



**TOWN OF BRUNSWICK**

**PLANNING BOARD**

85 UNION STREET  
BRUNSWICK, ME 04011

**PLANNING BOARD  
-REVISED AGENDA-  
BRUNSWICK TOWN HALL  
85 UNION STREET  
COUNCIL CHAMBERS  
TUESDAY, April 26, 2016, 7:00 P.M.**

1. **Case # 16-012 – Churchill Woods Condominiums:** The Planning Board will review and take action on a **combined Sketch/Final Major Development Site Plan Reapproval** application submitted by Churchill, LLC, for phased construction of 16 residential units; located off of McKeen Street (Assessor's Map U28, Lot 196), in the R4 Meredith Drive – West McKeen Street Zoning District.
  
1. **WORKSHOP:** The Planning Board will review a proposal submitted by Sitelines, PA, the authorized representatives of All Saints Parish, for the proposed development of a 14,685 square foot events center, and a 13,167 square foot building on the St. John's Church property located on Pleasant Street within the **Inner Pleasant Street (TR1) Zoning District, and the Intown Railroad Corridor (MU2) Zoning District (Map U16, Lots 47 & 48).**
  
2. **WORKSHOP:** The Planning Board will hold a workshop to review the Maine Department of Environmental Protection (DEP) Rule, Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances (06-096, Ch. 1000), and offer comment regarding an amendment to Brunswick's Zoning Ordinance for filling and earthmoving activities within the Natural Resource Protection Zone (NRPZ).
  
3. **Zoning Ordinance Rewrite Committee (ZORC) Update**
  
4. **Approval of Minutes**
  
5. **Other Business**
  
6. **Adjourn**

This agenda is mailed to owners of property within 200 feet of the above referenced development proposals as well as others upon request. It is the practice of the Planning Board to allow public comment on development review applications and all are invited to attend and participate.

Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TTY 725-5521. This meeting will be televised.

**DRAFT Findings of Fact  
Major Development Review  
Final Site & Condominium Subdivision Plan  
April 26, 2016**

**Project Name:** Churchill Woods Condominiums

**Case Number:** 16-012

**Zoning:** R4 (Meredith Drive – West McKeen Street Neighborhood)

**Tax Map:** Map U-28 Lot 196

**Applicant:** Churchill LLC  
141 Pleasant Street  
Brunswick, Maine 04011

**Authorized Representative:** Curt Neufeld, P.E.  
Sitelines, P.A.  
8 Cumberland Street  
Brunswick, Maine 04011

*Staff reviewed the application and has made a determination of completeness*

**PROJECT SUMMARY**

Staff review is based on the following application materials submitted by Sitelines P.A., Inc.:

- Final Plan application packet, including a cover letter dated March 29, 2016.
- A Wetland Investigations Letter from Steve Walker of Woodlot Alternatives, Inc., dated October 26, 1998.
- Brunswick Planning Board Meeting Minutes from September 5, 2006, and April 8, 2014.
- A letter from Jeffrey Ward, Chair of the Recreation Commission, regarding the Recreation Fee, dated October 19, 2006.
- A recorded copy of the Declaration of Condominium of Churchill Woods.
- Sheet 1 entitled “Cover Sheet”, dated November 15, 2006, and revised most recently on March 29, 2016;
- Sheet 2 entitled “Existing Conditions Plan”, dated November 10, 2006, and revised most recently on March 29, 2016;
- Sheet 3 entitled “Condominium Plan”, dated August 3, 2006, and revised most recently on March 29, 2016;
- Sheet 4 entitled “Site Development Plan”, dated August 3, 2006, and revised most recently on March 29, 2016;
- Sheet 5 entitled “Utility Plan”, dated March 17, 2014, and revised most recently on March 29, 2016;
- Sheet 6 entitled “Grading and Drainage and Erosion Control Plan”, dated August 3, 2006,

- and revised most recently on March 29, 2016;
- Sheet 7 entitled “Road Plan and Profile”, dated August 3, 2006, and revised most recently on March 29, 2016;
  - Sheet 8 entitled “Erosion Control Notes”, dated September 22, 2006, and revised most recently on March 29, 2016;
  - Sheet 9 entitled “Construction Details”, dated September 22, 2006, and revised most recently on March 29, 2016;
  - Sheet 10 entitled “Landscape / Buffer Plan”, dated October 25, 2006, and revised most recently on March 18, 2014;

This plan was previously reviewed and approved by the Planning Board on September 5, 2006, and reapproved on April 8, 2014. The site and condominium subdivision plan is for the development of a 16-unit condominium project off McKeen Street (Map U28 Lot 196). The lot is a 5.78 acre undeveloped parcel that was part of a larger parcel that received subdivision approval from the Town for four single-family lots along McKeen Street. The property is in the Residential 4 (R4) Zoning District where the maximum density is five units per acre. The Churchill Woods Condominium development will consist of sixteen detached single-family condominium units. Access for the new development will be from a new private dead end loop road off McKeen Street and will be connected to Country Lane via a pedestrian easement. A thru street will not be constructed. The project will be constructed in three phases, with the Phase I consisting of three units along Country Lane with each unit having its own separate driveway entrance on Country Lane. Phase 2 will include units 4-8, and Phase 3 would include units 9-16. Phase 4 has been shown as possible future development, should the zoning for the R4 District be amended to permit an increased limit in impervious area coverage. The interior road servicing the condominium project would be extended in accordance with the construction schedules of Phases 2 and 3.

One of the main issues that arose during the 2006 review and approval was construction of a thru-street connecting McKeen Street to Country Lane. During those discussions the Board heard sustained opposition against approval of this road from homeowners on Country Lane and Hennessey Avenue, who all felt the road was neither desirable nor necessary. After considerable discussion, the consensus of the Board was that the condominium development could work as a dead end loop road with a bicycle and pedestrian connection to Country Lane, in accordance with Section 511.3. This section of the Ordinance allows for pedestrian and bicycle connections to satisfy the requirement for neighborhood interconnections. The proposed 1,100 lineal foot loop road will be maintained by the condominium association.

Overall, the applicant has submitted the identical 2006 approved plans. The applicant is seeking reapproval of the DEP Stormwater Permit concurrently with the requested reapproval of the site plan.

The applicant has requested the following waivers, per Section 410:

1. Waiver for the requirement to show all trees over 10 inches in diameter, per Section 412.2.B.17. *Staff agrees with the applicant and supports this waiver since a substantial portion of the lot will be cleared for development (the area within the circle formed by the loop road will be left in its natural state; clearing limits will be marked on-site).*

2. Waiver for the requirement to show cross section and profiles of existing roads, per Section 412.2.B.8. *Staff supports this waiver. No changes are planned for existing roads and the applicant has provided spot elevations of pavement at connection points and the horizontal and vertical location of all utility connections. Profiles of the new subdivision road and utilities are provided).*

## **Review Standards from Section 411 of Brunswick Zoning Ordinance**

### **411.1 Ordinance Provisions**

The application is for the development of a 16-unit condominium project, consisting of sixteen detached single-family units. The parcel is in the Residential 4 (R4) zone, which permits up to five units per acre. The applicant has provided a net site area calculation of 5.78 acres, which would allow for up to twenty-eight residential condominium units on this property. The Churchill Woods Condominium development will consist of sixteen detached single-family condominium units; or 2.3 units per acre. The plan shows a building envelope, showing that there will be no structures closer than 20 feet from any property boundary.

The overall impervious area for this project is based on development of sixteen condominium units with garages and decks, associated driveways, walkways and the new street, for a total of 32.9% impervious area coverage. The development comes close to reaching the maximum impervious area allowed in the R4 Zone because the sixteen housing units are single-story detached units. More housing units might be allowed if some or all of the units were two-story, resulting in smaller footprints for those units. The developer has opted for the one-story detached units, which results in fewer housing units overall. Note: The difference in the stated impervious area coverage in the stormwater management plan and what is shown on the plan is related to four additional units that might be built in the future. These four units could not be built now because of limitations in impervious area coverage allowed. The final plan still shows these units. Prior to signing the recording plan, the four units (Phase 4) will need to be removed from the plan. The area on the plan will need a note stating that the area is to remain in its natural state until a future Phase 4 is approved by the Town of Brunswick Planning Board. No cutting will be allowed in this area. The future build-out to 20 units could only be applied for if the zoning ordinance is amended to allow greater impervious area, as the R4 Zone currently allows for a maximum of 35% impervious area. *The Board finds the provisions of section 411.1 are satisfied, with a condition that, prior to issuance of a Building Permit, the final plan shall be revised to show that areas/phases shown for future development (including Phase 4) are to remain in their natural vegetative state until respective Building Permits are issued.*

### **411.2 Preservation of Natural Features**

There are no significant natural features identified on this parcel. It is a predominantly wooded site adjacent to a medium-high density residential neighborhood. Development of the subdivision will require the removal of all trees on the property, except for the area enclosed within the loop of the road. This area is reserved for future development (Phase 4) and will remain in its natural state in the current development. Site clearing for the development shall be limited to the specific areas required for individual phases of the project; areas for subsequent phases shall be left in a natural state until such time as the site work for that phase commences, which shall not occur

until building permits have been issued. A deed covenant was put in place when the parcel was sold by the developer of the adjacent McKeen Woods Condominiums that required a buffer to be planted along the boundary between the two parcels. The developer of Churchill Woods has recently planted a double row of mixed varieties of trees; a third row will be planted when Phase 3 is developed. The buffer is shown on the landscaping plan. Town Arborist Peter Baecher has reviewed the plan and concurs that the quantity, types, sizes and location of plantings are acceptable. *The Board finds the provisions of section 411.2 are satisfied; with the condition that, prior to issuance of a Building Permit, the final plan shall be revised to show that areas/phases shown for future development (including Phase 4) are to remain in their natural vegetative state until respective Building Permits are issued.*

### **411.3 Surface Waters, Wetlands, and Marine Resources**

A wetland investigation was conducted in 1998, which found no wetlands or areas of saturated soil conditions on the site. There are no other areas of special natural resources or marine resources on the site. Abutting properties to the south, along the north side of McKeen Street have identified problems with basement flooding. This issue is discussed below under stormwater management in Section 411.5. *The Board finds the provisions of section 411.3 are satisfied.*

### **411.4 Flood Hazard Area**

The development is not within a flood hazard area and will not impose any risk of flooding. *The Board finds the provisions of section 411.4 are satisfied.*

### **411.5 Stormwater Management**

A copy of the approved Findings of Fact and Order from the Maine DEP regarding the Stormwater Permit application, dated March 29, 2007, was included with the previous application. The applicant was seeking reapproval of the DEP Stormwater Permit concurrently with the requested reapproval of the site plan in 2014. This was listed as a condition of approval in 2014, and remains a condition of approval herein. The sixteen-unit development will result in approximately 1.9 acres of disturbed area (building footprints/driveways/walkways/roads). Most of the remaining land will be landscaped for lawns and buffers. The stormwater management plan included the build-out of four additional units (for a total of 20). Abutting property owners along McKeen Street have indicated that there is a problem with runoff on their properties. Discussions with the neighbors, the developer and Town staff indicated that the problem is mostly groundwater infiltration causing flooding in the basement of these homes. The applicant's stormwater management plan would alleviate some of this. *The Board finds the provisions of section 411.5 are satisfied; with the condition that, prior to obtaining building permits for Phases 2 and 3, the stormwater management plan is approved by the Town Engineer and that the Chapter 500 Stormwater Permit is reapproved by the Maine DEP.*

### **411.6 Groundwater**

The development is not located over any mapped groundwater aquifers in Brunswick. The project will be served by public sewer and water. A geotechnical survey has been submitted for this development. The survey indicates that groundwater conditions will not be adversely affected by this development, and the soil conditions are suitable for the building foundations. An identified problem with groundwater infiltration for the abutting McKeen Street homes will

be dealt with in the stormwater management plan (See Finding 411.5 above.). The Board finds that the development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater. *The Board finds the provisions of section 411.6 are satisfied.*

