1 (H:V) EXCEPT AS OTHERWISE IDENTIFIED ON THIS PLAN. ALL SIDESLOPES STEEPER THAN 3:1 (H: V) SHALL BE LINED WITH EROSION CONTROL BLANKET, OR ADDITIONAL MEASURES AS INDICATED.
- 2. ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH "MAINE EROSION AND SEDIMENT CONTROL BMPS" MANUAL PUBLISHED BY BUREAU OF LAND AND WATER QUALITY MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO POSSESS A COPY OF THE EROSION CONTROL PLAN AT ALL TIMES.
- 3. ALL AREAS DISTURBED DURING CONSTRUCTION AND NOT RESTORED WITH IMPERVIOUS SURFACES (BUILDINGS, PAVEMENTS, WALKS, ETC.) SHALL RECEIVE LOAM AND SEED PER DETAIL.

CONSTRUCTION PLAN 1. PROVIDE EROSION CONTROL MEASURES PRIOR TO SITE DISTURBANCE.

- 2. WETLANDS, ASSOCIATED SETBACKS AND STREAM SETBACKS TO BE STAKED BY OWNER PRIOR TO SITE DISTURBANCE.
- 3. BEFORE TREE CLEARING, REFER TO PLANS FOR WOODED BUFFER LOCATIONS. TREES SHALL NOT BE CLEARED WITHIN DESIGNATED WOODED BUFFER AREAS.
- 4. GRADING AND CLEARING LIMITS SHALL NOT ENCROACH ON ADJACENT PROPERTIES UNLESS NOTED OTHERWISE ON THE PLANS.
- 5. OPEN AREAS SHALL BE LIMITED TO AREAS BEING WORKED IN. THE AREA STRIPPED OF EXISTING VEGETATION AT ANY GIVEN TIME SHALL BE MINIMIZED AND BE PHASED WHERE PRACTICAL SO THAT AREAS ARE REVEGETATED AND PERMANENTLY STABILIZED BEFORE ADDITIONAL AREAS ARE STRIPPED OF EXISTING VEGETATION. STABILIZE CONSTRUCTION AREAS BY USE OF RIPRAP, SEED, MULCH, OR OTHER GROUND COVER WITHIN ONE WEEK FROM THE TIME IT WAS ACTIVELY WORKED. SURFACES SHALL BE STABILIZED PRIOR TO DIRECTING STORMWATER RUNOFF TOWARD

STORMWATER BMPS. PLEASE REFER TO DRAINAGE PLANS FOR WATERSHED AREAS.

UTILITY NOTES

- 1. UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION. PROTECT EXISTING ONSITE SEWER PIPE AND ADJUST MANHOLE RIMS TO GRADE WHERE APPLICABLE.
- 2. ALL GRAVITY CONDUIT PIPES SHALL BE INSTALLED USING A PIPE LASER AND TARGET SYSTEM THROUGH THE PIPE. ON PIPE RUNS 50 FEET OR LESS, THE CONTRACTOR SHALL REQUEST ENGINEER'S APPROVAL TO USE OR NOT USE A GROUND LASER.
- 3. PIPE: STORMDRAIN SHALL BE ADS N-12 DUAL WALL HDPE PIPE WITH SMOOTH-WALLED INTERIOR OR APPROVED EQUAL UNLESS NOTED OTHERWISE ON THE UTILITY PLANS.
- 4. COORDINATE ALL UTILITY LOCATIONS AND INVERTS AT BUILDING WITH ARCHITECTURAL, STRUCTURAL AND PLUMBING DRAWINGS.
- 5. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY GRADE CHANGES THAT WILL IMPACT STORM DRAINAGE INFRASTRUCTURE OR OTHER UTILITIES.
- 6. CONTRACTOR SHALL FURNISH AND INSTALL TRENCHING, MATERIALS AND BACKFILL FOR ALL UTILITIES. ELECTRICAL AND TELECOM/DATA PROVIDERS WILL PULL PRIMARY SERVICE TO TRANSFORMER AND PANEL. CONTRACTOR RESPONSIBLE FOR TIMING AND COORDINATION WITH UTILITIES AND DRAWINGS. COORDINATE WITH ELECTRICAL DRAWINGS FOR CONDUIT SCHEDULE, TYPE AND SIZES.
- 7. THE CONTRACTOR IS HEREBY CAUTIONED THAT ALL SITE FEATURES SHOWN HEREON ARE BASED ON FIELD OBSERVATIONS BY THE SURVEYOR AND BY INFORMATION PROVIDED BY UTILITY COMPANIES. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR SHALL CONTACT DIG SAFE (811) AT LEAST THREE (3) BUT NOT MORE THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF EXCAVATION OR DEMOLITION TO VERIFY HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES.
- 8. CONTRACTOR SHALL BE AWARE THAT DIG SAFE ONLY NOTIFIES ITS "MEMBER" UTILITIES ABOUT THE DIG. WHEN NOTIFIED, DIG SAFE WILL ADVISE CONTRACTOR OF MEMBER UTILITIES IN THE AREA. CONTRACTOR IS RESPONSIBLE FOR IDENTIFYING AND CONTACTING NON-MEMBER UTILITIES DIRECTLY, NON-MEMBER UTILITIES MAY INCLUDE TOWN OR CITY WATER AND SEWER DISTRICTS AND SMALL LOCAL UTILITIES, AS WELL AS USG PUBLIC WORKS SYSTEMS.
- CONTRACTORS SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF 23 MRSA 9. 3360-A. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE APPROPRIATE UTILITIES TO OBTAIN AUTHORIZATION PRIOR TO RELOCATION OF ANY EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS. IF A UTILITY CONFLICT ARISES, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER, THE MUNICIPALITY AND APPROPRIATE UTILITY COMPANY PRIOR TO PROCEEDING WITH ANY RELOCATION.

TYPICAL ABBREVIATIONS

-	
AC	ACRE
AFG	ABOVE FINISH GRADE
APPROX.	
BC	BOTTOM OF CURB
BCC	BITUMINOUS CONCRETE CURB
BIT	BITUMINOUS
BLDG	BUILDING
BW	BOTTOM OF WALL
CB	CATCH BASIN
CONC	CONCRETE
CONT	CONTINUOUS
DI	DUCTILE IRON
DIA	DIAMETER
DMH	DRAIN MANHOLE
E.W.	EACH WAY
ELEV	ELEVATION
FFE	FINISH FLOOR ELEVATION
FIN. GR.	FINISH GRADE
FTG	FOOTING
HDPE	HIGH DENSITY POLYETHYLENE
HGT	HEIGHT
HMA	HOT MIX ASPHALT
INV	INVERT
LF	LINEAR FEET
OC	ON CENTER
PVC	POLYVINYL CHLORIDE
PWD	PORTLAND WATER DISTRICT
R	RADIUS
R.O.W.	RIGHT OF WAY
S.F.	SQUARE FEET
SCH	SCHEDULE
SCSC	SLIPFORM CONCRETE SLOPED CURB
SCVC	SLIPFORM CONCRETE VERTICAL CURB
SD	STORM DRAIN
SGC	SLOPED GRANITE CURB
SMH	SEWER MANHOLE SPECS SPECIFICATIONS
SS	SANITARY SEWER
SSGC	SALVAGED SLOPED GRANITE CURB
SVGC	SALVAGED VERTICAL GRANITE CURB

TOP OF CURB

VERIFY IN FIELD

VERTICAL GRANITE CURB

TOP OF WALL

TYPICAL

тс

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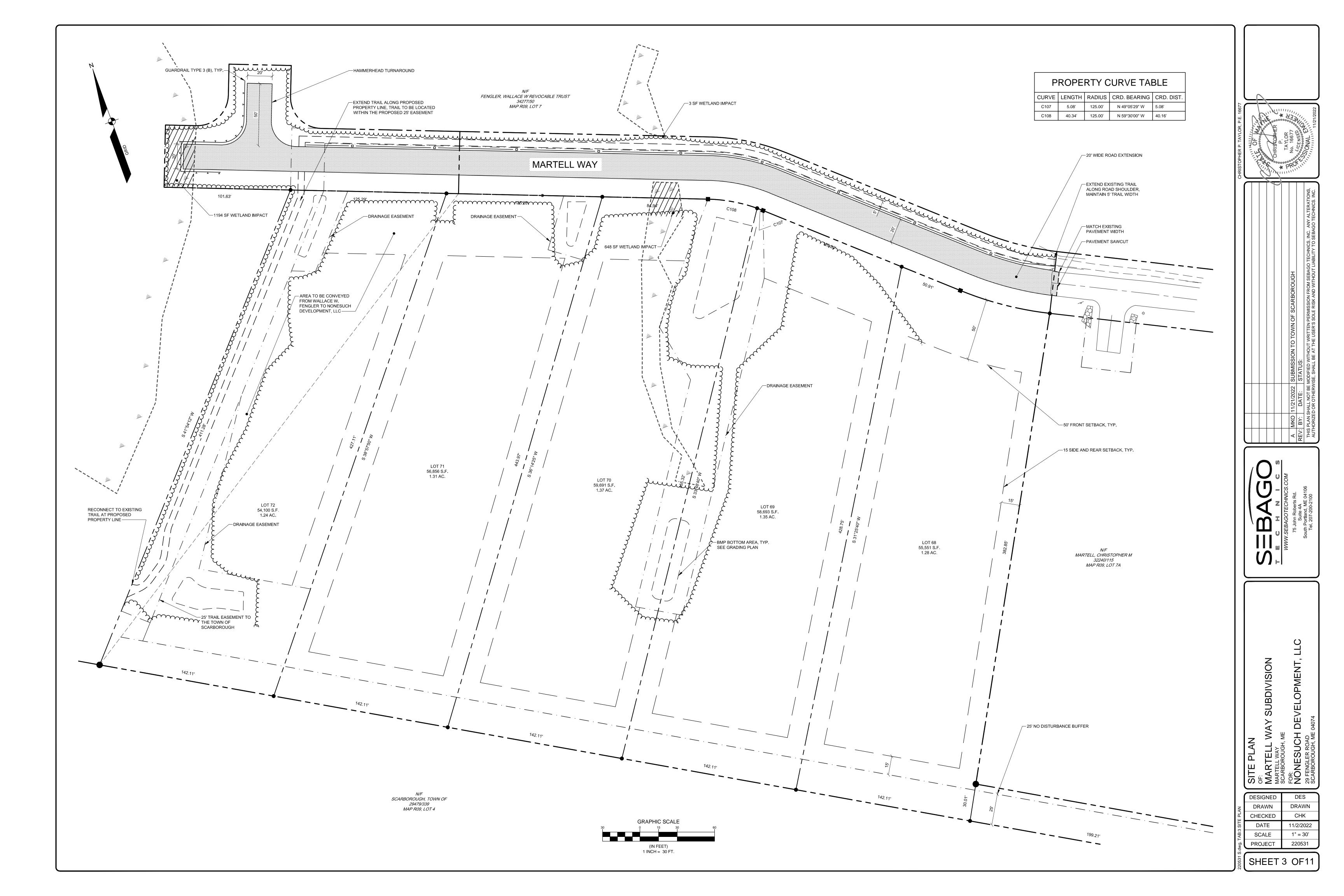
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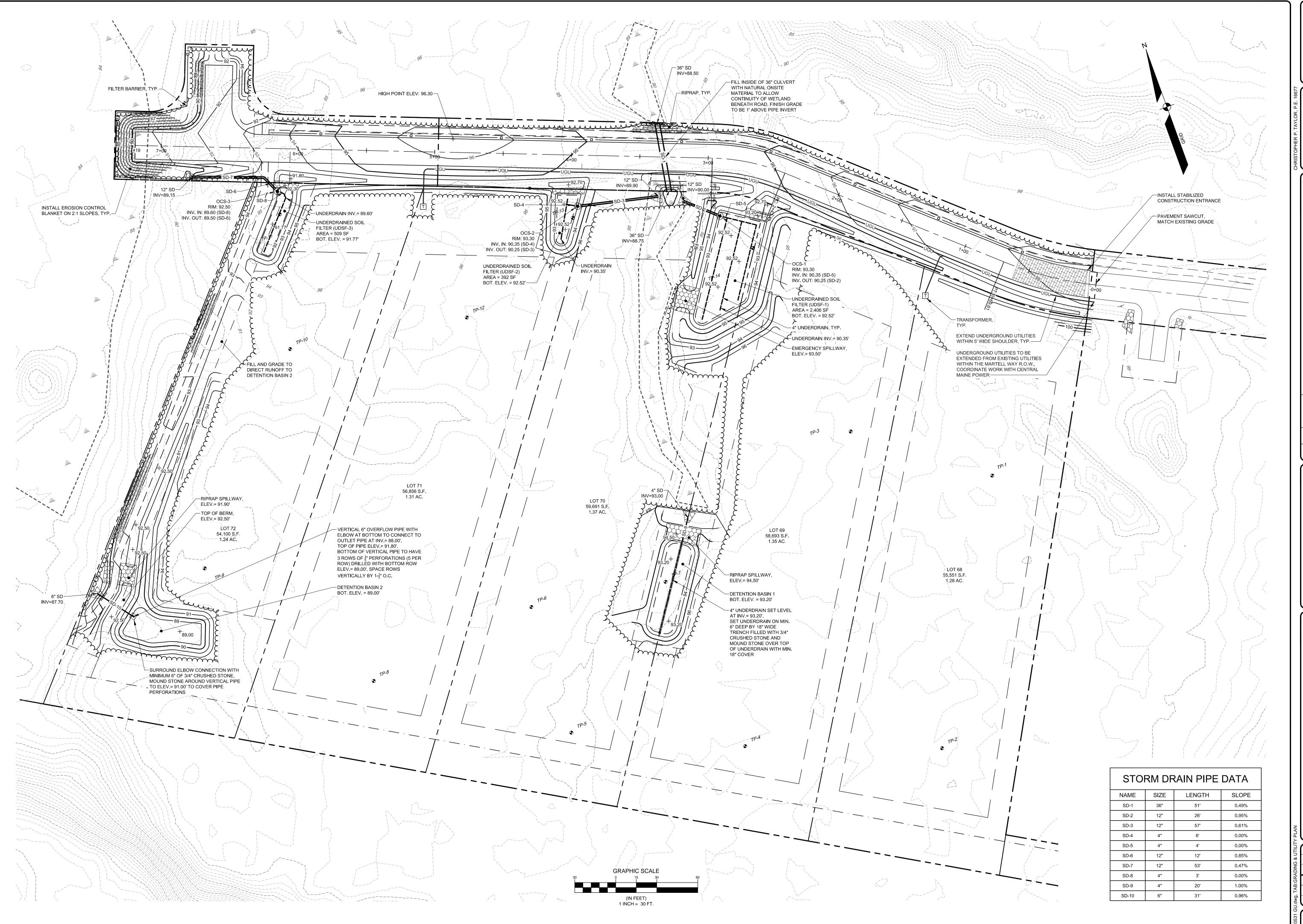
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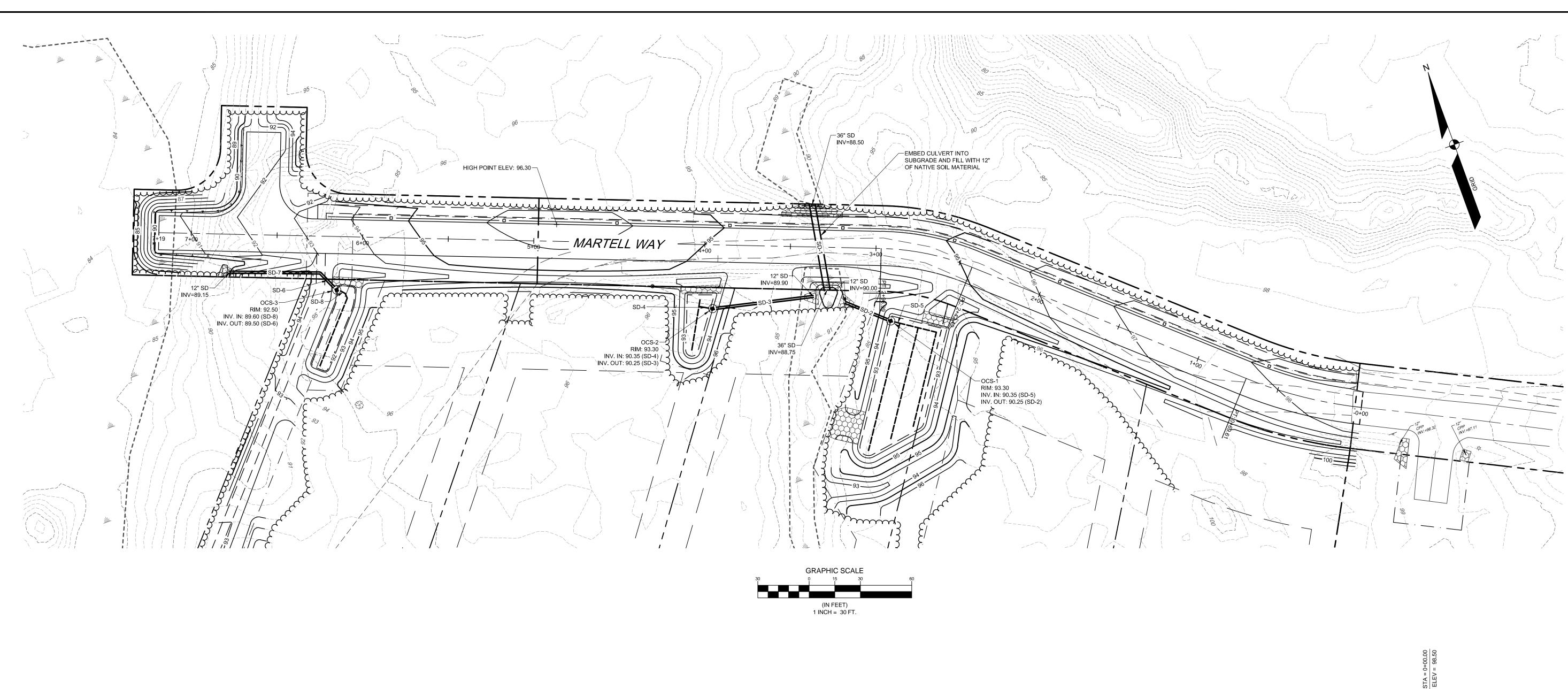
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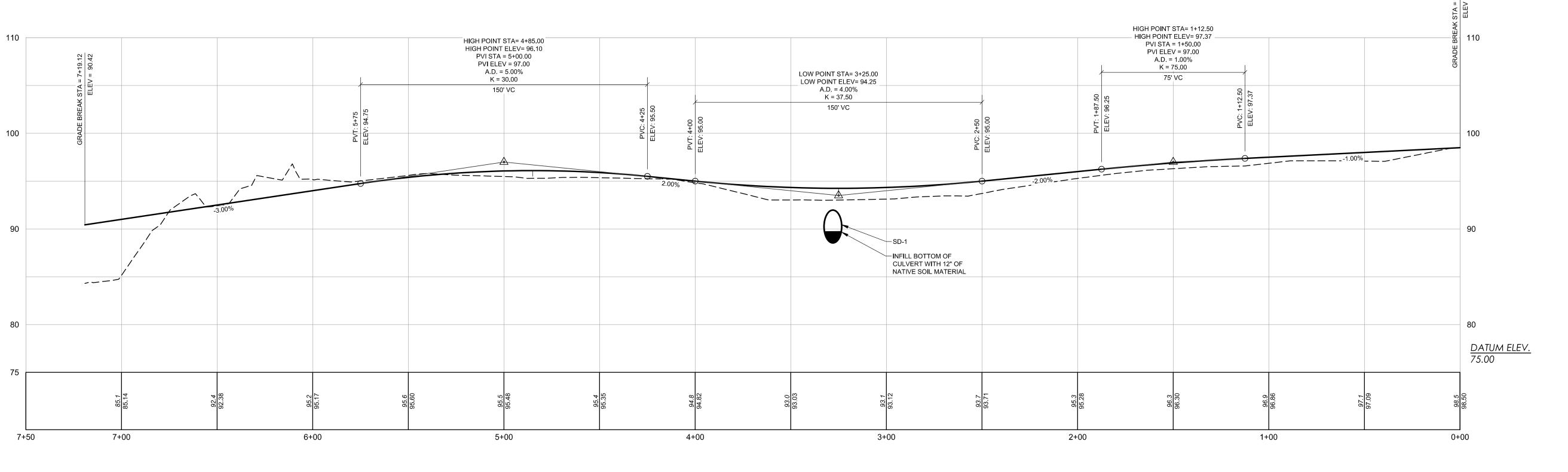
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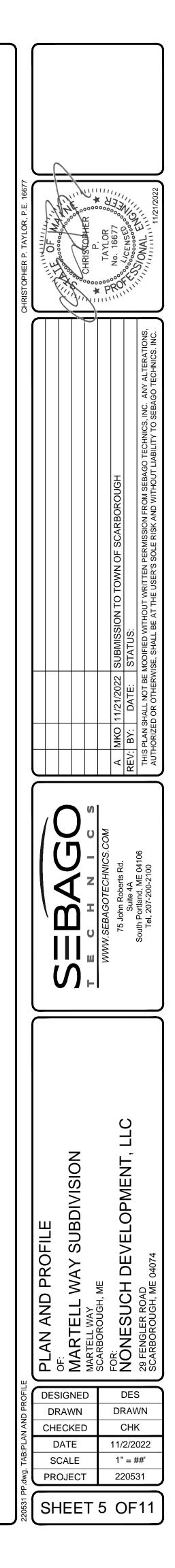


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PROFILE VIEW HORZ. SCALE: 1" = 30' VERT. SCALE: 1" = 6'



EROSION CONTROL MEASURES

PRE-CONSTRUCTION PHASE

PRIOR TO THE BEGINNING OF ANY CONSTRUCTION, SEDIMENT BARRIERS (SILT FENCE) WILL BE STAKED/INSTALLED ACROSS THE SLOPE(S), ON THE CONTOUR AT OR JUST BELOW THE LIMITS OF CLEARING OR GRUBBING, AND/OR JUST, ABOVE ANY ADJACENT PROPERTY LINE OR WATERCOURSE TO PROTECT AGAINST CONSTRUCTION RELATED EROSION. THE PLACEMENT OF SEDIMENT BARRIERS SHALL BE COMPLETED IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN BEST MANAGEMENT PRACTICES AND IN ACCORDANCE WITH THIS EROSION CONTROL PLAN AND DETAILS IN THIS PLAN SET. THIS NETWORK IS TO BE MAINTAINED BY THE CONTRACTOR UNTIL ALL EXPOSED SLOPES HAVE AT LEAST 90% VIGOROUS PERENNIAL VEGETATIVE COVER TO PREVENT EROSION. TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ATTAINED.

PRIOR TO ANY CLEARING OR GRUBBING, A CONSTRUCTION ENTRANCE/EXIT SHALL BE CONSTRUCTED AT THE INTERSECTION OF THE PROPOSED ENTRANCES AND EXISTING ROADWAY TO AVOID TRACKING OF MUD. DUST AND DEBRIS FROM THE SITE

PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL PREPARE A DETAILED SCHEDULE AND MARKED UP PLAN INDICATING AREAS AND COMPONENTS OF THE WORK AND KEY DATES SHOWING DATE OF DISTURBANCE AND COMPLETION OF THE WORK. THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE MUNICIPAL STAFF. THREE COPIES OF THE SCHEDULE AND MARKED UP PLAN SHALL BE PROVIDED TO THE MUNICIPALITY THREE DAYS PRIOR TO THE SCHEDULED PRE-CONSTRUCTION MEETING. SPECIAL ATTENTION SHALL BE GIVEN TO THE 14 DAY LIMIT OF DISTURBANCE IN THE SCHEDULE ADDRESSING TEMPORARY AND PERMANENT VEGETATION MEASURES.

CONSTRUCTION AND POST-CONSTRUCTION PHASE

AREAS UNDERGOING ACTUAL CONSTRUCTION SHALL ONLY EXPOSE THAT AMOUNT OF MINERAL SOIL NECESSARY FOR PROGRESSIVE AND EFFICIENT CONSTRUCTION. AN AREA CONSIDERED OPEN IS ANY AREA NOT STABILIZED WITH PAVEMENT, VEGETATION, MULCHING, EROSION CONTROL MATS, RIPRAP OR GRAVEL BASE ON A ROAD, SUCH AS ACTIVE EXCAVATION AND ACTIVE GRADING. LIMIT THE EXPOSED AREA TO THOSE AREAS IN WHICH WORK IS ACTIVELY OCCURRING OR CAN BE MULCHED IN THE SAME DAY. OPEN AREAS SHALL BE ANCHORED WITH TEMPORARY EROSION CONTROL AS SHOWN ON THE DESIGN PLANS AND AS DESCRIBED WITHIN THIS EROSION CONTROL PLAN WITHIN SEVEN (7) DAYS OF DISTURBANCE. AREAS LOCATED WITHIN 100 FEET OF STREAMS SHALL BE ANCHORED WITH TEMPORARY EROSION CONTROL WITHIN SEVEN (7) DAYS. REFER TO WINTER EROSION CONTROL NOTES FOR THE TREATMENT OF OPEN AREAS AFTER OCTOBER 1ST OF THE CONSTRUCTION YEAR.

THE CONTRACTOR MUST INSTALL ANY ADDED MEASURES WHICH MAY BE NECESSARY TO CONTROL EROSION/SEDIMENTATION FROM THE SITE DEPENDENT UPON THE ACTUAL SITE AND WEATHER CONDITIONS. CONTINUATION OF EARTHWORK OPERATIONS ON ADDITIONAL AREAS SHALL NOT BEGIN UNTIL THE EXPOSED SOIL SURFACE ON THE AREA BEING WORKED HAS BEEN STABILIZED, IN ORDER TO MINIMIZE AREAS WITHOUT EROSION CONTROL PROTECTION

EROSION CONTROL APPLICATIONS & MEASURES THE PLACEMENT OF EROSION CONTROL MEASURES SHALL BE COMPLETED IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN BEST MANAGEMENT PRACTICES AND IN ACCORDANCE WITH THE EROSION CONTROL PLAN AND DETAILS IN THE PLAN SET.