#### **411.7 Erosion and Sedimentation**

The applicant submitted an erosion and sedimentation control plan for the development, which was previously approved by the Town Engineer. Best Management Practices will be employed so as to not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results. *The Board finds the provisions of section 411.7 are satisfied.*

#### **411.8 Sewage Disposal**

The development will use public sewer, which will be extended from existing lines in McKeen Street. The three homes on Country Lane will be served by existing utilities in Country Lane. The Brunswick Sewer District approved this project in 2006, and has provided an updated letter confirming capacity to serve the project, and that the project has been designed in accordance with all local, state, and federal requirements. *The Board finds the provisions of section 411.8 are satisfied.*

#### **411.9 Water**

The development will use public water. At the request of the Brunswick-Topsham Water District, the water line will be a new lateral extension from McKeen Street to Country Lane, and will be owned by the water district. The Brunswick-Topsham Water District approved this project in 2006, and has provided an updated letter confirming capacity to serve the project and that the project will have no adverse impacts on existing water supplies. *The Board finds the provisions of section 411.9 are satisfied.*

#### **411.10 Aesthetic, Cultural, and Natural Values**

The development will consist of single-family homes and is consistent with the scale and type that currently exists in this neighborhood. Other nearby housing developments similar to Churchill Woods are: Mallard Pond and Pheasant Run with 34 units each, McKeen Woods with 13 units and Thornton Oaks with 152 units. The development will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, significant wildlife habitat identified by the Maine Department of Environmental Protection or by the Town of Brunswick, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. The development will include a landscaping and buffer plan to replace the aesthetic values of the property. *The Board finds that the provisions of section 411.10 are satisfied; with the condition that, prior to issuance of Building Permit, a revised landscaping plan be submitted to the satisfaction of the Director of Planning and Development and Town Arborist.*

#### **411.11 Community Impact**

The impact on public infrastructure is expected to be at the same level as a typical residential condominium development. The Brunswick Sewer District and the Brunswick-Topsham Water District have approved the project. In 2006 the Town Engineer calculated a per-unit solid waste impact fee of \$258.60 per ton. The total fee for the Solid Waste Impact Fee was \$4,137.60. The Director of Parks and Recreation in 2006 calculated a recreation impact fee of \$29,850.00 for

this project; or \$1,865.62 per unit. *The Board finds that the provisions of section 411.11 are satisfied with the condition that, prior to issuance of Building Permits, an updated Solid Waste Impact Fee is approved by the Director of Public Works, and an updated Recreation Impact Fee is approved by the Recreation Commission, and proof of Impact Fee payments per unit are provided by the applicant.*

#### **411.12 Traffic**

The development proposes to add one new dead end street on an existing curb-cut on McKeen Street. The sixteen-unit condominium development is expected to have relatively minor impact on traffic conditions in the immediate McKeen Street area. A traffic impact analysis was not required for this project and none was requested. There will be no impact on Country Lane, other than for the addition of three single-family units which have individual driveway access on that street. Planning and Development Department staff recommends that a dead end road is acceptable based on input from the Town Engineer, Deputy Fire Chief and Police Commander. Given the above, the proposed development will not cause unreasonable public road congestion or unsafe conditions, and the traffic associated with the development shall maintain level of service within 200 feet of the existing curb-cut. *The Board finds that the provisions of section 411.12 are satisfied.*

#### **411.13 Pedestrian and Bicycle Access and Safety**

The development is located in the growth area, in a predominantly urban setting. The proposed private roadway that will service the project will be 24' wide, and be composed of two 10-foot travel lanes and 4-foot pedestrian/bicycle lane. There is also a proposed 8-foot wide pedestrian/bicycle path linking the internal loop road and Country Lane, and which is shown within a 20-foot wide utility easement, in the northwest corner between units 1 & 13 on the west and units 2 & 14 on the east. A public access easement – within the utility easement - will need to be provided to allow pedestrians to cross from Country Lane to McKeen Street. The new subdivision road will be a dead end loop road that will carry only local traffic related to the sixteen homes in the development. Due to the relatively low level of traffic expected on the new street with dirt shoulders, and a pedestrian/bicycle path to Country Lane, no additional pedestrian and bicycle amenities are needed. The development will connect into the pedestrian and bicycle routes (i.e. sidewalks and bike lanes) on McKeen Street. *The Board finds that the provisions of section 411.13 are satisfied, with the conditions that 1) a public access easement be added to the plan to allow public pedestrian access over the pedestrian path and internal street, and 2) a detail is provided for the proposed public path.*

#### **411.14 Development Patterns**

As noted in Section 411.10 above, the condominium development will consist of single-family detached homes and is consistent with the scale and type that currently exists in this neighborhood. Other nearby housing developments similar to Churchill Woods a: Mallard Pond and Pheasant Run with 34 units each, McKeen Woods with 13 units and Thornton Oaks with 152 units. The Board finds that the street interconnection with Country Lane would result in the disruption of community character and that the pedestrian and bicycle connections satisfy the requirements of Section 511.3. *The Board finds that the provisions of section 411.14 are satisfied.*

#### **411.15 Architectural Compatibility**

The applicant has submitted elevations for four different house styles that will be available to prospective buyers. Each will be a contemporary single-story home with attached garage. The single-family style homes will likely have similar styles as those in the surrounding urban area. *The Board finds that the provisions of section 411.15 are satisfied.*

#### **411.16 Municipal Solid Waste Disposal**

As noted in Section 411.11 above, the Town Engineer in 2006 calculated a Solid Waste impact fee of \$4,137.60 (\$258.60 per unit). *The Board finds that the provisions of section 411.16 are satisfied with the condition that, prior to issuance of Building Permits, an updated Solid Waste Impact Fee is approved by the Director of Public Works, and proof of payment per unit is provided by the applicant.*

#### **411.17 Recreation Needs**

The condominium development does not set aside any land for open space or recreation. In 2006 the Director of Parks and Recreation calculated a recreation impact fee of \$29,850.00 (\$1,865.62 per unit). *The Board finds the provisions of section 411.17 are satisfied with the condition that, prior to issuance of Building Permits, an updated a Recreation Impact Fee is approved by the Director of Parks & Recreation and/or Recreation Commission, and proof of payment per unit is provided by the applicant.*

#### **411.18 Access for Persons with Disabilities**

The development is for single-family homes on private owned association land and does not need to comply with the standards of the Americans with Disabilities Act. *The Board finds the provisions of section 411.18 are satisfied.*

#### **411.19 Financial Capacity and Maintenance**

The development will require a performance guarantee for the public or common area improvements in Phases 2 and 3, including but not limited to the road construction, pedestrian path, erosion and sedimentation controls, fire protection, and stormwater infrastructure. Phase 1 does not include common or public infrastructure improvements and does not need to have a performance guarantee. Security for the completion of infrastructure related to sewer and water are administered by the Sewer and Water Districts and are not part of the Town's performance guarantee. *The Board finds that the provisions of section 411.19 are satisfied, with the condition that, prior to issuance of Building Permits for respective phases, the developer shall provide the Town with a performance guarantee for Phases 2 and 3.*

#### **411.20 Noise and Dust**

During construction, the demolition and construction work will be done in consideration of reasonable times and decibel levels, and in accordance with the Section 109 of the Brunswick Zoning Ordinance. Best Management Practices will be used in order to prevent dust migration during demolition and construction. Upon project completion, the proposed development is not anticipated to contribute to unreasonable noise or dust. *The Board finds that the provisions of section 411.20 are satisfied.*

**411.21 Right, Title, and Interest**

The applicant has submitted deeds for the property. *The Board finds the provisions of section 411.21 are satisfied.*

**411.22 Payment of Application Fee**

The final plan reapproval application fees have been paid. *The Board finds the provisions of section 411.22 are satisfied.*

**DRAFT MOTIONS  
CHURCHILL WOODS CONDOMINIUMS  
CASE NUMBER: 16-012**

**Motion 1:** That the Major Development Review Final Site and Condominium Subdivision Plan application is deemed complete.

**Motion 2:** That the Board waives the following requirements:

1. Section 412.2.B.17: Waiver for the requirement to show all trees over 10 inches in diameter.
2. Section 412.2.B.8: Waiver for the requirement to show cross section and profiles of existing roads.

**Motion 3:** That the Major Development Review Final Site Plan is reapproved with the following conditions:

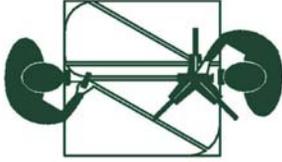
1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, its representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require review and approval in accordance with the Brunswick Zoning Ordinance.
2. That, prior to issuance of Building Permits for Phases 2 & 3, the developer shall provide the Town with a performance guarantee, as required under Section 411.19, to be approved by the Town Engineer.
3. That, prior to issuance of Building Permits, the developer shall provide a public access easement to allow access between Country Lane and the internal loop road.
4. That, prior to issuance of Building Permits, the final plan shall provide a detail of the proposed pedestrian/bicycle path.

5. That, prior to issuance of Building Permits, the stormwater management plan is approved by the Town Engineer and that the Maine D.E.P. Chapter 500 Stormwater Permit is reapproved.
6. That, prior to issuance of Building Permits, an updated Solid Waste Impact Fee is approved by the Director of Public Works, and proof of payment per unit is provided by the applicant.
7. That, prior to issuance of Building Permits, an updated Recreation Impact Fee is approved by the Director of Parks & Recreation and/or Recreation Commission, and proof of payment per unit is provided by the applicant.
8. That, prior to issuance of Building Permits, a revised landscaping plan shall be submitted to the satisfaction of the Director of Planning and Development. This plan shall show site clearing for the development limited to the specific areas required for individual phases of the project; areas for future development are to be left in a natural state until such time as the site work for individual phases commences, which shall not occur until building permits have been issued for the individual phases. No new phase shall begin until landscaping and construction cleanup from the previous phase has been completed, to the satisfaction of the Director of Planning and Development.
9. That, prior to issuance of a Building Permit, the final plan shall include a phasing schedule on the cover sheet to include projected start dates for Phases 2 & 3.

*\* Please note that Development Review Site Plan approvals by the Planning Board shall expire at the end of two years after the date of final approval unless all construction has been completed by that date (Section 407.4.B of the Brunswick Zoning Ordinance).*

*\* All Subdivisions for which Final Plan approval has been granted, and any conditions that have been imposed by the Planning Board for the subdivision or final plan shall be filed in the Cumberland County Registry of Deeds by the applicant. If the applicant fails to record the subdivision plan within 60 days after Development Plan approval by the Planning Board, the approval shall expire. No building permits associated with a subdivision shall be issued unless evidence of all recording requirements is provided by the applicant to the Codes Enforcement Officer.*

*\* If applicable, subdivision approvals by the Planning Board shall expire at the end of five years after the date of Final Plan approval unless all infrastructure work associated with the development is completed (Section 407.4.C of the Brunswick Zoning Ordinance).*



March 29, 2016

1263-7

Mr. Jared Woolston, Town Planner  
Town of Brunswick  
85 Union Street  
Brunswick, Maine 04011

**Re: Major Development Review Final Application  
Churchill Woods Condominiums  
Tax Map U-28, Lot 196**

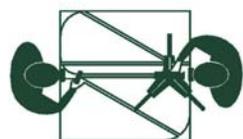
Dear Jared:

Enclosed please find the Major Development Review Final Plan Application Form, Final Site Plan, Condominium Plan, Road Plan & Profile, and supporting information for the proposed Churchill Woods residential condominium project to be developed on a 5.78 acre property located on the northerly side of McKeen Street in R4 (Merridith Drive – West McKeen Street Neighborhood) Zoning District. Churchill Woods is proposed as a phased residential community with a total of 16 residential units planned. The phasing is shown on the subdivision plan. The project was previously approved on September 5, 2006. Due to economic conditions affecting the housing market, the project was not completed and the approvals have expired. Please note that Unit 1 was conveyed under those previous approvals and the Condominium Declarations were executed and recorded, and remain in effect.