1. TEMPORARY MULCHING

ALL DISTURBED AREAS SHALL BE MULCHED WITH MATERIALS SPECIFIED BELOW PRIOR TO ANY STORM EVENT. ALL DISTURBED AREAS NOT FINAL GRADED WITHIN 14 DAYS SHALL BE MULCHED. DISTURBED AREAS ADJACENT TO NATURAL RESOURCES THAT ARE NOT GRADED WITHIN SEVEN (7) DAYS SHALL BE MULCHED. ALSO, AREAS, WHICH HAVE BEEN TEMPORARILY OR PERMANENTLY SEEDED, SHALL BE MULCHED IMMEDIATELY FOLLOWING SEEDING. EROSION CONTROL BLANKETS ARE RECOMMENDED TO BE USED AT THE BASE OF GRASSED WATERWAYS AND ON SLOPES GREATER THAN 33%. MULCH ANCHORING SHOULD BE USED ON SLOPES GREATER THAN 5% AFTER SEPTEMBER 15TH OF THE CONSTRUCTION YEAR (SEE WINTER EROSION CONTROL NOTES). TYPES OF MULCH:

HAY OR STRAW: SHALL BE APPLIED AT A RATE OF 75 LBS/1,000 S.F. (1.5 TONS PER ACRE).

EROSION CONTROL MIX: SHALL BE PLACED EVENLY AND MUST PROVIDE 100% SOIL COVERAGE. EROSION CONTROL MIX SHALL BE APPLIED SUCH THAT THE THICKNESS ON SLOPES 3:1 OR LESS IS 2 INCHES PLUS 1/2 INCH PER 20 FEET OF SLOPE UP TO 100 FEET. THE THICKNESS ON SLOPES BETWEEN 3:1 AND 2:1 SHALL BE 4 INCHES PLUS 1/2 INCH PER 20 FEET OF SLOPE UP TO 100 FEET. THIS SHALL NOT BE USED ON SLOPES GREATER THAN 2:1.

EROSION CONTROL BLANKET: SHALL BE INSTALLED SUCH THAT CONTINUOUS CONTACT BETWEEN THE MAT AND THE SOIL IS OBTAINED. INSTALL BLANKETS AND STAPLE IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

2. SOIL STOCKPILES:

STOCKPILES OF SOIL OR SUBSOIL SHALL BE MULCHED WITH HAY OR STRAW AT A RATE OF 75 LBS/1,000 S.F. (1.5 TONS PER ACRE) OR WITH A FOUR-INCH LAYER OF WOOD WASTE EROSION CONTROL MIX. THIS WILL BE DONE WITHIN 24 HOURS OF STOCKING AND RE-ESTABLISHED PRIOR TO ANY RAINFALL. ANY SOIL STOCKPILE WILL NOT BE PLACED (EVEN COVERED WITH HAY OR STRAW) WITHIN 100 FEET FROM ANY NATURAL RESOURCES. SEDIMENT BARRIERS SHALL BE INSTALLED DOWNGRADIENT OF STOCKPILES, AND STORMWATER SHALL BE PREVENTED FROM RUNNING ONTO THE STOCKPILE.

3. NATURAL RESOURCES PROTECTION:

ANY AREAS WITHIN 100 FEET FROM ANY NATURAL RESOURCES SHALL BE MULCHED USING TEMPORARY MULCHING (AS DESCRIBED IN PART 1 OF THIS SECTION) WITHIN 7 DAYS OF EXPOSURE OR PRIOR TO ANY STORM EVENT. SEDIMENT BARRIERS (AS DESCRIBED IN PART 4 OF THIS SECTION) SHALL BE PLACED BETWEEN ANY NATURAL RESOURCE AND THE DISTURBED AREA. PROJECTS CROSSING THE NATURAL RESOURCE SHALL BE PROTECTED A MINIMUM DISTANCE OF 100 FEET ON EITHER SIDE FROM THE RESOURCE.

4. SEDIMENT BARRIERS:

PRIOR TO THE BEGINNING OF ANY CONSTRUCTION, SEDIMENT BARRIERS SHALL BE STAKED ACROSS THE SLOPE(S), ON THE CONTOUR AT OR JUST BELOW THE LIMITS OF CLEARING OR GRUBBING, AND/OR JUST ABOVE ANY ADJACENT PROPERTY LINE OR WATERCOURSE TO PROTECT AGAINST CONSTRUCTION RELATED EROSION. SEDIMENT BARRIERS SHALL BE MAINTAINED BY THE CONTRACTOR UNTIL ALL EXPOSED SLOPES HAVE AT LEAST 90% VIGOROUS PERENNIAL VEGETATIVE COVER TO PREVENT EROSION.

SILT FENCE: SHALL BE INSTALLED PER THE DETAIL ON THE PLANS. THE EFFECTIVE HEIGHT OF THE FENCE SHALL NOT EXCEED 36 INCHES. IT IS RECOMMENDED THAT SILT FENCE BE REMOVED BY CUTTING THE FENCE MATERIALS AT GROUND LEVEL SO AS TO AVOID ADDITIONAL SOIL DISTURBANCE.

HAY BALES: SHALL NOT BE INSTALLED ADJACENT TO WETLAND. INSTALL PER THE DETAIL ON THE PLANS. BALES SHALL BE WIRE-BOUND OR STRING-TIED AND THESE BINDINGS MUST REMAIN PARALLEL WITH THE GROUND SURFACE DURING INSTALLATION TO PREVENT DETERIORATION OF THE BINDINGS. BALES SHALL BE INSTALLED WITHIN A MINIMUM 4 INCH DEEP TRENCH LINE WITH ENDS OF ADJACENT BALES TIGHTLY ABUTTING ONE ANOTHER.

EROSION CONTROL MIX: SHALL NOT BE USED ADJACENT TO WETLANDS. INSTALL PER THE DETAIL ON THE PLANS. THE MIX SHALL CONSIST PRIMARILY OF ORGANIC MATERIAL AND CONTAIN A WELL-GRADED MIXTURE OF PARTICLE SIZES AND MAY CONTAIN ROCKS LESS THAN 4 INCHES IN DIAMETER. THE MIX COMPOSITION SHALL MEET THE STANDARDS DESCRIBED WITHIN THE MDEP BEST MANAGEMENT PRACTICES. NO TRENCHING IS REQUIRED FOR INSTALLATION OF THIS BARRIER. EROSION CONTROL MIX BERMS SHALL NOT BE USED AT THE BOTTOM OF STEEP SLOPES (>8%) OR SLOPES WITH FLOWING WATER

CONTINUOUS CONTAINED BERM: SHALL BE INSTALLED PER THE DETAIL ON THE PLANS. THIS SEDIMENT BARRIER IS EROSION CONTROL MIX PLACED WITHIN A SYNTHETIC TUBULAR NETTING AND PERFORMS AS A STURDY SEDIMENT BARRIER THAT WORKS WELL ON HARD GROUND SUCH AS FROZEN CONDITIONS, TRAVELED AREAS OR PAVEMENT. NO TRENCHING IS REQUIRED FOR INSTALLATION OF THIS BARRIER.

5. TEMPORARY CHECK DAMS:

SHALL BE INSTALLED PER THE DETAIL ON THE PLANS. CHECK DAMS ARE TO BE PLACED WITHIN DITCHES/ SWALES AS SPECIFIED ON THE DESIGN PLANS IMMEDIATELY AFTER FINAL GRADING. CHECK DAMS SHALL BE 2 FEET HIGH. TEMPORARY CHECK DAMS MAY BE REMOVED ONLY AFTER THE ROADWAYS ARE PAVED AND THE VEGETATED SWALE ARE ESTABLISHED WITH AT LEAST 90% OF VIGOROUS PERENNIAL GROWTH. THE AREA BENEATH THE CHECK DAM MUST BE SEEDED AND MULCHED IMMEDIATELY AFTER REMOVAL OF THE CHECK DAM.

STONE CHECK DAMS: STONE DAMS SHOULD BE CONSTRUCTED OF 2 TO 3 INCH STONE AND PLACED SUCH THAT COMPLETE COVERAGE OF THE SWALE IS OBTAINED AND THAT THE CENTER OF THE DAM IS 6 INCHES LOWER THAT THE OUTER EDGES.

HAY BALE CHECK DAMS: BALES SHALL BE WIRE-BOUND OR STRING-TIED. BALES SHALL BE INSTALLED WITHIN A MINIMUM 4 INCH DEEP TRENCH LINE WITH ENDS OF ADJACENT BALES TIGHTLY ABUTTING ONE ANOTHER. HAY BALES SHALL BE PLACED SUCH THAT COMPLETE COVERAGE OF THE SWALE IS OBTAINED AND THAT THE CENTER OF THE DAM IS 6 INCHES LOWER THAT THE OUTER EDGES.

MANUFACTURED CHECK DAMS: MANUFACTURED CHECK DAMS, AS SPECIFIED IN THE DETAIL ON THE PLANS, MAY BE USED IF AUTHORIZED BY THE PROPER LOCAL. STATE OR FEDERAL REGULATING AGENCIES. THESE UNITS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURE'S RECOMMENDATIONS.

6. STORMDRAIN INLET PROTECTION:

INLET PROTECTION SHALL BE PLACED AROUND A STORMDRAIN DROP INLET OR CURB INLET PRIOR TO PERMANENT STABILIZATION OF THE IMMEDIATE AND UPSTREAM DISTURBED AREAS. THEY SHALL BE CONSTRUCTED IN A MANNER THAT WILL FACILITATE CLEAN-OUT AND DISPOSAL OF TRAPPED SEDIMENTS AND MINIMIZE INTERFERENCE WITH CONSTRUCTION ACTIVITIES. ANY RESULTANT PONDING OF WATER FROM THE PROTECTION METHOD MUST NOT CAUSE EXCESSIVE INCONVENIENCE OR DAMAGE TO ADJACENT AREAS OR STRUCTURES.

HAY BALE DROP INLET PROTECTION: WE DO NOT RECOMMEND THE USE OF HAY BALES AS INLET PROTECTION.

CONCRETE BLOCK AND STONE INLET SEDIMENT FILTER (DROP OR CURB INLET): SHALL BE INSTALLED PER THE DETAIL ON THE PLANS. THE HEIGHT OF THE CONCRETE BLOCK BARRIER CAN VARY BUT MUST BE BETWEEN 12 AND 24 INCHES TALL. A MINIMUM OF 1 INCH CRUSHED STONE SHALL BE USED.

MANUFACTURED SEDIMENT BARRIERS AND FILTER (DROP OR CURB INLET): MANUFACTURED FILTERS, AS SPECIFIED IN THE DETAIL ON THE PLANS, MAY BE USED IF INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

7. STABILIZED CONSTRUCTION ENTRANCE/EXIT:

PRIOR TO CLEARING AND/OR GRUBBING THE SITE A STABILIZED CONSTRUCTION ENTRANCE/EXIT SHALL BE CONSTRUCTED WHEREVER TRAFFIC WILL EXIT THE CONSTRUCTION SITE ONTO A PAVED ROADWAY IN ORDER TO MINIMIZE THE TRACKING OF SEDIMENT AND DEBRIS FROM THE CONSTRUCTION SITE ONTO PUBLIC ROADWAYS. THE ENTRANCES AND ADJACENT ROADWAY AREAS SHALL BE PERIODICALLY SWEPT TO FURTHER MINIMIZE THE TRACKING OF MUD. DUST OR DEBRIS FROM THE CONSTRUCTION AREA. THE TERM "SWEEP" IS UNDERSTOOD TO MEAN REMOVAL AND RECOVERY OF TRACKED SEDIMENT WITH A STREET SWEEPER, NOT BRUSHING THE MATERIAL INTO SWALES OR STRUCTURES WITH A MECHANICAL BROOM. STABILIZED CONSTRUCTION EXITS SHALL BE CONSTRUCTED IN AREAS SPECIFIED ON THE PLANS AND AS DETAILED ON THE PLANS. THE CONTRACTOR SHALL MAINTAIN THE STABILIZED CONSTRUCTION ENTRANCE UNTIL ALL DISTURBED AREAS ARE STABILIZED.

DUST CONTROL:

DUST CONTROL DURING CONSTRUCTION SHALL BE ACHIEVED BY THE USE OF A WATERING TRUCK TO PERIODICALLY SPRINKLE THE EXPOSED ROADWAY AREAS AS NECESSARY TO REDUCE DUST DURING THE DRY MONTHS. APPLYING OTHER DUST CONTROL PRODUCTS SUCH AS CALCIUM CHLORIDE OR OTHER MANUFACTURED PRODUCTS ARE ALLOWED IF AUTHORIZED BY THE PROPER LOCAL, STATE AND/OR FEDERAL REGULATING AGENCIES. HOWEVER, IT IS THE CONTRACTOR'S ULTIMATE RESPONSIBILITY TO MITIGATE DUST AND SOIL LOSS FROM THE SITE. IF OFFSITE TRACKING OCCURS, PUBLIC ROADS SHOULD BE SWEPT IMMEDIATELY AND NOT LESS THAN ONCE A WEEK AND PRIOR TO SIGNIFICANT STORM EVENTS.

TEMPORARY VEGETATION:

TEMPORARY VEGETATION SHALL BE APPLIED TO DISTURBED AREAS THAT WILL NOT RECEIVE FINAL GRADING FOR PERIODS UP TO 12 MONTHS. THIS PROCEDURE SHOULD BE USED EXTENSIVELY IN AREAS ADJACENT TO NATURAL RESOURCES. SEEDBED PREPARATION AND APPLICATION OF SEED SHALL BE CONDUCTED AS INDICATED IN THE PERMANENT VEGETATION SECTION OF THIS NARRATIVE. SPECIFIC SEEDS (FAST GROWING AND SHORT LIVING) SHALL BE SELECTED FROM THE MAINE EROSION AND SEDIMENT CONTROL BMP MANUALS FOR CONTRACTORS AND ENGINEERS, LATEST REVISION. ALTERNATIVE EROSION CONTROL MEASURES SHOULD BE USED IF SEEDING CAN NOT BE DONE BEFORE SEPTEMBER 15TH OF THE CONSTRUCTION YEAR.

PERMANENT VEGETATION:

REVEGETATION MEASURES SHALL COMMENCE IMMEDIATELY UPON COMPLETION OF FINAL GRADING OF AREAS TO BE LOAMED AND SEEDED. THE APPLICATION OF SEED SHALL BE CONDUCTED BETWEEN APRIL 1ST AND OCTOBER 1ST OF THE CONSTRUCTION YEAR, PLEASE REFER TO THE WINTER EROSION CONTROL NOTES FOR MORE DETAIL. REVEGETATION MEASURES SHALL CONSIST OF THE FOLLOWING:

HOUSEKEEPING

2. GROUNDWATER PROTECTION. DURING CONSTRUCTION, LIQUID PETROLEUM PRODUCTS AND OTHER HAZARDOUS MATERIALS WITH THE POTENTIAL TO CONTAMINATE GROUNDWATER MAY NOT BE STORED OR HANDLED IN AREAS OF THE SITE DRAINING TO AN INFILTRATION AREA. AN "INFILTRATION AREA" IS ANY AREA OF THE SITE THAT BY DESIGN OR AS A RESULT OF SOILS, TOPOGRAPHY AND OTHER RELEVANT FACTORS ACCUMULATES RUNOFF THAT INFILTRATES INTO THE SOIL, DIKES, BERMS, SUMPS, AND OTHER FORMS OF SECONDARY CONTAINMENT THAT PREVENT DISCHARGE TO GROUNDWATER MAY BE USED TO ISOLATE PORTIONS OF THE SITE FOR THE PURPOSES OF STORAGE AND HANDLING OF THESE MATERIALS. ANY PROJECT PROPOSING INFILTRATION OF STORMWATER MUST PROVIDE ADEQUATE PRE-TREATMENT OF STORMWATER PRIOR TO DISCHARGE OF STORMWATER TO THE INFILTRATION AREA, OR PROVIDE FOR TREATMENT WITHIN THE INFILTRATION AREA, IN ORDER TO PREVENT THE ACCUMULATION OF FINES, REDUCTION IN INFILTRATION RATE, AND CONSEQUENT FLOODING AND DESTABILIZATION. 3. FUGITIVE SEDIMENT AND DUST. ACTIONS MUST BE TAKEN TO ENSURE THAT ACTIVITIES DO NOT RESULT IN NOTICEABLE EROSION OF SOILS OR FUGITIVE DUST EMISSIONS

SEEDBED PREPARATION:

A. FOUR (4) INCHES OF LOAM SHALL BE SPREAD OVER DISTURBED AREAS AND SMOOTHED TO A UNIFORM SURFACE. LOAM SHALL BE FREE OF SUBSOIL. CLAY LUMPS. STONES AND OTHER OBJECTS OVER 2 INCHES OR LARGER IN ANY DIMENSION, AND WITHOUT WEEDS, ROOTS OR OTHER OBJECTIONABLE MATERIAL.

B. SOILS TESTS SHALL BE TAKEN AT THE TIME OF SOIL STRIPPING TO DETERMINE FERTILIZATION REQUIREMENTS. SOILS TESTS SHALL BE TAKEN PROMPTLY AS TO NOT INTERFERE WITH THE 14-DAY LIMIT ON SOIL EXPOSURE. BASED UPON TEST RESULTS, SOIL AMENDMENTS SHALL BE INCORPORATED INTO THE SOIL PRIOR TO FINAL SEEDING. IN LIEU OF SOIL TESTS, SOIL AMENDMENTS MAY BE APPLIED AS FOLLOWS:

ITEM
10-20-20 FERTILIZER (N-P205-K20 OR EQUAL)
GROUND LIMESTONE (50%

APPLICATION RATE 18.4 LBS./1,000 S.F 138 LBS./1.000 S.F

CALCIUM & MAGNESIUM OXIDE)

C. WORK LIME AND FERTILIZER INTO THE SOIL AS NEARLY AS PRACTICAL TO A DEPTH OF 4 INCHES WITH PROPER EQUIPMENT. ROLL THE AREA TO FIRM THE SEEDBED EXCEPT ON CLAY OR SILTY SOILS OR COARSE SAND.

APPLICATION OF SEED:

A. SEEDING: SHALL BE CONDUCTED BETWEEN APRIL 1ST AND OCTOBER 1ST OF THE CONSTRUCTION YEAR. GENERALLY A SEED MIXTURE MAY BE APPLIED AS FOLLOWS: (MDOT METHOD #1)

SEED TYPE		APPLICATION RATE
CREEPING RED FESCUE		1.8 LBS/1,000 S.F. (78.3 LBS/ACRE)
KENTUCKY BLUE GRASS		1.0 LBS/1,000 S.F. (43.5 LBS/ACRE)
PERENNIAL RYEGRASS		0.4 LBS/1,000 S.F. (17.4 LBS/ACRE)
ANNUAL RYEGRASS		0.2 LBS/1,000 S.F. (8.7 LBS/ACRE)
CHEWINGS FESCUE		0.6 LBS/1,000 S.F. (26.1 LBS/ACRE)
	TOTAL:	4.0 LBS/1,000 S.F. (174 LBS/ACRE)

NOTE: A SPECIFIC SEED MIXTURE SHOULD BE CHOSEN TO MATCH THE SOILS CONDITION OF THE SITE. VARIOUS AGENCIES CAN RECOMMEND SEED MIXTURES. MDEP RECOMMENDED SEED MIXTURES ARE IN THE EROSION AND SEDIMENT CONTROL BMP MANUAL DATED 2016 OR LATEST REVISION.

HYDROSEEDING: SHALL BE CONDUCTED ON PREPARED AREAS WITH SLOPES LESS THAN 2:1. LIME AND FERTILIZER MAY BE APPLIED SIMULTANEOUSLY WITH THE SEED. RECOMMENDED SEEDING RATES MUST BE INCREASED BY 10% WHEN HYDROSEEDING.

C. MULCHING: SHALL COMMENCE IMMEDIATELY AFTER SEED IS APPLIED. REFER TO THE TEMPORARY MULCHING SECTION OF THIS NARRATIVE FOR DETAILS.

FOLLOWING SEEDBED PREPARATION, SOD CAN BE APPLIED IN LIEU OF SEEDING IN AREAS WHERE IMMEDIATE VEGETATION IS MOST BENEFICIAL SUCH AS DITCHES, AROUND STORMWATER DROP INLETS AND AREAS OF AESTHETIC VALUE. SOD SHOULD BE LAID AT RIGHT ANGLES TO THE DIRECTION OF FLOW, STARTING AT THE LOWEST ELEVATION. SOD SHOULD BE ROLLED OR TAMPED DOWN TO EVEN OUT THE JOINTS ONCE LAID DOWN. WHERE FLOW IS PREVALENT THE SOD MUST BE PROPERLY ANCHORED DOWN. IRRIGATE THE SOD IMMEDIATELY AFTER INSTALLATION. IN MOST CASES, SOD CAN BE ESTABLISHED BETWEEN APRIL 1ST AND NOVEMBER 15TH OF THE CONSTRUCTION YEAR, HOWEVER, REFER TO THE WINTER EROSION CONTROL NOTES FOR ANY ACTIVITIES AFTER OCTOBER 1ST.

STANDARDS FOR TIMELY STABILIZATION:

STANDARD FOR THE TIMELY STABILIZATION OF DISTURBED SLOPES -- THE CONTRACTOR WILL CONSTRUCT AND STABILIZE STONE-COVERED SLOPES BY NOVEMBER 15. THE CONTRACTOR WILL SEED AND MULCH ALL SLOPES TO BE VEGETATED BY SEPTEMBER 15. THE MDEP WILL CONSIDER ANY AREA HAVING A GRADE GREATER THAN 15% (10H:1V) TO BE A SLOPE. IF THE CONTRACTOR FAILS TO STABILIZE ANY SLOPE TO BE VEGETATED BY SEPTEMBER 15, THEN THE CONTRACTOR WILL TAKE ONE OF THE FOLLOWING ACTIONS TO STABILIZE THE SLOPE FOR LATE FALL AND WINTER.

A. STABILIZE THE SOIL WITH TEMPORARY VEGETATION AND EROSION CONTROL MATS -- BY OCTOBER 1 THE CONTRACTOR WILL SEED THE DISTURBED SLOPE WITH WINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1,000 SQUARE FEET AND APPLY EROSION CONTROL MATS OVER THE MULCHED SLOPE. THE CONTRACTOR WILL MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR COVER AT LEAST 75% OF THE DISTURBED SLOPE BY NOVEMBER 1, THEN THE APPLICANT WILL COVER THE SLOPE WITH A LAYER OF WOOD WASTE COMPOST AS DESCRIBED IN ITEM 2(C.) OF THIS STANDARD OR WITH STONE RIPRAP AS DESCRIBED IN ITEM 2(D.) OF THIS STANDARD.

B. STABILIZE THE SLOPE WITH SOD -- THE CONTRACTOR WILL STABILIZE THE DISTURBED SLOPE WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION ICLUDES THE APPLICANT PINNING THE SOD ONTO THE SLOPE WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL. THE APPLICANT WILL NOT USE LATE-SEASON SOD INSTALLATION TO STABILIZE SLOPES HAVING A GRADE GREATER THAN 33% (3H:1V).

STABILIZE THE SLOPE WITH WOOD WASTE COMPOST -- THE CONTRACTOR WILL PLACE A SIX-INCH LAYER OF WOOD WASTE COMPOST ON THE SLOPE BY NOVEMBER 15. PRIOR TO PLACING THE WOOD WASTE COMPOST, THE APPLICANT WILL REMOVE ANY SNOW ACCUMULATION ON THE DISTURBED SLOPE. THE APPLICANT WILL NOT USE WOOD WASTE COMPOST TO STABILIZE SLOPES HAVING GRADES GREATER THAN 50% (2H:1V) OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE. D. STABILIZE THE SLOPE WITH STONE RIPRAP -- THE CONTRACTOR WILL PLACE A LAYER OF STONE RIPRAP ON THE SLOPE BY NOVEMBER 15. THE APPLICANT WILL HIRE A REGISTERED PROFESSIONAL ENGINEER TO DETERMINE THE STONE SIZE NEEDED FOR STABILITY AND TO DESIGN A FILTER LAYER FOR UNDERNEATH THE RIPRAP.

ANDARD FOR THE TIMELY STABILIZATION OF DISTURBED SOILS -- BY SEPTEMBER 15 THE CONTRACTOR WILL SEED AND MULCH ALL DISTURBED SOILS ON AREAS HAVING A SLOPE LESS THAN 15%. IF THE CONTRACTOR FAILS TO STABILIZE THESE SOILS BY THIS DATE, THEN THE CONTRACTOR WILL TAKE ONE OF THE FOLLOWING ACTIONS TO STABILIZE THE SOIL FOR LATE FALL AND WINTER.

A. STABILIZE THE SOIL WITH TEMPORARY VEGETATION -- BY OCTOBER 1 THE CONTRACTOR WILL SEED THE DISTURBED SOIL WITH WINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1000 SQUARE FEET, LIGHTLY MULCH THE SEEDED SOIL WITH HAY OR STRAW AT 75 POUNDS PER 1000 SQUARE FEET, AND ANCHOR THE MULCH WITH PLASTIC NETTING. THE APPLICANT WILL MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR COVER AT LEAST 75% OF THE DISTURBED SOIL BEFORE NOVEMBER 15. THEN THE APPLICANT WILL MULCH THE AREA FOR OVER-WINTER PROTECTION AS DESCRIBED IN ITEM 3(C.) OF THIS STANDARD.