**Approvals**

Chris Cole, on behalf of Churchill, LLC, proposes to regain approval of all phases of the multiple phased project. Phase 1 will not exceed one acre of impervious area. Phases 2 and 3 have already received their approvals through the Maine Department of Environmental Protection (MDEP).

As a result of our experience with phased projects such as this, which may be constructed over an extended period of time, we expect that the individual unit locations and footprints may be modified based on market forces and customer preferences. As such, we desire to maintain some fluidity in the location and orientation of units without having to return to the Planning Board for further approvals.



### **Development Plan**

The 5.78 acre site is located within a developed residential district that primarily consists of single-family homes. Churchill Woods will provide an infill of housing within areas of existing residential use, thereby reducing sprawl and minimizing the creation of new infrastructure and stretching Town resources. The development is consistent with the Town of Brunswick's pending comprehensive plan and zoning as to where housing should be built within the community.

Churchill Woods is well placed in proximity to schools, Bowdoin College, churches and medical buildings for service and employment, as well as the downtown areas. Most are considered within walking distance and all are considered to be within bicycling distance.

### **Zoning**

The parcel is located on the northerly side of McKeen Street in R4 (Merridith Drive-West McKeen St. Neighborhood) Zoning District, in which single, two-family and dwellings with 3 or more units are all permitted uses. All units will meet or exceed the dimensional and density requirements set forth in section 203.2 of the Brunswick Zoning Ordinance. Net site area and density computations are shown on the Condominium Plan.

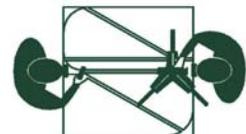
### **Road and Utilities**

The proposed private roadway, Foliage Lane, will serve the project will feature approximately 1,100 lineal feet of pavement at 24' wide. This roadway will be composed of two 10-foot travel lanes and a 4-foot pedestrian/bicycle lane. The core utilities, which include the private extension of the municipal water system and private extension of the sewer system, will be placed within the traveled-way, with water and sewer typically placed under the paved section. The underground electrical, telephone, and cable will be extended from existing utility poles in the McKeen Street ROW and will be placed in the grass area along the proposed roadway. Natural gas service will be extended from McKeen Street under the lawn areas behind each unit. Three of the proposed units will front Country Lane, and utilities for these units will come from Country Lane.

### **Waivers**

The following waivers are requested:

- Profile of Existing Roads – Existing roads are shown on the plans. No changes are proposed to existing roads. We have provided spot elevations of the pavement at connection points and the horizontal and vertical location of all utility connections. A profile of the proposed road and utilities is also provided.
- Location of all trees over 10 inches diameter – The site is a wooded site with a significant numbers of trees. Clearing limits are shown on the plans; everything within the clearing



limits will be removed, everything outside will be preserved with the exception of any dead or dying trees. Landscaping is planned to enhance the project buffers as required.

## **Review Standards**

To facilitate your review of our proposal, the following issues are summarized in accordance with *CHAPTER 5: DEVELOPMENT REVIEW PLAN STANDARDS* of the Ordinance.

### ***501 PRESERVATION OF NATURAL FEATURES AND NET SITE AREA:***

A perimeter of existing woody vegetation will be retained around the project to define the boundary with abutting neighborhoods and to protect the privacy between neighbors. Where necessary, supplemental plantings may be used to enhance the natural buffer.

A twenty-five foot wooded buffer will be maintained along the northeast property line, as specified in the deed (see attached). In lieu of a formal buffer planting that was presented at a neighborhood meeting for this project, the buffer will consist of a more natural planting, made up of both coniferous and deciduous species consistent with existing vegetation on the site. The planting were completed after the construction of Unit 1 in 2007.

See the Condominium Plan for the Net Site Area and density computations.

### ***502 FLOOD HAZARD AREA:***

The site is located within Zone C, designated as “areas of minimal flooding” on the Flood Insurance Rate Map (FIRM) for the Town of Brunswick. An excerpt of the applicable FIRM is included in the Stormwater Management plan enclosed with this submittal.

### ***503 STEEP SLOPES AND EMBANKMENTS.***

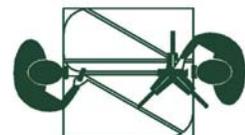
There are no steep slopes or embankments on this site.

### ***504 STORM WATER MANAGEMENT:***

The site is very flat and is currently wooded. The site generally drains to low areas within the parcel boundaries and infiltrates. In keeping with the existing drainage patterns, runoff from the developed parcel will be collected and directed to improved infiltration basins. A detailed analysis will be included in the stormwater management plan submitted for the Final Application and to DEP.

### ***505 GROUNDWATER:***

Summit Geoenvironmental Services, as part of its geotechnical investigation performed in 1999, encountered groundwater at eight to nine feet below existing ground and levels are not anticipated to rise above proposed foundation footing depths. Unit basements will be placed at or above the seasonal high water table and, per MDEP requirements, stormwater treatment and storage will occur above the high water table to prevent the introduction of contaminants into the



groundwater. Foundation perimeter drains will protect the structures from groundwater seepage. The project will be serviced by public water and sewer services, providing further protection to the groundwater. A copy of the geotechnical report is attached.

*506 EROSION AND SEDIMENTATION:*

Siltation barriers will be installed along the downhill edges of all disturbed areas. The contractor will follow Best Management Practices as outlined in the "Maine Erosion and Sediment Control Handbook for Construction" issued by the Cumberland County Soil Water Conservation District and the MDEP.

*507 SEWAGE DISPOSAL:*

Sewage Disposal for Phase 1 will be provided by connections to the sewer main on Country Lane. Phases 2 and 3 will have individual services connected to a private extension of the public sewer main in McKeen Street. The Brunswick Sewer District has indicated that it has capacity to serve the complete project (20 units). Correspondence from the Sewer District is enclosed.

*508 WATER SYSTEM:*

Water service will be provided by a new private 8-inch main extension from the existing 10-inch main in McKeen Street. This extension will also connect to the 8-inch main on Country Lane to provide a second feed to the development. Each unit will be individually serviced from the new 8-inch main extension. The Brunswick & Topsham Water District has indicated that it has capacity to serve the project. Correspondence from the Water District is enclosed.

*509 COMMUNITY FACILITIES IMPACT ANALYSIS:*

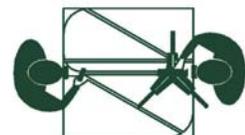
The target demographic for the proposed condominiums is aging "baby boomers" with no children. As such, impacts to schools and recreation is anticipated to be minimal, while impacts on other public services such as police, fire and public works would be what are regularly associated with a residential development.

Solid waste from individual units will be collected by the Town's curb side collection service.

Neighborhood delivery and collection mail boxes will be located at the entrance to the development off of McKeen Street, with final locations coordinated with the local Post Master.

*510 DEVELOPMENT IMPACT FEES:*

The Solid Waste Impact Fee is calculated at a rate of \$258.56 per ton for each of the 20 new housing units. The Sewage Connection Fee was calculated at a rate of \$1,178.00 per each new housing unit. Prior to the issuance of building permits for each Phase, the corresponding impact fees must be paid\*. Please see table below.



<b>Phase</b>	<b>New Units</b>	<b>Solid Waste Impact Fee \$258.56 per Unit</b>	<b>Sewage Connection Fee \$1178 per Unit</b>
<b>1</b>	2	\$517.12	\$2,356.00
<b>2</b>	5	\$1,292.80	\$5,890.00
<b>3</b>	8	\$2,068.48	\$9,424.00
<b>Total</b>	15	\$3,878.40	\$17,670.00

\*Please note that Unit 1 has been conveyed and the impact fees paid.

Recreation Impact fees are addressed in Section 519.

**511 DEVELOPMENT OF NEW STREETS:**

No new public streets are planned. The proposed private drive planned will be a 24-foot wide roadway consisting of two 10-foot travel lanes and a 4-foot pedestrian and bicycle lane. The core public utilities will be placed within the traveled way, with water and sewer placed under the paved section and the underground electrical and communications placed in the grassed shoulder.

**512 OFF STREET PARKING:**

Off street parking averages 4 spaces per unit with garages and driveways considered. We also propose that on street parking be limited by signage to one side only along the private roadway.

**513 CURB CUTS:**

An existing curb cut will be utilized on the northerly side of McKeen Street for utilities and roadway extensions. No new roadway curb cuts will be created on Country Lane. However, units 1, 2 & 3 will have driveways accessing Country Lane.

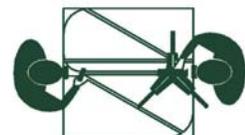
**514 OFF STREET LOADING:**

There are no requirements for off street loading associated with this project.

**515 APPEARANCE ASSESSMENT:**

The plan reflects the project's integration with the site and the surrounding area. Churchill Woods has distinct boundaries that provide a neighborhood identity. A subtle entrance from McKeen Street is planned. The houses along Country Lane are similar in appearance and spacing to those existing in the neighborhood.

Site lighting will be accomplished by the use individual residential lamps placed in front of each unit.



*516 BUILDING CONFIGURATION:*

The buildings and streets are arranged in a circular pattern. All front doors are visible from either the proposed private roadway or Country Lane. All dwellings are expected to have a deck and small lawn area for outdoor living.

The four styles of single family homes proposed are similar in character to many in the surrounding neighborhoods. Exposed eaves, shingle and clapboard siding and double-hung windows will enhance the appeal of ranch and executive style homes. Typical floor plans and elevations are enclosed for your review.

*517 PRESERVATION OF HISTORIC RESOURCES:*

There are no historic resources associated with this project.

*518 ACCESS FOR PERSONS WITH DISABILITIES:*

Units can be modified for accessibility, if required. All grades and slopes will be accessible to those with disabilities.

*519 RECREATIONAL REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS:*

The Recreation Commission met on October 18, 2006 to discuss this project. With regard to recreation and open space, the developer has proposed, and the commission has approved, that a fee in lieu of open space be paid, with an estimated fee of \$29,850.00 to be prorated and paid as building permits are issued. Correspondence from the Recreation Commission is included with this submission.

*520 FISCAL CAPACITY:*

Financing for Phases 2 and 3 will be obtained from the sale of units in Phase 1.

*521 PERFORMANCE GUARANTEE:*

Minor improvements are anticipated within public right-of-way for utility concerns. A guarantee is not anticipated, but can be submitted if deemed necessary.

*522 HOME OWNERS/PROPERTY OWNERS ASSOCIATION:*

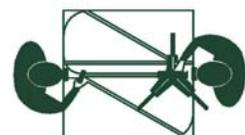
A copy of the Condominium Declaration has been provided to the Planner.

*523 PROTECTED CONSERVATION LAND:*

There is no protected conservation land associated with the subdivision.

*524 NOISE AND DUST:*

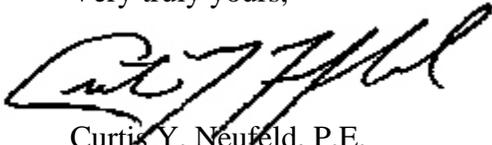
Appropriate measures will be taken to control noise and dust during construction. The contractor will comply with the standard hours of construction per the Ordinance. Upon completion, we would not expect any concerns with regard to noise or dust.



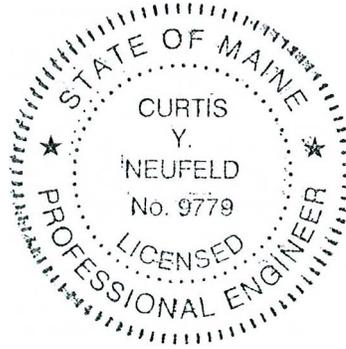
Mr. Jared Woolston  
Churchill Woods  
3/29/16  
Page 7 of 7

We look forward to meeting with you and the Board at their next available meeting to review the Project and gain their approval. Should you have any questions, please call.

Very truly yours,

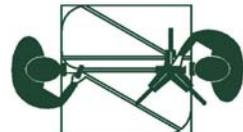


Curtis Y. Neufeld, P.E.  
Vice President



Enclosure

cc: Chris Cole, Churchill, LLC  
Tom Cole



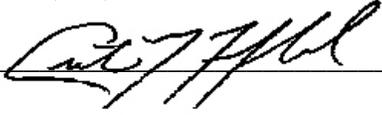
**MAJOR DEVELOPMENT REVIEW  
FINAL PLAN APPLICATION FORM**

1. Project Name: Churchill Woods Condominiums

2. Project Applicant:

Name: Churchill LLC  
c/o Ms. Chris Cole  
Address: 7 Lantern Lane  
Windham, ME 04062

Phone Number: (207) 504-7907

3. Applicant Signature:  (Agent)

4. Authorized Representative:

Name: Curtis Y. Neufeld, P.E.  
Sitelines, PA  
Address: 8 Cumberland Street  
Brunswick, ME 04011

Phone Number: (207) 725-1200

5. List of Design Consultants. Indicate the registration number, address and phone number of any engineer, surveyor, architect, landscape architect or planner used:

1. Engineering & Planning: Sitelines, PA – Curtis Y. Neufeld, PE
2. Land Surveying: Sitelines, PA – Bruce Martinson, PLS
3. Landscape: F. A. Cushing, RLA

6. Indicate the interest of the applicant in the property and abutting property. For example, is the applicant the owner of the property and abutting property? If no, who owns the property subject to this application?

Owner of record  
Book 24799 Page 19

7. What is the tax map and lot numbers of the property subject to this application?

Map U28 Lot 196

Required Attachments (by Applicant):

- Final Plan Check List
- Final Plan Check List Addendum for Open Space Developments (if applicable)
- Request for Waivers (if applicable)
- Required Copies of Final Plan

Required Attachment (by Planning and Development Department):

- Listing of all owners of property within 200 foot radius of property under review.

**FINAL PLAN REQUIREMENTS**

**Key: "O" = omit; "S"=submit; "NA"=not applicable; "W" = waiver P=pending**

Item	O	S	NA	W	P	Comments
Name of Development		✓				
Scale, date, north point, area, number of lots (if subdivision)		✓				See Attached Condominium Plan.
Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments property identified as existing or proposed.		✓				See Attached Condominium Plan.
Certification by a professional land surveyor that the land has been surveyed and the boundaries established in accordance with the State of Maine Board of Licensure for Professional Surveyors standards for Category 1 (Standard Boundary Survey), conditions 1, 2, or 3.		✓				
Existing zoning district and overlay designation.		✓				
Names of engineer and surveyor; and professional registration numbers of those who prepared the plan.		✓				
Names of current owner(s) of subject parcel and abutting parcels.		✓				See Attached Condominium Plan.
Name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of 1" equals 50' and vertical scale of 1 inch equals 5 feet, with all elevations referred to in U.S.G.S. datum.		✓		✓		Waiver Requested for Profiles of Existing Streets. Profiles for proposed street provided
A general road plan noting circulation, direction, traffic control devices, street lighting and type of lighting proposed.		✓				
Existing and proposed easements associated with the development.		✓				
Kind, location, profile and cross-section of all proposed drainage facilities, both within the development and outside of it, and a storm-water management plan which includes the submission requirements listed in the storm-water management checklist available in the Planning Department.		✓				
Location of features, natural and artificial, such as water bodies, wetlands, streams, vegetation, railroads, ditches and buildings.		✓				

Item	O	S	NA	W	P	Comments
Location of existing and proposed utilities; water, sewer, electrical lines, and profiles of underground facilities. Tentative locations of any private wells.		✓				
Existing and proposed location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability.		✓				
Topography with counter intervals of not more than 2 feet.		✓				
A Class A (high intensity) Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists.		✓				
Location of all existing trees over 10 inches in diameter, locations of tree stands, and a plan showing all trees to removed as a result of the development proposal.				✓		Waiver Requested for Location of All Trees Over 10" Diameter.
Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site.		✓				
Existing locations and proposed locations, widths and profiles of sidewalks.		✓				
Location map.		✓				
Approximate locations and dimensions of proposed parking areas.		✓				
Proposed ownership and approximate location and dimensions of open spaces for conservation and recreation.			✓			
Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization.		✓				
Reference to special conditions stipulated by the Planning Board, with conditions either set forth in full or on the plan or identified as specific documents filed with the Board.					✓	
A wetlands map drawn by a specialist delineating wetland boundaries in accordance with the methods prescribed by the US Army Corps of Engineers.			✓			No wetlands on the parcel
Dedicated public open specs, areas protected by conservation easements, and existing and proposed open spaces or recreation areas.			✓			

Item	O	S	NA	W	P	Comments
For Open Space Development, a note indicating the total permitted lot count of the entire land tract based upon the destiny standards in this Ordinance, the number of lots created by the Plan, and the number of lots permitted to be subdivided in the future, as well as a table showing setback requirements and impervious surface coverage limits for each lot.			✓			
Building envelopes showing acceptable locations for principal and accessory structures.		✓				

### FINAL PLAN/SUPPORTING DOCUMENTS

Key: "O" = omit; "S"=submit; "NA"=not applicable; "W" = waiver P=pending

Item	O	S	NA	W	P	Comments
Documentation of Ownership or contract.		✓				
Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners association declarations and by-laws, and such other agreements or documents as are necessary to show the manner in which conservation land will be owned, maintained, and protected.		✓				
Draft performance guarantee or conditional agreement.					✓	
Disclosure of any required permits from the Department of Environmental Protection, Marine Resources, US Army Corps of Engineers, Department of Inland Fisheries and Wildlife, or other agencies, as applicable; or, if a permit has already been granted, a copy of that permit.		✓				MDEP Stormwater Permit required.
Any additional studies required by the Planning Board which are deemed necessary in accordance with this Ordinance.					✓	
Storm water management program for the proposed project prepared by a professional engineer.		✓				
A storm water management checklist prepared by the Cumberland County Soil and Water Conservation District, made available at the Brunswick Department of Planning and Development.			✓			

Item	O	S	NA	W	P	Comments
An erosion and sedimentation control checklist prepared by the Cumberland County Soil and Water Conservation District.			✓			
A statement from the Brunswick-Topsham Water District of conditions under which water will be provided.		✓				
A statement from the Brunswick-Topsham Water District of its review and comments on the proposed use if the project involves development within the Aquifer Protection Zone.			✓			Project is not located with the APZ.
A Statement from the Fire Chief recommending the number, size, and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken.					✓	
A statement from the Superintendent of the Brunswick Sewer District of the conditions under which the Sewer District will provide sewerage disposal service and approval of the sanitary sewers proposed within the development.		✓				
Where a septic system is to be used, evidence of soil suitability.			✓			
All applicable materials necessary for the reviewing entity to review the proposal in accordance with the Criteria of <u>Section 411</u> .		✓				
A plan of all buildings with new construction or expansion of an existing facility, including type, size, and footprint, floor layout, setback, elevation of first floor slab, storage, and loading areas.		✓			✓	See Attached Building Plans
An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, and signage.		✓			✓	See Attached Building Plans
A circulation plan describing all pedestrian and vehicle traffic flow on surrounding road systems.		✓				See Attached Condominium Plans
The size and proposed location of water supply and sewage disposal systems.		✓				See Attached Condominium Plans
A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening, the size, location and purpose and type of vegetation.		✓				See Attached Condominium Plans

February 26, 2014

Kevin P. Clark, PLS  
Sitelines P.A.  
8 Cumberland Street  
Brunswick, ME 04011

**RE: Churchill Woods Condominiums  
McKeen Street, Brunswick, Maine  
Tax Map U-28 Lot 196**

Dear Kevin,

This letter will serve as authorization for Sitelines, P.A. to act as agent for Mr. Robert Cole with regard to various land use permitting requirements for the project located on McKeen Street in Brunswick. This will include any submissions to the DEP and the Town.

Very Truly Yours,

Robert Cole 

## WARRANTY DEED

*(Statutory Short Form)*

I, **Robert J. Cole**, of Brunswick, Cumberland County, and State of Maine, for consideration paid, grant to **CHURCHILL, LLC**, a Maine limited liability company with an office in Yarmouth, Cumberland County, and State of Maine, *with Warranty Covenants*, the real estate located at Brunswick, County of Cumberland, and State of Maine, bounded as follows:

A certain lot or parcel of land situated on the northerly sideline of McKean Street, in the Town of Brunswick, County of Cumberland, State of Maine, being more particularly bounded and described as follows:

Beginning at a granite monument found on the northerly sideline of said McKean Street at the southwesterly most corner of land now or formerly of the Maine District Church of Nazarene and recorded at the Cumberland County Registry of Deeds in Book 3118 at Page 280; thence North  $87^{\circ} 47' 17''$  West along the northerly sideline of said McKean Street 140.08 feet to a point that is located 400 feet easterly, as measured along the northerly sideline of said McKean Street, of the southeasterly most corner of land now or formerly of the Roman Catholic Bishop of Portland and registered at the Cumberland County Registry of Deeds in Book 2321 at Page 305; thence North  $2^{\circ} 12' 43''$  East 150 feet to a point; thence North  $87^{\circ} 47' 17''$  West 400 feet to a point on the easterly line of land of said Roman Catholic Bishop of Portland; thence North  $2^{\circ} 12' 43''$  East 495.15 feet to an iron pipe found on the southerly sideline of Country Lane; thence South  $87^{\circ} 59' 17''$  East along the southerly sideline of said Country Lane 168.72 feet to an iron pipe found; thence South  $87^{\circ} 58' 01''$  East along the southerly sideline of said Country Lane 156.96 feet to the northwesterly corner of other land now or formerly of Shelmar Development Corp. and recorded in the Cumberland County Registry of Deeds in Book 9767 at Page 339; thence South  $29^{\circ} 34' 11''$  East along the southwesterly line of land formerly of said Shelmar Development Corp. 407.40 feet to a granite monument found at the northwesterly corner of land of said Maine District Church of Nazarene; thence South  $2^{\circ} 12' 43''$  West along the westerly line of land of said Maine District Church of Nazarene 300 feet to the point of beginning.

Containing 5.78 acres (251,710 square feet).

The above-described premises are conveyed subject to the restriction that a strip of land 25 feet in width, lying southwesterly of the northeasterly boundary of the above-described lot to wit: "thence South  $29^{\circ} 34' 11''$  East along the southwesterly line of land formerly of said Shelmar Development Corp. 407.40 feet to a granite monument found at the northwesterly corner of land of said Maine District Church of Nazarene" be maintained for the sole purpose of providing a visually screened buffer strip between the above-described property and land lying to the northeast. No fence or other structure shall be erected or built within said strip. This restriction shall enure to the benefit of Marilyn Ouellette, Treasurer of Shelmar Development Corp., and upon her death to the owner of the property lying immediately northeast of the above-described strip of land.

This conveyance is subject to the restriction contained in the Warranty Deed from Shelmar

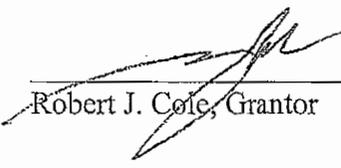
Development Corp. to Robert J. Cole dated March 12, 2002, and recorded in Cumberland County Registry of Deeds in Book 17421, Page 90 as follows:

The Grantee and his successors and assigns shall within one year of the date of this deed plant and maintain evergreen screening within said strip of a sufficient density to provide said visual screening.

These are the same premises conveyed by Warranty Deed of Shelmar Development Corp. to Robert J. Cole dated March 12, 2002, and recorded in Cumberland County Registry of Deeds in Book 17421, Page 90.

WITNESS, my hand and seal this 24<sup>th</sup> day of January, 2007.

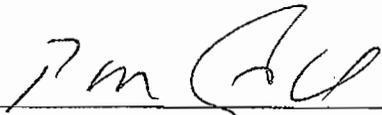
Witness 

  
Robert J. Cole, Grantor

STATE OF MAINE  
Cumberland, ss.

January 24, 2007

Then personally appeared before me the above-named Robert J. Cole and acknowledged the foregoing instrument to be his free act and deed.