B. STABILIZE THE SOIL WITH SOD -- THE APPLICANT WILL STABILIZE THE DISTURBED SOIL WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION CLUDES THE APPLICANT PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL. C. STABILIZE THE SOIL WITH MULCH -- BY NOVEMBER 15 THE APPLICANT WILL MULCH THE DISTURBED SOIL BY SPREADING HAY OR STRAW AT A RATE OF AT LEAST 150

POUNDS PER 1000 SQUARE FEET ON THE AREA SO THAT NO SOIL IS VISIBLE THROUGH THE MULCH. PRIOR TO APPLYING THE MULCH, THE APPLICANT WILL REMOVE ANY SNOW ACCUMULATION ON THE DISTURBED AREA. IMMEDIATELY AFTER APPLYING THE MULCH, THE APPLICANT WILL ANCHOR THE MULCH WITH PLASTIC NETTING TO PREVENT WIND FROM MOVING THE MULCH OFF THE DISTURBED SOIL.

1. MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION CYCLE. AFTER EACH RAINFALL, SNOW STORM OR PERIOD OF THAWING AND RUNOFF, AND AT LEAST EVERY SEVEN (7) DAYS, THE CONTRACTOR SHALL PERFORM A VISUAL INSPECTION OF ALL INSTALLED EROSION CONTROL MEASURES. THE CONTRACTOR SHALL PERFORM REPAIRS NO LATER THAN THE END OF THE NEXT WORKDAY, TO ALLOW CONTINUED PROPER FUNCTIONING OF THE EROSION CONTROL MEASURE. THE CONTRACTOR SHALL PROVIDE THE NECESSARY REGULATING AGENCIES WITH WRITTEN DOCUMENTATION DESCRIBING DATES OF INSPECTIONS AND NECESSARY FOLLOW-UP WORK TO MAINTAIN EROSION CONTROL MEASURES MEETING THE REQUIREMENTS OF THIS PLAN WITHIN SEVEN (7) DAYS.

2. FOLLOWING THE TEMPORARY AND/OR FINAL SEEDINGS, THE CONTRACTOR SHALL INSPECT THE WORK AREA SEMIMONTHLY UNTIL THE SEEDINGS HAVE BEEN ESTABLISHED. ESTABLISHED MEANS A MINIMUM OF 90% OF AREAS VEGETATED WITH VIGOROUS GROWTH. RESEEDING SHALL BE CARRIED OUT BY THE CONTRACTOR WITH FOLLOW-UP INSPECTIONS IN THE EVENT OF ANY FAILURES UNTIL VEGETATION IS ADEQUATELY ESTABLISHED.

1. <u>SPILL PREVENTION</u>. CONTROLS MUST BE USED TO PREVENT POLLUTANTS FROM CONSTRUCTION AND WASTE MATERIALS STORED ON SITE TO ENTER STORMWATER, WHICH INCLUDES STORAGE PRACTICES TO MINIMIZE EXPOSURE OF THE MATERIALS TO STORMWATER. THE SITE CONTRACTOR OR OPERATOR MUST DEVELOP, AND IMPLEMENT AS NECESSARY, APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING MEASURES.

DURING OR AFTER CONSTRUCTION. OIL MAY NOT BE USED FOR DUST CONTROL, BUT OTHER WATER ADDITIVES MAY BE CONSIDERED AS NEEDED. A STABILIZED CONSTRUCTION ENTRANCE (SCE) SHOULD BE INCLUDED TO MINIMIZE TRACKING OF MUD AND SEDIMENT. IF OFF-SITE TRACKING OCCURS, PUBLIC ROADS SHOULD BE SWEPT IMMEDIATELY AND NO LESS THAN ONCE A WEEK AND PRIOR TO SIGNIFICANT STORM EVENTS. OPERATIONS DURING DRY MONTHS, THAT EXPERIENCE FUGITIVE DUST PROBLEMS, SHOULD WET DOWN UNPAVED ACCESS ROADS ONCE A WEEK OR MORE FREQUENTLY AS NEEDED WITH A WATER ADDITIVE TO SUPPRESS FUGITIVE SEDIMENT AND DUST

4. DEBRIS AND OTHER MATERIALS. MINIMIZE THE EXPOSURE OF CONSTRUCTION DEBRIS, BUILDING AND LANDSCAPING MATERIALS, TRASH, FERTILIZERS, PESTICIDES, HERBICIDES, DETERGENTS, SANITARY WASTE AND OTHER MATERIALS TO PRECIPITATION AND STORMWATER RUNOFF. THESE MATERIALS MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE.

5. EXCAVATION DE-WATERING. EXCAVATION DE-WATERING IS THE REMOVAL OF WATER FROM TRENCHES, FOUNDATIONS, COFFER DAMS, PONDS, AND OTHER AREAS WITHIN THE CONSTRUCTION AREA THAT RETAIN WATER AFTER EXCAVATION. IN MOST CASES THE COLLECTED WATER IS HEAVILY SILTED AND HINDERS CORRECT AND SAFE CONSTRUCTION PRACTICES, THE COLLECTED WATER REMOVED FROM THE PONDED AREA, FITHER THROUGH GRAVITY OR PUMPING, MUST BE SPREAD THROUGH NATURAL WOODED BUFFERS OR REMOVED TO AREAS THAT ARE SPECIFICALLY DESIGNED TO COLLECT THE MAXIMUM AMOUNT OF SEDIMENT POSSIBLE, LIKE A COFFERDAM SEDIMENTATION BASIN. AVOID ALLOWING THE WATER TO FLOW OVER DISTURBED AREAS OF THE SITE. EQUIVALENT MEASURES MAY BE TAKEN IF APPROVED BY THE DEPARTMENT.

6. AUTHORIZED NON-STORMWATER DISCHARGES. IDENTIFY AND PREVENT CONTAMINATION BY NON-STORMWATER DISCHARGES. WHERE ALLOWED NON-STORMWATER DISCHARGES EXIST, THEY MUST BE IDENTIFIED AND STEPS SHOULD BE TAKEN TO ENSURE THE IMPLEMENTATION OF APPROPRIATE POLLUTION PREVENTION MEASURES FOR THE NON-STORMWATER COMPONENT(S) OF THE DISCHARGE. AUTHORIZED NON-STORMWATER DISCHARGES ARE: A. DISCHARGES FROM FIREFIGHTING ACTIVITY;

B. FIRE HYDRANT FLUSHINGS: 2. VEHICLE WASHWATER IF DETERGENTS ARE NOT USED AND WASHING IS LIMITED TO THE EXTERIOR OF VEHICLES (ENGINE, UNDERCARRIAGE AND TRANSMISSION WASHING IS PROHIBITED) D. DUST CONTROL RUNOFF IN ACCORDANCE WITH PERMIT CONDITIONS;

E. ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS; F. PAVEMENT WASHWATER (WHERE SPILLS/LEAKS OF TOXIC OR HAZARDOUS MATERIALS HAVE NOT OCCURRED, UNLESS ALL SPILLED MATERIAL HAD BEEN REMOVED) IF DETERGENTS ARE NOT USED.

G. UNCONTAMINATED AIR CONDITIONING OR COMPRESSOR CONDENSATE; H. UNCONTAMINATED GROUNDWATER OR SPRING WATER;

FOUNDATION OR FOOTER DRAIN-WATER WHERE FLOWS ARE NOT CONTAMINATED; J. UNCONTAMINATED EXCAVATION DEWATERING:

K. POTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS; AND L. LANDSCAPE IRRIGATION.

D. TOXIC OR HAZARDOUS SUBSTANCES FROM A SPILL OR OTHER RELEASE.

UNAUTHORIZED NON-STORMWATER DISCHARGES. THE DEPARTMENT'S APPROVAL DOES NOT AUTHORIZE A DISCHARGE THAT IS MIXED WITH A SOURCE OF NON-STORMWATER, THER THAN THOSE DISCHARGES. SPECIFICALLY, THE DEPARTMENT'S APPROVAL DOES NOT AUTHORIZE DISCHARGES OF THE FOLLOWING: A. WASTEWATER FROM THE WASHOUT OR CLEAN OUT OF CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS OR OTHER CONSTRUCTION MATERIALS; B. FUELS, OILS OR OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE; C. SOAPS, SOLVENTS, OR DETERGENTS USED IN VEHICLE AND FOUIPMENT WASHING: AND

BEING WORKED HAS BEEN STABILIZED, IN ORDER TO MINIMIZE AREAS WITHOUT EROSION CONTROL PROTECTION.

1. SOIL STOCKPILES RESOURCES.

2. NATURAL RESOURCES PROTECTION

NOT STABILIZED BY DECEMBER 1 SHALL BE PROTECTED WITH THE SECOND LINE OF SEDIMENT BARRIER TO ENSURE FUNCTIONALITY DURING THE SPRING THAW AND RAINS

3. SEDIMENT BARRIERS BALES AND SEDIMENT SILT FENCES.

4. MULCHING ALL AREA SHALL BE CONSIDERED TO BE DENUDED UNTIL AREAS OF FUTURE LOAM AND SEED HAVE BEEN LOAMED, SEEDED AND MULCHED. HAY AND STRAW MULCH SHALL BE APPLIED AT A RATE OF 150 LB. PER 1.000 SQUARE FEET OR 3 TONS/ACRE (TWICE THE NORMAL ACCEPTED RATE OF 75-LBS./1.000 S.F. OR 1.5 TONS/ACRE) AND SHALL BE PROPERLY ANCHORED. MULCH SHALL NOT BE SPREAD ON TOP OF SNOW. THE SNOW WILL BE REMOVED DOWN TO A ONE-INCH DEPTH OR LESS PRIOR TO APPLICATION. AFTER EACH DAY OF FINAL GRADING, THE AREA WILL BE PROPERLY STABILIZED WITH ANCHORED HAY OR STRAW OR EROSION CONTROL MATTING. AN AREA SHALL BE CONSIDERED TO HAVE BEEN STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH STRAW OR HAY AT A RATE OF 150 LB. PER 1,000 SQUARE FEET (3TONS/ACRE) AND ADEQUATELY ANCHORED THAT GROUND SURFACE IS NOT VISIBLE THOUGH THE MULCH.

5. MULCHING ON SLOPES AND DITCHES

6. SEEDING

BETWEEN THE DATES OF OCTOBER 15 AND APRIL 1ST, LOAM OR SEED WILL NOT BE REQUIRED. DURING PERIODS OF ABOVE FREEZING TEMPERATURES FINISHED AREAS SHALL BE FINE GRADED AND EITHER PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL SUCH TIME AS THE FINAL TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER NOVEMBER 1ST AND IF THE EXPOSED AREA HAS BEEN LOOMED, FINAL GRADED WITH A UNIFORM SURFACE, THEN THE AREA MAY BE DORMANT SEEDED AT A RATE OF 3 TIMES HIGHER THAN SPECIFIED FOR PERMANENT SEED AND THEN MULCHED. DORMANT SEEDING MAY BE SELECTED TO BE PLACED PRIOR TO THE PLACEMENT OF MULCH AND FABRIC NETTING ANCHORED WITH STAPLES. IF DORMANT SEEDING IS USED FOR THE SITE, ALL DISTURBED AREAS SHALL RECEIVE 4' OF LOAM AND SEED AT AN APPLICATION RATE OF 5LBS/1000 S.F. ALL AREAS SEEDED DURING THE WINTER WILL BE INSPECTED IN THE SPRING FOR ADEQUATE CATCH. ALL AREAS SUFFICIENTLY VEGETATED (LESS THAN 75% CATCH) SHALL BE REVEGETATED BY REPLACING LOAM, SEED AND MULCH. IF DORMANT SEEDING IS NOT USED FOR THE SITE, ALL DISTURBED AREAS SHALL BE REVEGETATED IN THE SPRING. SEED TYPE SHALL BE WINTER RYE.

7. INSPECTION AND MONITORING

DURING FLOW CONDITIONS.

STABILIZE THE SOIL FOR LATE FALL AND WINTER. THIS STANDARD.