  
Notary Public/Attorney-at-Law  
PAUL R. POTSHAMM  
Bar # 289

Received  
Recorded Register of Deeds  
Jan 30, 2007 09:41:35A  
Cumberland County  
Pamela E. Lovley

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

**CHURCHILL, LLC**, a Maine limited liability company with a place of business in Yarmouth, County of Cumberland and State of Maine, for valuable consideration, grants to **WILLIAM B. TAYLOR** and **BARBARA E. TAYLOR**, individuals, both of the Town of Georgetown, County of Sagadahoc and State of Maine, with **Warranty Covenants as joint tenants**, the following described real property:

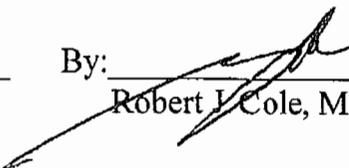
**Unit 1** and its respective appurtenant common percentage interest, in **Churchill Woods Condominiums** located in **Brunswick, Cumberland County, Maine**, as described in the Declaration of Condominium declared June 27, 2007, and recorded in the Cumberland County Registry of Deeds in Book 25264, Page 86, and First Amendment to Declaration, dated July 6, 2007 and recorded in said Registry of Deeds in Book 25269 Page 256, and as described in all recorded plats and plans recorded in said Registry of Deeds in Plan Book 207, Pages 365 through 373, together with all privileges and appurtenances belonging to said unit pursuant to the aforesaid condominium documents, including use and ownership in common of all common elements and appurtenant limited common elements.

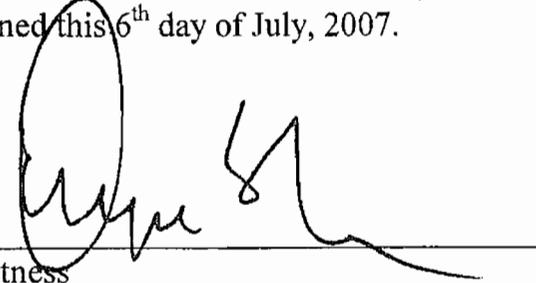
SUBJECT HOWEVER, to all easements and other matters described in the recorded Declaration; to any utility easements of record; rights, restrictions, reservations and obligations as noted on any recorded plans and surveys; and to all rules and regulations established by the Churchill Woods Condominiums Owners Association.

Meaning and intending to convey and hereby conveying a portion of the premises conveyed to Churchill, LLC by Warranty Deed of Robert J. Cole, dated January 24, 2007 and recorded in said Registry of Deeds in Book 24799, Page 20.

IN WITNESS WHEREOF, CHURCHILL, LLC has caused this instrument to be signed this 6<sup>th</sup> day of July, 2007.

CHURCHILL, LLC

By:   
Robert J. Cole, Member

Witness 

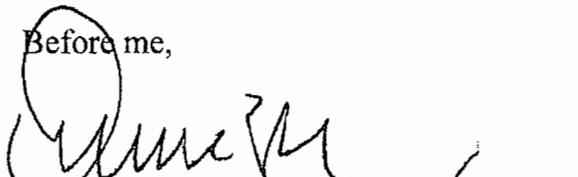
MAINE REAL ESTATE TAX PAID

STATE OF MAINE  
CUMBERLAND, SS.

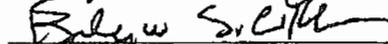
July 6, 2007

Personally appeared the above-named, Robert J. Cole, in his said capacity, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of said limited liability company.

Before me,



~~Notary Public~~ Attorney at Law



Printed Name

S:\CVCBII02\Sales\Unit 1\Deed.DOC

Received  
Recorded Register of Deeds  
Jul 09 2007 11:54:16A  
Cumberland County  
Pamela E. Lovley



PHW  
10.27.98  
610.5

October 26, 1998

Charles R. Wiercinski, PE  
Sitelines  
8 Cumberland Street  
Brunswick, ME 04011

**RE: Wetland Investigations at the 6-acre McKeen Street lot in Brunswick, Maine**

Dear Charlie:

At your request, Woodlot Alternatives, Inc. (Woodlot) visited the 6-acre McKeen Street parcel located directly east of the St. Charles Borromeo Church parking lot in order to determine if any wetlands are located within the proposed project area. The presence or absence of wetlands on the property was determined using the technical criteria of the U.S. Army Corps of Engineers (Corps) and the Maine Department of Environmental Protection (DEP). No wetlands or stream channels were identified on the property.

Site Description

The subject property is approximately 6 acres in size and is bordered by McKeen Street to the south and Weymouth Street to the north. The site is forested with a mixed stand of white pine (*Pinus strobus*), red oak (*Quercus rubra*), and red maple (*Acer rubrum*). Shrubs including mountain holly (*Nemopanthus mucronata*), nannyberry (*Viburnum lentago*), black huckleberry (*Gaylussacia baccata*), and sweet fern (*Comptonia peregrina*) are common throughout the understory. Dominant herbs include teaberry (*Gaultheria procumbens*), bracken fern (*Pteridium aquilinum*), bunchberry (*Cornus canadensis*), and Indian cucumber-root (*Medeola virginiana*). Soils across the site consist of well-drained sandy loams and sands. The site topography is relatively flat with several walking trails bisecting portions of the property. As stated above, no wetlands or areas of saturated soil conditions were found during our investigations.

Please feel free to contact our office if you have any questions regarding the information in this letter.

Best Regards,  
WOODLOT ALTERNATIVES, INC.

Steve Walker  
Wetland Scientist/Wildlife Biologist

CC NAT CLIFFORD, KEN W MALEY

# SOIL SURVEY OF CUMBERLAND COUNTY AND PART OF OXFORD COUNTY, MAINE

Churchill Woods Site



0 15 30 60 Meters

0 50 100 200 300 400 Feet

# SOIL SURVEY OF CUMBERLAND COUNTY AND PART OF OXFORD COUNTY, MAINE

Churchill Woods Site

## MAP LEGEND

	Soil Map Units
	Cities
	Detailed Counties
	Detailed States
	Interstate Highways
	Roads
	Rails
	Water
	Hydrography
	Oceans
	Escarpment, bedrock
	Escarpment, non-bedrock
	Gulley
	Levee
	Slope
	Blowout
	Borrow Pit
	Clay Spot
	Depression, closed
	Eroded Spot
	Gravel Pit
	Gravelly Spot
	Gulley
	Lava Flow
	Landfill
	Marsh or Swamp
	Miscellaneous Water
	Rock Outcrop
	Saline Spot
	Sandy Spot
	Slide or Slip
	Sinkhole
	Sodic Spot
	Spoil Area
	Stony Spot
	Very Stony Spot
	Perennial Water
	Wet Spot

## MAP INFORMATION

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>

Coordinate System: UTM Zone 19

Soil Survey Area: Cumberland County and Part of Oxford  
 County, Maine

Spatial Version of Data: 3

Soil Map Compilation Scale: 1:24000

Map comprised of aerial images photographed on these dates:  
 5/7/1996; 4/27/1997

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend Summary

Cumberland County and Part of Oxford County, Maine

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DeB	Deerfield loamy sand, 3 to 8 percent slopes	8.3	50.1
Wa	Walpole fine sandy loam	1.1	6.6
WmB	Windsor loamy sand, 0 to 8 percent slopes	7.1	43.3

# BRUNSWICK PARKS & RECREATION DEPARTMENT

30 FEDERAL STREET

BRUNSWICK ME 04011-1584

TEL (207) 725-6656  
FAX (207) 725-6663

THOMAS M. FARRELL  
Director

STEVEN J. BALBONI  
Deputy Director

October 19, 2006

Ms. Rita Worthing, Chair  
Brunswick Planning Board  
28 Federal Street  
Brunswick, Maine 04011

*Handwritten:*  
1263.7  
10.20.06  
CWD  
MA

Re: Churchill Woods Condominiums

Dear Ms. Worthing,

On Wednesday, October 18, 2006 members of the Brunswick Recreation Commission met with Mr. Charles Wiercinski, representative for the developer of the proposed Churchill Woods Condominiums project. At that time Mr. Wiercinski indicated that the developer does not propose to set aside any land for recreation as part of this development and therefore intends to pay an impact fee for the project.

To assist in calculating the recreation impact fee for the project Town Assessor, Cathy Donovan has determined the value of an undeveloped acre at the site to be \$50,000.00 (see attachment #1). The fee in lieu of land as computed via the formula set forth in the Town's Zoning Ordinance is \$29,850.00 (see attachment #2).

The Recreation Commission recommends acceptance of this fee in fulfillment of the recreation/open space requirement. Payment of the fee should be prorated and be collected at the issuance of building permits on a per unit basis. We further recommend that this fee be accepted and placed into an account for acquisition and or further enhancement of recreation facilities in accordance with the Town's Parks, Recreation and Open Space Plan and its Capital Improvement Program.

Very Truly Yours,

*Handwritten signature of Jeffrey H. Ward*  
Jeffrey H. Ward, Chair  
Brunswick Recreation Commission

Pcc  
Brunswick Recreation Commission  
Charles Wiercinski, Sitelines  
Cathy Donovan, Assessor  
Jim Fortune, Planner

Cathleen M Donovan, CMA  
Assessor  
Roger J Hoy, CMA  
Assistant Assessor



28 Federal Street  
Brunswick, Maine 04011  
Telephone 207 725-6650  
FAX 207 725-6663

Town of Brunswick, Maine  
Incorporated 1739  
Assessing Department  
www.brunswickme.org

July 26, 2006

Thomas Farrell  
Recreation Department  
30 Federal Street  
Brunswick, ME 04011

Re: McKeen Street Project  
Map U28 Lot 196

Dear Tom:

As requested, I have concluded that the value of an undeveloped acre for the McKeen Street Project located on Map U28 Lot 196 to be \$50,000.

Sincerely,

Cathleen M. Donovan, CMA  
Assessor

cc: Marc Dube, Sitelines

*Prepared by: Tom Farrell  
October 18, 2006*

**CHURCHILL WOODS CONDOMINIUMS**

20 Units x 1,300 square feet per unit = 26,000 square feet

26,000 square feet  $\div$  43,560 = .597 acres

.597 x price of an undeveloped acre = fee in lieu of land

.597 x \$50,000. = \$29,850.00

**FEE IN LIEU OF LAND IS \$29,850.00**

# Brunswick Sewer District

10 PINE TREE ROAD  
BRUNSWICK, MAINE 04011  
[bsd@brunswicksewer.org](mailto:bsd@brunswicksewer.org)

TELEPHONE (207) 729-0148

FAX (207) 729-0149

March 28, 2016

Curt Neufeld  
Vice President  
Sitelines, PA  
8 Cumberland Street  
Brunswick, Maine 04011

Re: Willingness and Capacity to Serve, Churchill Woods Condominiums

Dear Curt,

This letter is in response to your request for an “ability to serve” letter regarding construction of 16 condominiums in a new development known as Churchill Woods off of McKeen Street in Brunswick, Maine. I have reviewed the material provided and conclude that the project as proposed will not adversely affect facilities of the District. **The Brunswick Sewer District (BSD) has both the willingness and capacity to serve the proposed project.**

It will be necessary to secure an entrance permit for each condo, prior to construction. Each condo will be subject to the BSD entrance charge program. The permit will be issued upon receipt of payment for the entrance charge, which is \$1178 per residential unit. For more information on the entrance charge please visit [www.brunswicksewer.org/ecp.html#4](http://www.brunswicksewer.org/ecp.html#4).

In addition to the entrance charge, the following conditions will apply to the issuance of the entrance permit.

1. Project sanitary sewer service line will be privately owned and maintained in accordance with provisions of District Rules & Regulations.
2. All sewer-related construction will be performed to District standards.
3. All sanitary sewer construction will comply with provisions of the Maine State Plumbing Code.
4. Design and construction of project sanitary sewers will exclude all non-sanitary ground, surface, foundation drain, floor, roof drain, and sump pump waters.
5. Horizontal clearance between utility infrastructures will be sufficient to allow future utility maintenance operations without disturbance to adjacent utility infrastructure.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Pontau Jr.", written in a cursive style.

Robert A. Pontau Jr., PE  
Assistant General Manager

CC: Darcy Dutton, Customer Service Specialist, Brunswick Sewer District  
Wesley Wharff, Collections Supervisor, Brunswick Sewer District



BRUNSWICK & TOPSHAM  
WATER DISTRICT

PO Box 489  
Topsham, Maine 04086  
Telephone (207) 729-9956  
Fax (207) 725-6470

**Alan J. Frasier, PE**  
General Manager

**Craig W. Douglas, PE**  
District Engineer

**Daniel O. Knowles, CPA**  
Director of Finance and  
Data Management Systems

**William G. Alexander, Jr.**  
Operations Manager

March 28, 2016

Curtis Y. Neufeld  
Vice President  
Sitelines, PA  
8 Cumberland Street  
Brunswick, ME 04011  
Via email: [cneufeld@sitelinespa.com](mailto:cneufeld@sitelinespa.com)

RE: Churchill Woods Condominiums, McKeen Street, Brunswick, ME

Dear Mr. Neufeld:

This letter is to inform you that the District has the ability to serve the referenced project, and will provide service in accordance with Maine Public Utilities Commission and Brunswick & Topsham Water District Rules and Regulations. This project can be served by a combination of a main extension and new service line installations.

The following documents can be found on our website (<http://btwater.org/apply-water-main-extension.aspx>) and are included in a main extension project:

1. Procedures for Water Main Extensions
2. Application for Water Main Extension
3. Main Extension Design Guidelines
4. Sample Water Main Easement Form
5. Water Main Material Specifications
6. Water Main Extension Details

We require the customer, or their representative, to provide us with peak flow data in gallons per minute for all domestic services, this will allow us to properly size the service line and water meter. If a fire sprinkler system is required, a sprinkler system designer should specify the size of the fire service.

Please keep us informed as this project progresses. If you have any questions, please call.

Yours truly,

Craig Douglas PE  
District Engineer

# CHURCHILL WOODS CONDOMINIUMS

## McKEEN STREET and COUNTRY LANE BRUNSWICK, MAINE

### LEGEND:

EXISTING		PROPOSED
● OR ■	IRON PIPE OR MONUMENT	○ OR □
⊕	BENCH MARK (SEE NOTES)	
⊙	EXISTING TEST PITS	
⊕	CATCH BASIN	⊕
⊕	SEWER MANHOLE	⊕
⊕	FIRE HYDRANT	⊕
⊕	WATER GATE VALVE	⊕
⊕	WATER SHUT-OFF	⊕
⊕	UTILITY POLE	⊕
⊕	SIGN	⊕
---	PROJECT PROPERTY LINE	---
---	PROJECT PHASING LINE	---
---	ADJUTER PROPERTY LINE	---
---	EASEMENTS	---
---	SETBACK/BUFFER	---
---	SOILS BOUNDARY	---
---	CURB	---
---	EDGE OF PAVEMENT	---
---	ROAD CENTERLINE	---
---	BUILDING	---
---	STORM DRAIN(SEE PLAN FOR SIZE)	---
---	UNDERDRAIN(SEE PLAN FOR SIZE)	---
---	SEWER LINE(SEE PLAN FOR SIZE)	---
---	WATER LINE(SEE PLAN FOR SIZE)	---
---	NATURAL GAS LINE(SEE PLAN FOR SIZE)	---
---	OVERHEAD ELECTRIC	---
---	UNDERGROUND ELECTRIC	---
---	SPOT ELEVATION	---
---	SLOPE ARROW	---
---	CONTOURS	---
---	TREE LINE	---
---	SEDIMENT BARRIER	---
---	CONSTRUCTION ENTRANCE	---
---	PROPOSED PAVEMENT	---
---	CONCRETE	---

### UTILITY CONTACTS:

**CODE ENFORCEMENT:**  
TOWN OF BRUNSWICK  
28 FEDERAL STREET  
BRUNSWICK, MAINE 04011  
207-725-6651

**ELECTRIC SERVICE:**  
CENTRAL MAINE POWER  
280 BATH ROAD  
BRUNSWICK, MAINE 04011  
207-721-8054

**TELEPHONE SERVICE:**  
FAIRPOINT  
BATH ROAD (P.O. BOX 360)  
BRUNSWICK, MAINE 04011  
207-442-8018

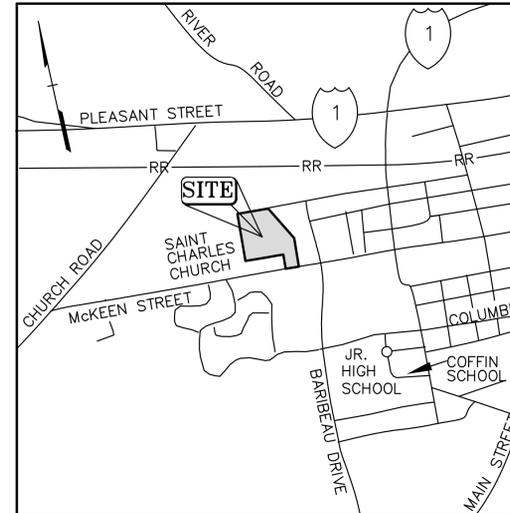
**CABLE SERVICE:**  
COMCAST  
CONSTRUCTION OFFICE  
336 BATH ROAD  
BRUNSWICK, MAINE, 04011  
207-729-6660

**WATER SERVICE:**  
BRUNSWICK-TOPSHAM WATER DISTRICT  
266 RIVER ROAD  
TOPSHAM, MAINE 04086  
207-729-9956

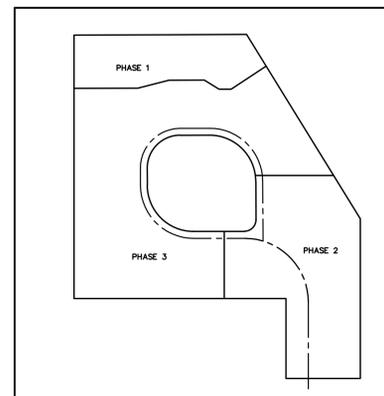
**SANITARY SEWER:**  
BRUNSWICK SEWER DISTRICT  
10 PINE TREE ROAD  
BRUNSWICK, MAINE 04011  
207-729-0148

**PUBLIC WORKS DEPARTMENT:**  
9 INDUSTRY ROAD  
BRUNSWICK, MAINE 04011  
207-725-6654

**BRUNSWICK FIRE DEPARTMENT:**  
21 TOWN HALL PLACE  
BRUNSWICK, MAINE 04011  
207-725-5541



LOCATION MAP  
NOT TO SCALE



PHASE 1 - UNITS 1,2&3  
PHASE 2 - UNITS 4,5,6,7&8  
PHASE 3 - 9,10,11,12,13,14,15&16

PHASE KEY MAP  
NOT TO SCALE

### SHEET INDEX

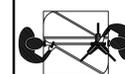
- 1 COVER SHEET
- 2 EXISTING CONDITIONS PLAN
- 3 CONDOMINIUM PLAN
- 4 SITE DEVELOPMENT PLAN
- 5 UTILITY PLAN
- 6 GRADING DRAINAGE AND EROSION CONTROL PLAN
- 7 ROAD PLAN AND PROFILE
- 8 EROSION CONTROL NOTES
- 9 CONSTRUCTION DETAILS
- 10 LANDSCAPE / BUFFER PLAN
- 11 PRE-DEVELOPMENT STORMWATER PLAN
- 12 POST-DEVELOPMENT STORMWATER PLAN

3.	03-29-16	SUBMITTED FOR RE-APPROVAL	CYN
2.	3-18-14	SUBMITTED FOR RE-APPROVAL	RPL
1.	11-21-06	SUBMITTED TO PLANNER FOR REVIEW - 1 COPY	DSE

### COVER SHEET

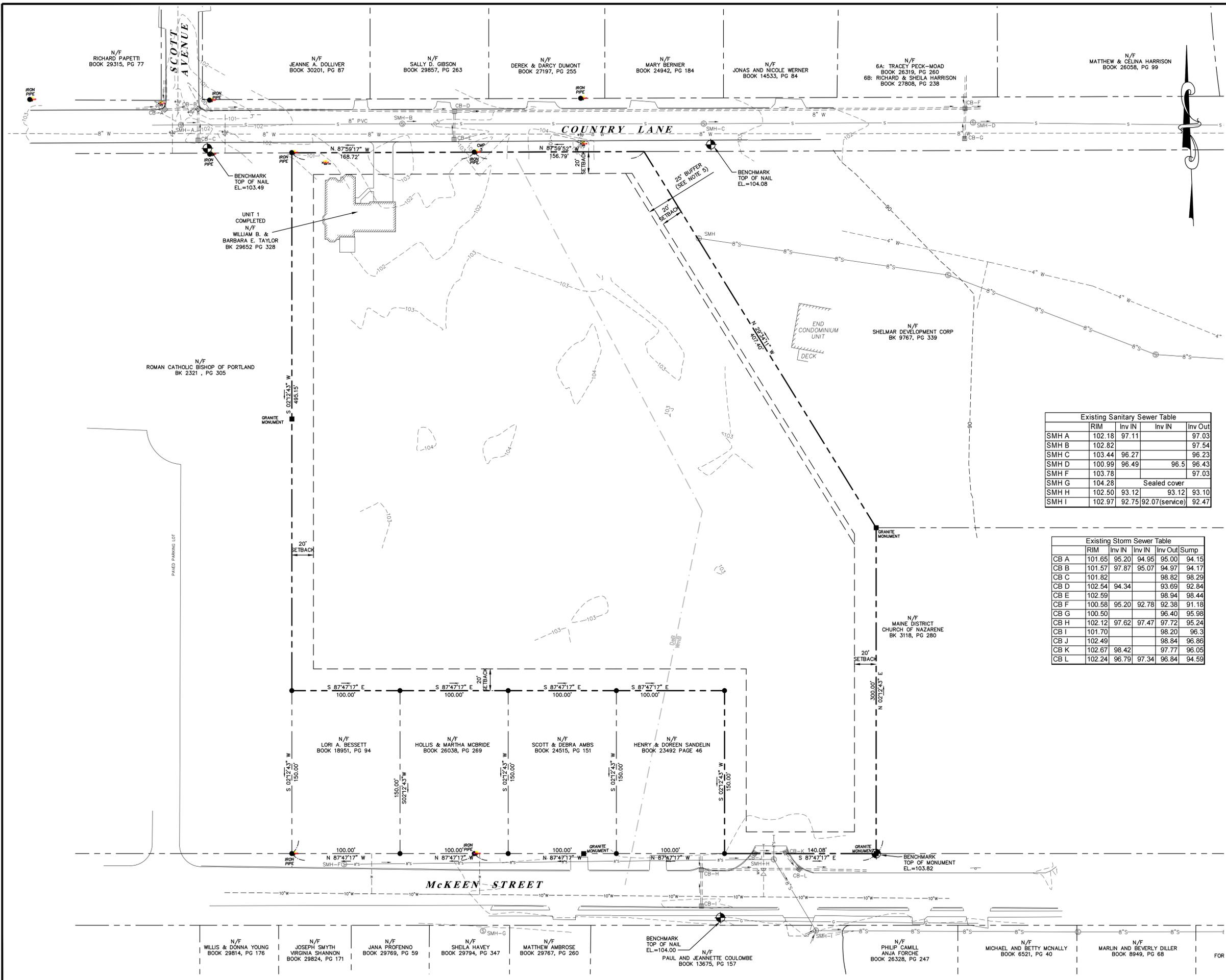
CHURCHILL WOODS CONDOMINIUMS  
BRUNSWICK, MAINE

CHURCHILL, LLC  
141 PLEASANT STREET, BRUNSWICK, MAINE 04011



**SITELINES P.A.**  
ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS  
8 CUMBERLAND STREET, BRUNSWICK, ME 04011  
Phone: (207) 725-1200 Fax: (207) 725-1114