WINTER EROSION CONTROL MEASURES

HE WINTER CONSTRUCTION PERIOD IS FROM NOVEMBER 1 THROUGH APRIL 15. IF THE CONSTRUCTION SITE IS NOT STABILIZED WITH PAVEMENT, A ROAD GRAVEL BASE, 75% MATURE VEGETATION COVER OR RIPRAP BY NOVEMBER 1 THEN THE SITE NEEDS TO BE PROTECTED WITH OVER-WINTER STABILIZATION. AN AREA CONSIDERED OPEN IS ANY AREA NOT STABILIZED WITH PAVEMENT, VEGETATION, MULCHING, EROSION CONTROL MATS, RIPRAP OR GRAVEL BASE ON A ROAD, LIMIT THE EXPOSED AREA TO THOSE AREAS IN WHICH WORK IS EXPECTED TO BE UNDER TAKEN DURING THE PROCEEDING 15 DAYS AND THAT CAN BE MULCHED IN ONE DAY PRIOR TO ANY SNOW EVENT. ALL AREAS SHALL BE CONSIDERED TO BE DENUDED UNTIL THE SUBBASE GRAVEL IS INSTALLED IN ROADWAY AREAS OR THE AREAS OF FUTURE LOAM AND SEED HAVE BEEN LOAMED, SEEDED AND MULCHED. HAY AND STRAW MULCH RATE SHALL BE A MINIMUM OF 150 LBS./1,000 S.F. (3 TONS/ACRE) AND SHALL BE PROPERLY ANCHORED. THE CONTRACTOR MUST INSTALL ANY ADDED MEASURES WHICH MAY BE NECESSARY TO CONTROL EROSION/SEDIMENTATION FROM THE SITE DEPENDENT UPON THE ACTUAL SITE AND WEATHER CONDITIONS. CONTINUATION OF EARTHWORK OPERATIONS ON ADDITIONAL AREAS SHALL NOT BEGIN UNTIL THE EXPOSED SOIL SURFACE ON THE AREA

STOCKPILES OF SOIL OR SUBSOIL WILL BE MULCHED FOR OVER WINTER PROTECTION WITH HAY OR STRAW AT TWICE THE NORMAL RATE OR AT 150 LBS/1.000 S.F. (3) TONS PER ACRE) OR WITH A FOUR-INCH LAYER OF WOOD WASTE EROSION CONTROL MIX. THIS WILL BE DONE WITHIN 24 HOURS OF STOCKING AND RE-ESTABLISHED PRIOR TO ANY RAINFALL OR SNOWFALL. ANY SOIL STOCKPILE WILL NOT BE PLACED (EVEN COVERED WITH HAY OR STRAW) WITHIN 100 FEET FROM ANY NATURAL

ANY AREAS WITHIN 100 FEET FROM ANY NATURAL RESOURCES. IF NOT STABILIZED WITH A MINIMUM OF 75% MATURE VEGETATION CATCH. SHALL BE MULCHED BY DECEMBER 1 AND ANCHORED WITH PLASTIC NETTING OR PROTECTED WITH EROSION CONTROL MATS. DURING WINTER CONSTRUCTION, A DOUBLE LINE OF SEDIMENT BARRIERS (I.E. SILT FENCE BACKED WITH HAY BALES OR EROSION CONTROL MIX) WILL BE PLACED BETWEEN ANY NATURAL RESOURCE AND THE DISTURBED AREA. PROJECTS CROSSING THE NATURAL RESOURCE SHALL BE PROTECTED A MINIMUM DISTANCE OF 100 FEET ON EITHER SIDE FROM THE RESOURCE. EXISTING PROJECTS

DURING FROZEN CONDITIONS, SEDIMENT BARRIERS SHALL CONSIST OF WOOD WASTE FILTER BERMS AS FROZEN SOIL PREVENTS THE PROPER INSTALLATION OF HAY

BETWEEN THE DATES OF SEPTEMBER 1 AND APRIL 15. ALL MULCH SHALL BE ANCHORED BY EITHER PEG LINE, MULCH NETTING, ASPHALT EMULSION CHEMICAL, TRACK OR WOOD CELLULOSE FIBER. WHEN GROUND SURFACE IS NOT VISIBLE THOUGH THE MULCH THEN COVER IS SUFFICIENT. AFTER NOVEMBER 1ST, MULCH AND ANCHORING OF ALL BARE SOIL SHALL OCCUR AT THE END OF EACH FINAL GRADING WORK DAY.

SLOPES SHALL NOT BE LEFT EXPOSED FOR ANY EXTENDED TIME OF WORK SUSPENSION UNLESS FULLY MULCHED AND ANCHORED WITH PEG AND NETTING OR WITH EROSION CONTROL BLANKETS. MULCHING SHALL BE APPLIED AT A RATE OF 230 LBS/1,000 S.F. ON ALL SLOPES GREATER THAN 8%. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS WITH A SLOPE GREATER THAN 3% FOR SLOPES EXPOSED TO DIRECT WINDS AND FOR ALL OTHER SLOPES GREATER THAN 5%. EROSION CONTROL BLANKETS SHALL BE USED IN LIEU OF MULCH IN ALL DRAINAGE WAYS WITH SLOPES 8%. EROSION CONTROL MIX CAN BE USED TO SUBSTITUTE EROSION CONTROL BLANKETS ON ALL SLOPES EXCEPT DITCHES.

MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION SEASON. AT A MINIMUM, AFTER EACH RAINFALL, SNOW STORM OR PERIOD OF THAWING AND RUNOFF, THE SITE CONTRACTOR SHALL PERFORM A VISUAL INSPECTION OF ALL INSTALLED EROSION CONTROL MEASURES AND PERFORM REPAIRS AS NEEDED TO INSURE THEIR CONTINUOUS FUNCTION. FOLLOWING THE TEMPORARY AND OR FINAL SEEDING AND MULCHING, THE CONTRACTOR SHALL IN THE SPRING INSPECT AND REPAIR ANY DAMAGES AND/ OR UNESTABLISHED SPOTS. ESTABLISHED VEGETATIVE COVER MEANS A MINIMUM OF 90% OF AREAS VEGETATED WITH VIGOROUS GROWTH.

STANDARDS FOR TIMELY STABILIZATION OF CONSTRUCTION SITES DURING WINTER

1. STANDARD FOR THE TIMELY STABILIZATION OF DITCHES AND CHANNELS -- THE APPLICANT WILL CONSTRUCT AND STABILIZE ALL STONE-LINED DITCHES AND CHANNELS ON THE SITE BY NOVEMBER 15. THE APPLICANT WILL CONSTRUCT AND STABILIZE ALL GRASS-LINED DITCHES AND CHANNELS ON THE SITE BY SEPTEMBER 15. IF THE APPLICANT FAILS TO STABILIZE A DITCH OR CHANNEL TO BE GRASS-LINED BY SEPTEMBER 15, THEN THE APPLICANT WILL TAKE ONE OF THE FOLLOWING ACTIONS TO STABILIZE THE DITCH FOR LATE FALL AND WINTER.

A SOD LINING IN THE DITCH -- THE APPLICANT WILL LINE THE DITCH WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES THE APPLICANT PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL, AND ANCHORING THE SOD WITH JUTE OR PLASTIC MESH TO PREVENT THE SOD STRIPS FROM SLOUGHING

INSTALL A STONE LINING IN THE DITCH --THE APPLICANT WILL LINE THE DITCH WITH STONE RIPRAP BY NOVEMBER 15. THE APPLICANT WILL HIRE A REGISTERED ESSIONAL ENGINEER TO DETERMINE THE STONE SIZE AND LINING THICKNESS NEEDED TO WITHSTAND THE ANTICIPATED FLOW VELOCITIES AND FLOW DEPTHS WITHIN THE DITCH. IF NECESSARY, THE APPLICANT WILL REGRADE THE DITCH PRIOR TO PLACING THE STONE LINING SO TO PREVENT THE STONE LINING FROM REDUCING THE DITCH'S CROSS-SECTIONAL AREA.

2. STANDARD FOR THE TIMELY STABILIZATION OF DISTURBED SLOPES -- THE APPLICANT WILL CONSTRUCT AND STABILIZE STONE-COVERED SLOPES BY NOVEMBER 15. THE APPLICANT WILL SEED AND MULCH ALL SLOPES TO BE VEGETATED BY SEPTEMBER 15. THE DEPARTMENT WILL CONSIDER ANY AREA HAVING A GRADE GREATER THAN 15% (10H:1V) TO BE A SLOPE. IF THE APPLICANT FAILS TO STABILIZE ANY SLOPE TO BE VEGETATED BY SEPTEMBER 15, THEN THE APPLICANT WILL TAKE ONE OF THE FOLLOWING ACTIONS TO STABILIZE THE SLOPE FOR LATE FALL AND WINTER.

TABILIZE THE SOIL WITH TEMPORARY VEGETATION AND EROSION CONTROL MATS -- BY OCTOBER 1 THE APPLICANT WILL SEED THE DISTURBED SLOPE WITH WINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1000 SQUARE FEET AND APPLY EROSION CONTROL MATS OVER THE MULCHED SLOPE. THE APPLICANT WILL MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR COVER AT LEAST 75% OF THE DISTURBED SLOPE BY NOVEMBER 1, THEN THE APPLICANT WILL COVER THE SLOPE WITH A LAYER OF WOOD WASTE COMPOST AS DESCRIBED IN ITEM III OF THIS CONDITION OR WITH STONE RIPRAP AS DESCRIBED IN ITEM IV OF THIS CONDITION.

STABILIZE THE SLOPE WITH SOD -- THE APPLICANT WILL STABILIZE THE DISTURBED SLOPE WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES THE APPLICANT PINNING THE SOD ONTO THE SLOPE WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL. THE APPLICANT WILL NOT USE LATE-SEASON SOD INSTALLATION TO STABILIZE SLOPES HAVING A GRADE GREATER THAN 33% (3H:1V).

STABILIZE THE SLOPE WITH WOOD WASTE COMPOST -- THE APPLICANT WILL PLACE A SIX-INCH LAYER OF WOOD WASTE COMPOST ON THE SLOPE BY NOVEMBER 15. PRIOR TO PLACING THE WOOD WASTE COMPOST, THE APPLICANT WILL REMOVE ANY SNOW ACCUMULATION ON THE DISTURBED SLOPE. THE APPLICANT WILL NOT USE WOOD WASTE COMPOST TO STABILIZE SLOPES HAVING GRADES GREATER THAN 50% (2H:1V) OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE.

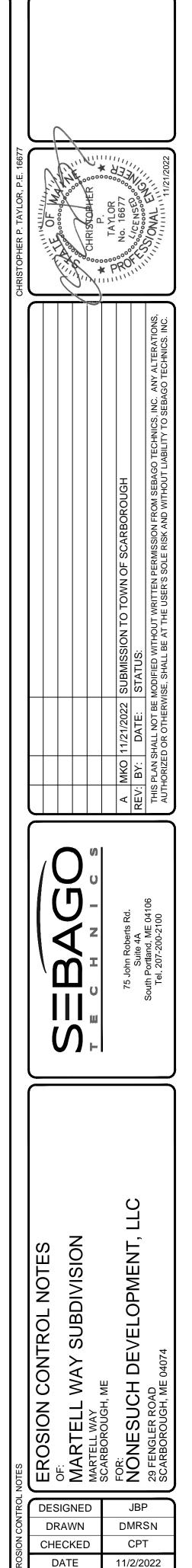
TABILIZE THE SLOPE WITH STONE RIPRAP -- THE APPLICANT WILL PLACE A LAYER OF STONE RIPRAP ON THE SLOPE BY NOVEMBER 15. THE APPLICANT WILL HIRE A REGISTERED PROFESSIONAL ENGINEER TO DETERMINE THE STONE SIZE NEEDED FOR STABILITY AND TO DESIGN A FILTER LAYER FOR UNDERNEATH THE RIPRAP.

STANDARD FOR THE TIMELY STABILIZATION OF DISTURBED SOILS -- BY SEPTEMBER 15 THE APPLICANT WILL SEED AND MULCH ALL DISTURBED SOILS ON AREAS HAVING A SLOPE LESS THAN 15%. IF THE APPLICANT FAILS TO STABILIZE THESE SOILS BY THIS DATE, THEN THE APPLICANT WILL TAKE ONE OF THE FOLLOWING ACTIONS TO

STABILIZE THE SOIL WITH TEMPORARY VEGETATION -- BY OCTOBER 1 THE APPLICANT WILL SEED THE DISTURBED SOIL WITH WINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1000 SQUARE FEET, LIGHTLY MULCH THE SEEDED SOIL WITH HAY OR STRAW AT 75 POUNDS PER 1000 SQUARE FEET, AND ANCHOR THE MULCH WITH PLASTIC NETTING. THE APPLICANT WILL MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS GROW AT LEAST THREE INCHES OR COVER AT LEAST 75% OF THE DISTURBED SOIL BEFORE NOVEMBER 15, THEN THE APPLICANT WILL MULCH THE AREA FOR OVER-WINTER PROTECTION AS DESCRIBED IN ITEM III OF

STABILIZE THE SOIL WITH SOD -- THE APPLICANT WILL STABILIZE THE DISTURBED SOIL WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES THE APPLICANT PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL STABILIZE THE SOIL WITH MULCH -- BY NOVEMBER 15 THE APPLICANT WILL MULCH THE DISTURBED SOIL BY SPREADING HAY OR STRAW AT A RATE OF AT LEAST 150

POUNDS PER 1000 SQUARE FEET ON THE AREA SO THAT NO SOIL IS VISIBLE THROUGH THE MULCH. PRIOR TO APPLYING THE MULCH, THE APPLICANT WILL REMOVE ANY SNOW ACCUMULATION ON THE DISTURBED AREA. IMMEDIATELY AFTER APPLYING THE MULCH, THE APPLICANT WILL ANCHOR THE MULCH WITH PLASTIC NETTING TO PREVENT WIND FROM MOVING THE MULCH OFF THE DISTURBED SOIL.