FIELD WK: DIRIGO	SCALE: NONE	SHEET:
DRN BY: DSE	JOB #: 1263	1
CHD BY: CRW/CYN	SS:	
DATE: 11-15-06	FILE: 1263Cover	



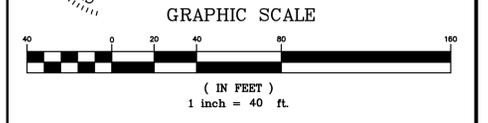
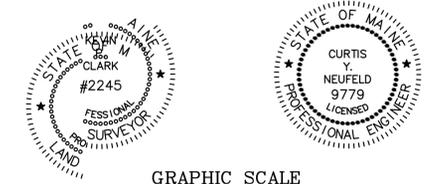
- PLAN REFERENCE:**
- "FINAL SUBDIVISION PLAN, CHURCHILL ESTATES," DATED MARCH 12, 2002 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 202, PAGE 345.
  - ADDITIONAL TOPOGRAPHIC SURVEY DONE BY DIRIGO LAND SERVICES, DATED AUGUST 2006.
- GENERAL NOTES:**
- THE SITE IS OWNED BY ROBERT J. COLE OF YARMOUTH, MAINE, MAP U-28, LOT 196, BOOK 17421 PAGE 90.
  - AREA OF EXISTING LOT = 5.78 AC. (251,715 S.F.)
  - ZONING REQUIREMENTS:  
 ZONE: R4 (MERRIDITH DRIVE-WEST MCKEEN STREET NEIGHBORHOOD)  
 CRITERIA      REQUIRED  
 MIN. LOT AREA      15,000 S.F.  
 MIN. LOT WIDTH      100 FT.  
 MIN. FRONT YARD      20 FT.  
 MIN. REAR YARD      20 FT.  
 MIN. SIDE YARD      20 FT.  
 MAX. IMPERVIOUS AREA      35%  
 MAX. BUILDING HEIGHT      35 FT.  
 MAX. BUILDING FOOTPRINT      5,000 S.F. PER STRUCTURE  
 MAX. DENSITY      5 UNITS PER ACRE
  - THE SURFICIAL SOILS ARE CLASSIFIED BY THE SOIL SURVEY FOR CUMBERLAND COUNTY, MAINE BY THE SOIL CONSERVATION SERVICE (SHEET NUMBER 40).  
 WmB - WINDSOR LOAMY SAND, 0 TO 8% SLOPES  
 Deb - DEERFIELD LOAMY SAND, 3 TO 8% SLOPES
  - A 25-FOOT BUFFER FOR VISUAL SCREENING SHALL BE MAINTAINED ON THE NORTHEAST PARCEL BOUNDARY ADJACENT TO THE RESIDENTIAL PARCEL AS SHOWN. THE BUFFER VEGETATION SHALL BE SUPPLEMENTED AND MAINTAINED TO PROVIDE SCREENING AS DESCRIBED IN THE DEED AS RECORDED IN BOOK 17421, PAGE 90 OF THE CUMBERLAND COUNTY REGISTRY OF DEEDS.

Existing Sanitary Sewer Table

	RIM	Inv IN	Inv IN	Inv Out
SMH A	102.18	97.11		97.03
SMH B	102.82			97.54
SMH C	103.44	96.27		96.23
SMH D	100.99	96.49	96.5	96.43
SMH F	103.78			97.03
SMH G	104.28	Sealed cover		
SMH H	102.50	93.12	93.12	93.10
SMH I	102.97	92.75	92.07(service)	92.47

Existing Storm Sewer Table

	RIM	Inv IN	Inv IN	Inv Out	Sump
CB A	101.65	95.20	94.95	95.00	94.15
CB B	101.57	97.87	95.07	94.97	94.17
CB C	101.82			98.82	98.29
CB D	102.54	94.34		93.69	92.84
CB E	102.59			98.94	98.44
CB F	100.58	95.20	92.78	92.38	91.18
CB G	100.50			96.40	95.98
CB H	102.12	97.62	97.47	97.72	95.24
CB I	101.70			98.20	96.3
CB J	102.49			98.84	96.86
CB K	102.67	98.42		97.77	96.05
CB L	102.24	96.79	97.34	96.84	94.59



- 03-29-16 SUBMITTED FOR RE-APPROVAL CYN
- 03-18-13 SUBMITTED FOR RE-APPROVAL RPL
- 12-20-06 SUBMITTED TO MDEP MRD
- 11-28-06 SUBMITTED TO PLANNER FOR REVIEW - 18 COPIES DSE
- 11-21-06 SUBMITTED TO PLANNER FOR REVIEW - 1 COPY DSE

**EXISTING CONDITIONS PLAN**

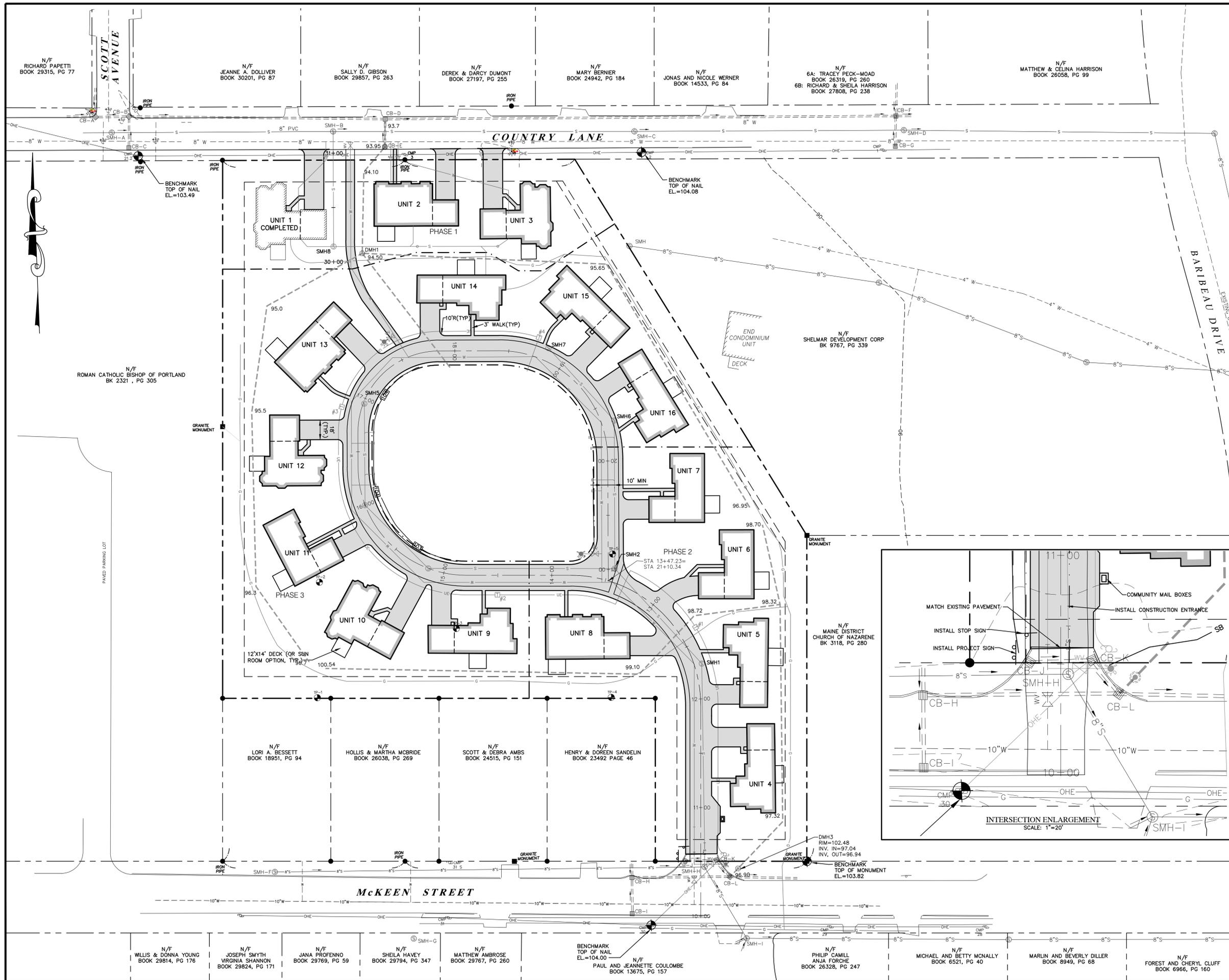
CHURCHILL WOODS CONDOMINIUMS  
BRUNSWICK, MAINE

CHURCHILL, LLC  
141 PLEASANT STREET, BRUNSWICK, MAINE 04011

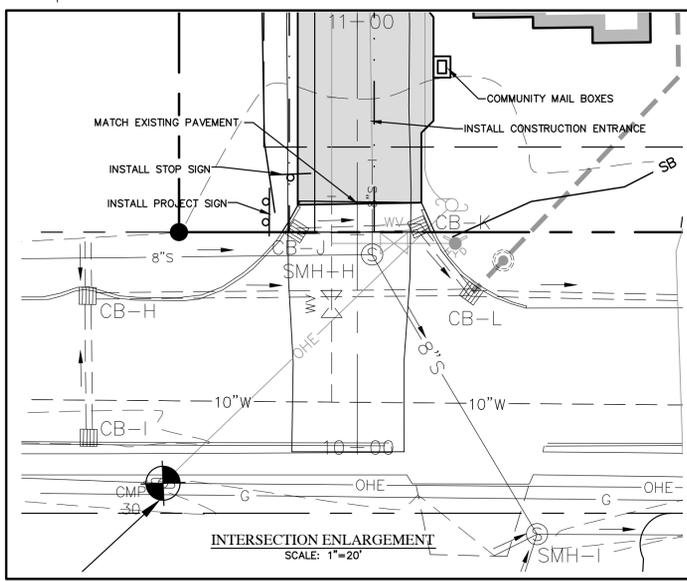
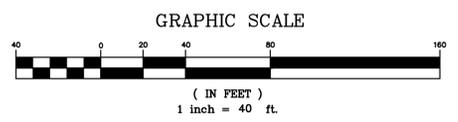
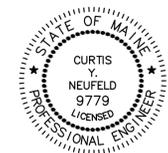


FIELD WK: DIRIGO	SCALE: 1"=40'	SHEET:
DRN BY: MRD/DSE	JOB #: 1263	2
CHD BY: CRW/CYN	SS:	
DATE: 11-10-06	FILE: 1263SITE.DWG	





- GENERAL NOTES:**
1. THE CONTRACTOR SHALL CONFIRM HORIZONTAL AND VERTICAL CONTROL BEFORE BEGINNING WORK.
  2. ALL DISTURBED SURFACES NOT COVERED WITH OTHER MATERIALS SHALL RECEIVE 4" TOPSOIL AND BE SEED.
  3. CLEARING DEBRIS AND GRUBBINGS SHALL BE BURNED, REMOVED, OR GROUND UP AND USED IN EROSION CONTROL.
  4. THE LIMITS OF CLEARING SHALL BE LOCATED AND MARKED PRIOR TO CUTTING OF TREES.
  5. TREES, SHRUBS, AND GROUND COVER IN AREAS NOT TO BE DISTURBED SHALL BE PROTECTED.
  6. REMOVE DEAD WOOD, PRUNE AND CLEAN UP TRIMMED VEGETATION TO THE CLEARING LIMIT IN WOODED AREAS.
  7. INSTALL TEMPORARY EROSION CONTROL BEFORE BEGINNING EARTHWORK. REMOVE WHEN UPSLOPE AREAS ARE STABILIZED.
  8. SEE PLUMBING AND ELECTRICAL PLANS FOR LOCATION AND INVERTS OF SLEEVES IN FOUNDATIONS.
  9. ELECTRIC SERVICE SHALL BE INSTALLED IN CONDUIT UNDER PAVEMENT/CONC.
  10. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF ALL SEWER, WATER, ELECTRICAL, AND SANITARY CONDUIT, MANHOLES, TRANSFORMERS, AND FITTINGS FOR APPROVAL.
  11. ALL UNDERGROUND UTILITIES LOCATED ON THIS PLAN ARE APPROXIMATE. CONTRACTOR SHALL VERIFY LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.
  12. ALL SIGNAGE AND PAVEMENT MARKINGS TO BE IN ACCORDANCE WITH THE MUTCD STANDARDS.
  13. ALL ACCESS ROUTES TO BE CONSTRUCTED IN ACCORDANCE WITH ADA REQUIREMENTS.
  14. ALL WATER SERVICE WORK TO BE COORDINATED WITH LOCAL WATER DISTRICT STANDARDS.
  15. DUCTILE IRON PIPE SHALL MEET THE REQUIREMENTS OF AWWA C150 AND C151, CLASS 52, AND HAVE PUSH ON OR FLANGED JOINTS AS REQUIRED. FITTINGS SHALL HAVE MECHANICAL JOINTS WITH RETAINER GLANDS.
  16. SANITARY SEWER PIPE AND FITTINGS TO BE SDR-35 PVC.
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  21. BUILDING FOOTPRINT SHOWN IS NOT FOR FOUNDATION LAYOUT. REFER TO STRUCTURAL/ARCHITECTURAL DRAWINGS.
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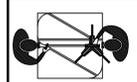