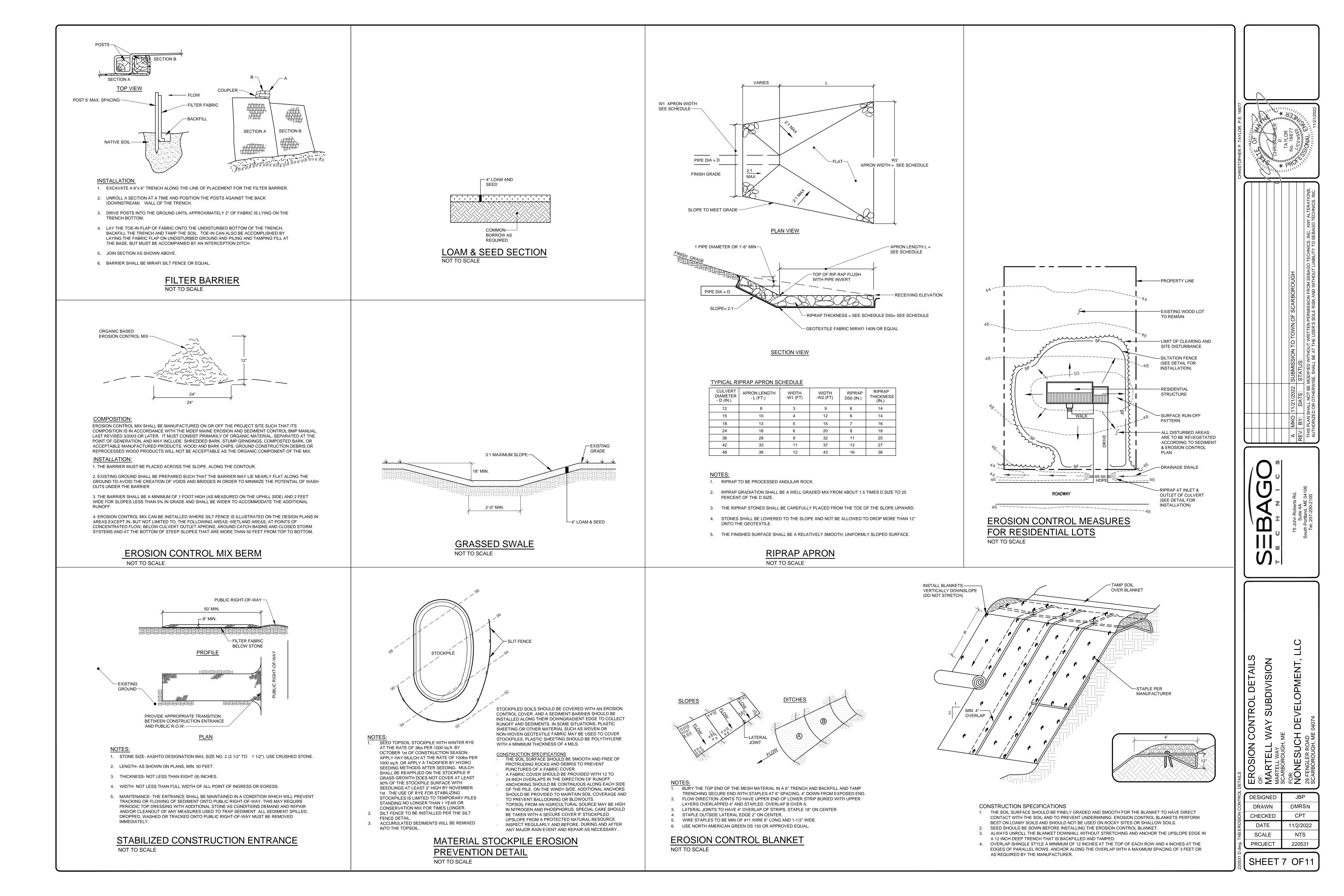
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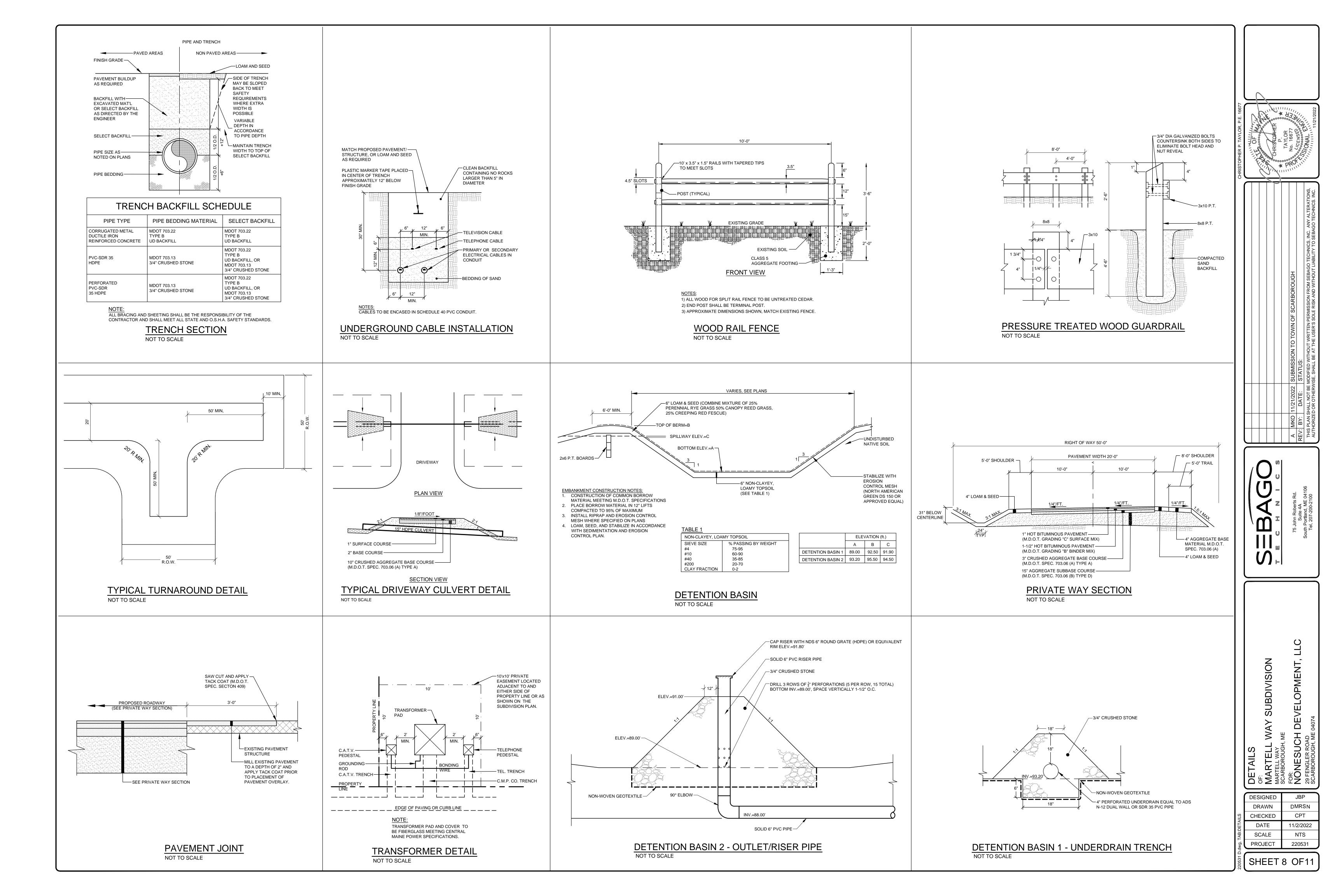
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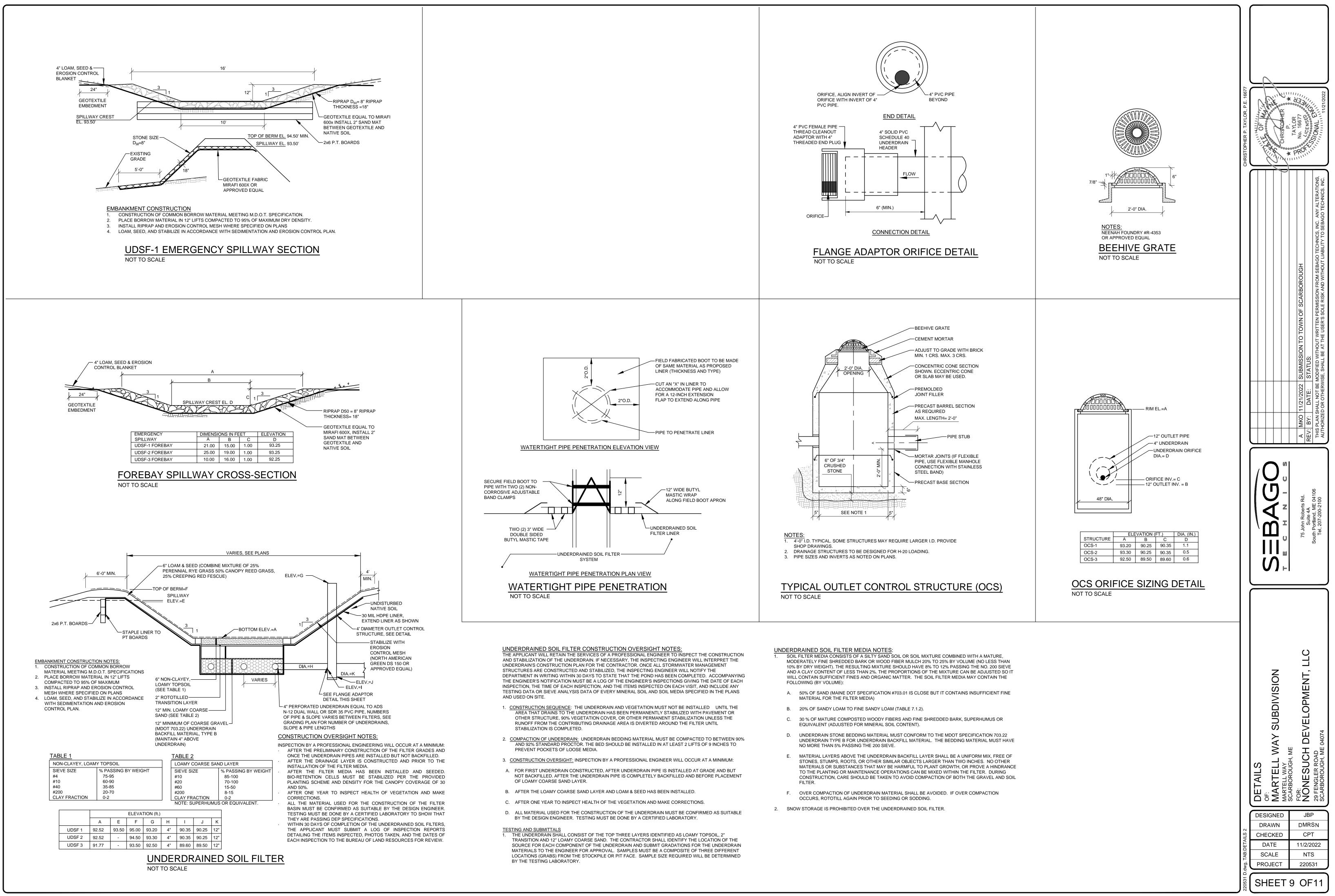
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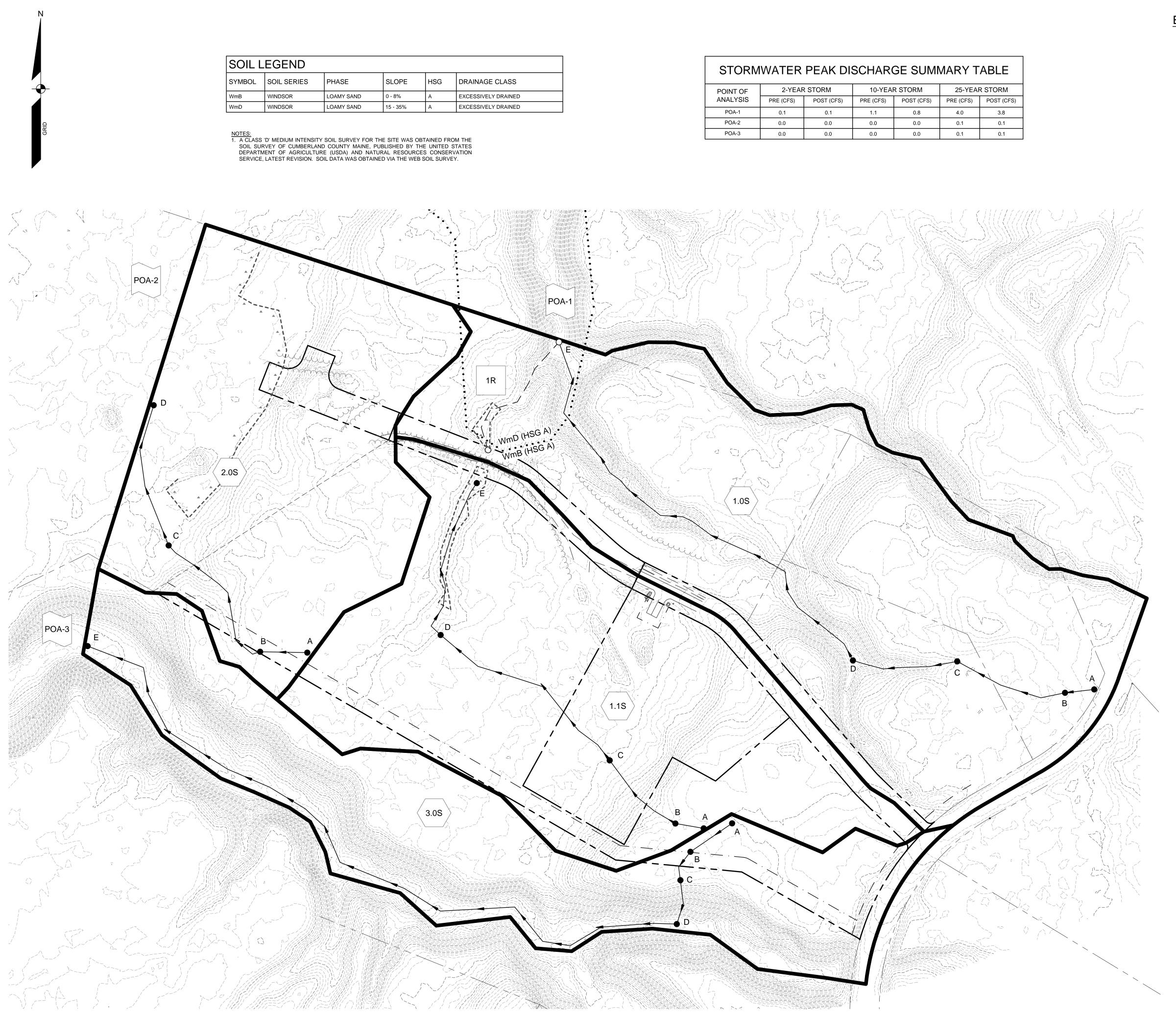
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220531



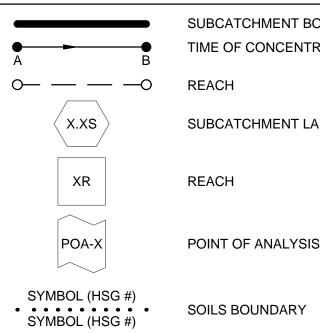






POINT OF	2-YEAR STORM		10-YEAR STORM		25-YEAR STORM	
ANALYSIS	PRE (CFS)	POST (CFS)	PRE (CFS)	POST (CFS)	PRE (CFS)	POST (CFS)
POA-1	0.1	0.1	1.1	0.8	4.0	3.8
POA-2	0.0	0.0	0.0	0.0	0.1	0.1
POA-3	0.0	0.0	0.0	0.0	0.1	0.1

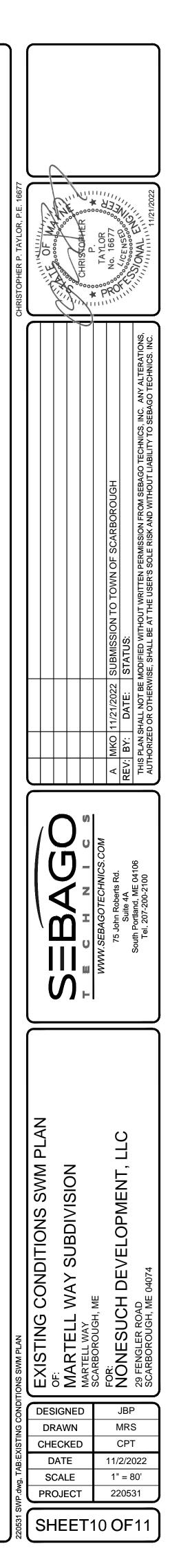


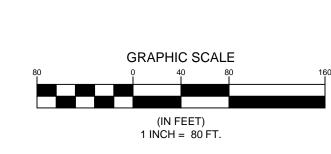


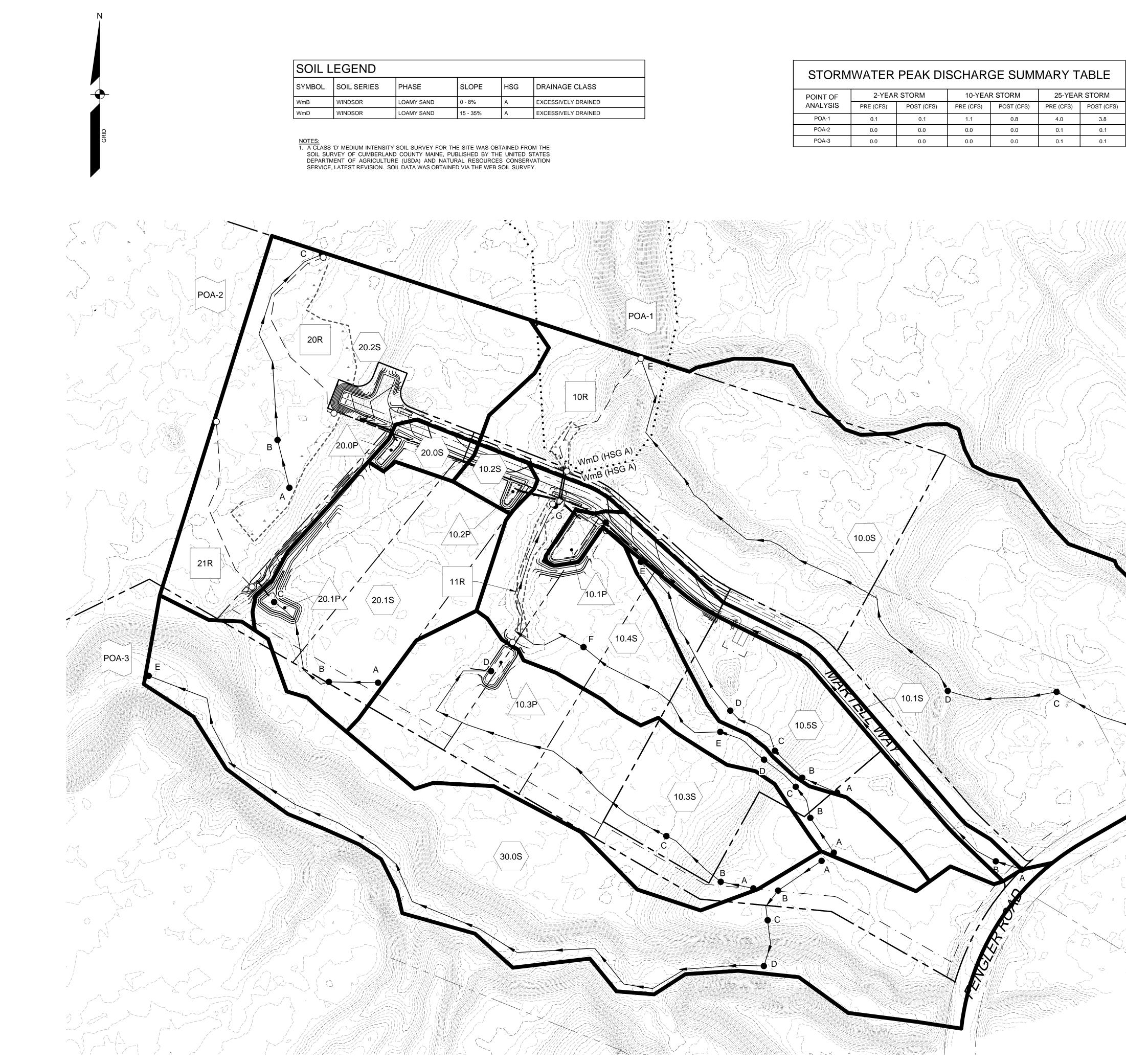
SUBCATCHMENT BOUNDARY TIME OF CONCENTRATION REACH SUBCATCHMENT LABEL

REACH		

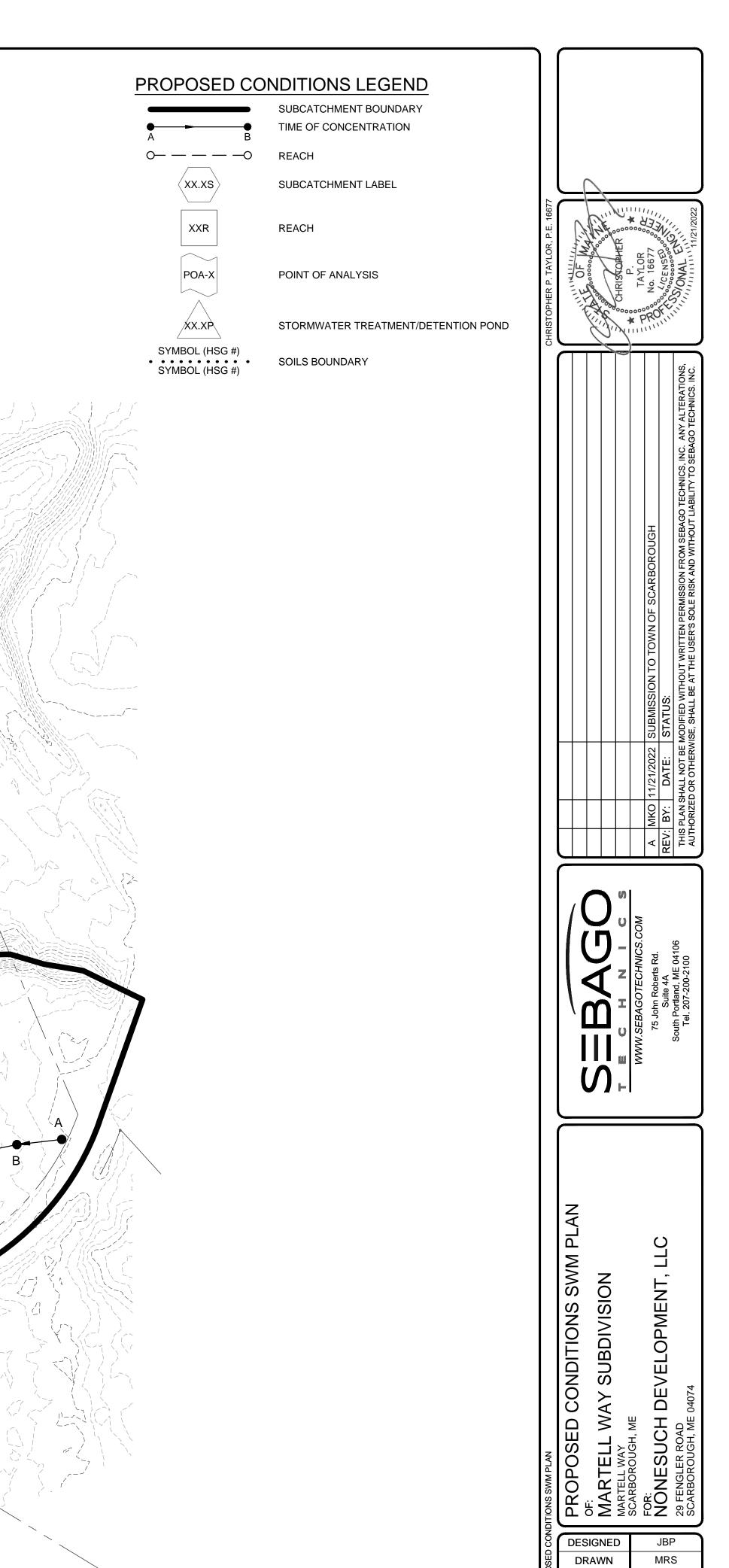
POINT OF ANALYSIS

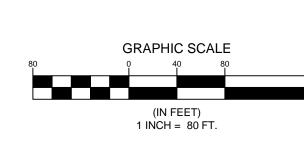






POINT OF	2-YEAR STORM		10-YEAR STORM		25-YEAR STORM	
ANALYSIS	PRE (CFS)	POST (CFS)	PRE (CFS)	POST (CFS)	PRE (CFS)	POST (CFS)
POA-1	0.1	0.1	1.1	0.8	4.0	3.8
POA-2	0.0	0.0	0.0	0.0	0.1	0.1
POA-3	0.0	0.0	0.0	0.0	0.1	0.1





CPT

11/2/2022

1" = 80'

220531

CHECKED DATE

SCALE

PROJECT

SHEET11 OF11

Item #13

In October 2022, the Town Council placed a six month hold on "exemptions" in the current ordinance that regulates the pace of residential growth in Scarborough. The ordinance, known as the Growth Management Ordinance (GMO) contains a section that addresses exemption to the permit process for specific purposes or projects. The Town Council has begun reviewing and updating the ordinance to address concerns about the GMO process and to ensure consistency with the 2021 Comprehensive Plan. As part of the deliberation and outreach process, Council is asking Town Boards and Committees for feedback on a range of development issues, and how the pace of residential growth impacts the work each group does in the community.