8.	03-29-16	SUBMITTED FOR RE-APPROVAL	CYN
7.	03-13-14	SUBMITTED FOR RE-APPROVAL	RPL
6.	04-20-07	ADDED NATURAL GAS SERVICE NOTES	CYN
5.	04-02-07	ADDED UTILITY INFORMATION	CYN
4.	12-20-06	SUBMITTED TO MDEP	MRD
3.	12-08-06	REVISED PER STAFF REVIEW	MRD
2.	11-28-06	SUBMITTED TO PLANNER FOR REVIEW - 18 COPIES	DSE
1.	11-21-06	SUBMITTED TO PLANNER FOR REVIEW - 1 COPY	DSE

**SITE DEVELOPMENT PLAN**

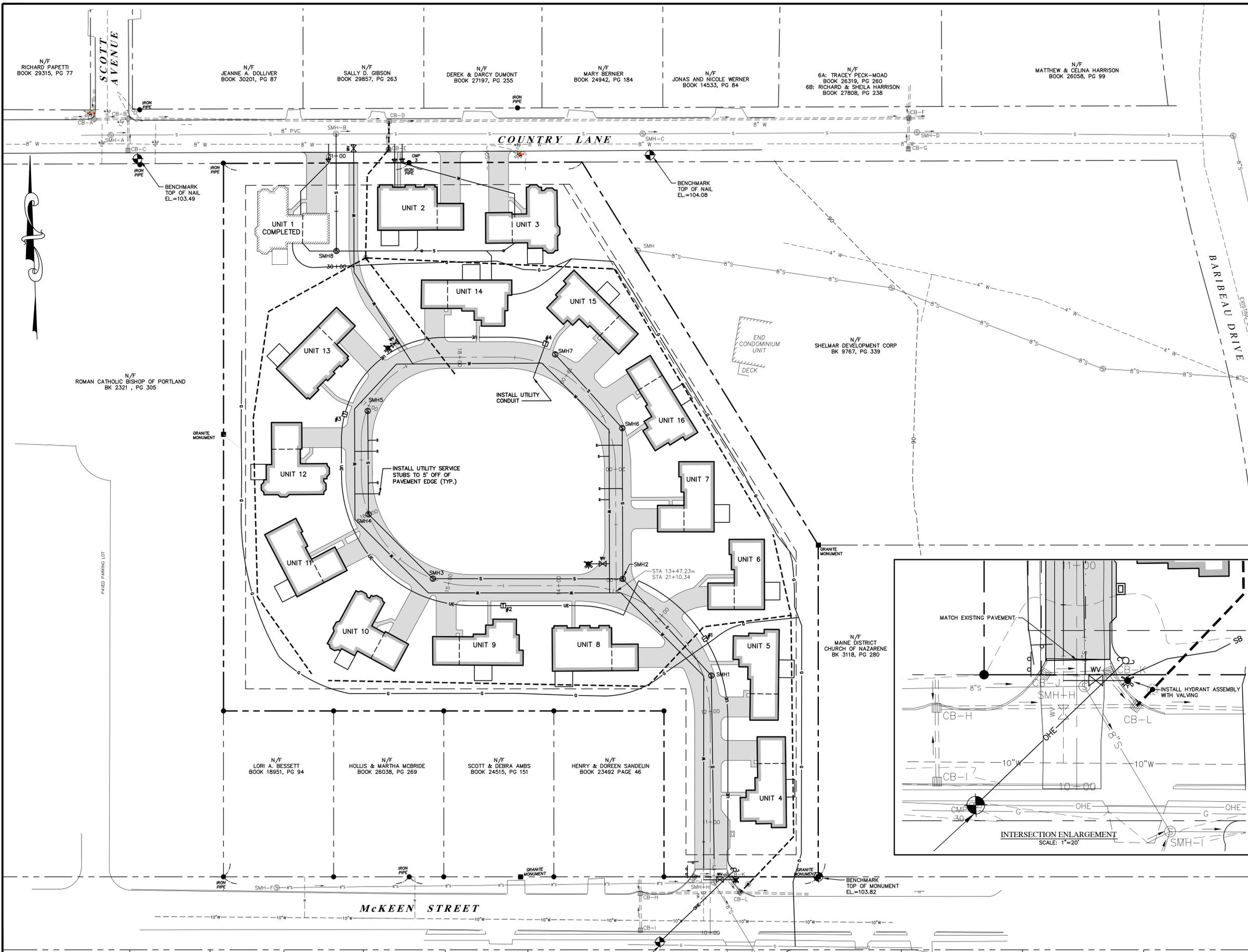
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BRUNSWICK, MAINE

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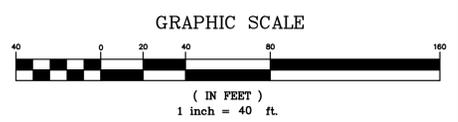
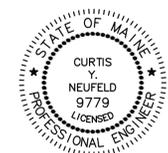
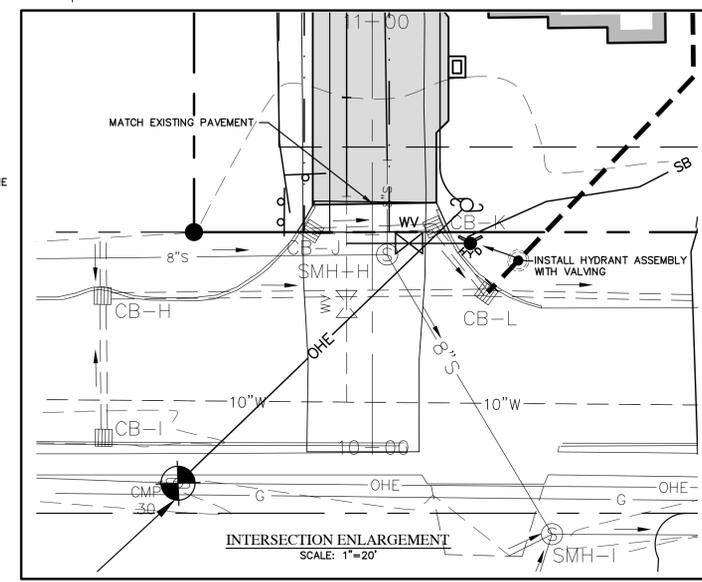


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8 CUMBERLAND STREET, BRUNSWICK, ME 04011  
Phone: (207) 725-1200 Fax: (207) 725-1114

FIELD WK: DIRIGO	SCALE: 1"=40'	SHEET:
DRN BY: MRD/DSE	JOB #: 1263	<b>4</b>
CHD BY: CRW/CYN	SS:	
DATE: 08-03-06	FILE: 1263SITE.DWG	



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 1. 03-13-14 SUBMITTED FOR RE-APPROVAL RPL

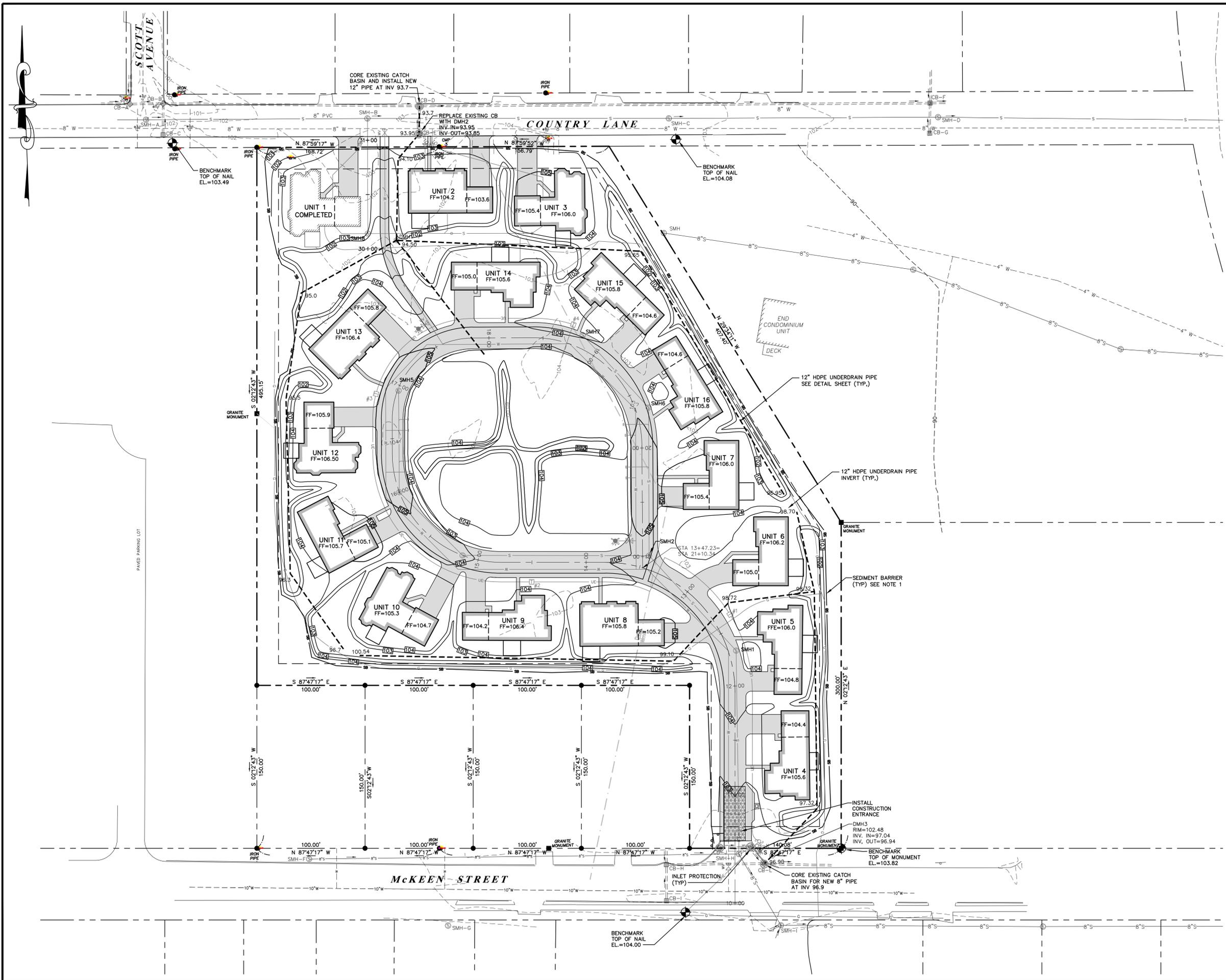
**UTILITY PLAN**  
 CHURCHILL WOODS CONDOMINIUMS  
 BRUNSWICK, MAINE

CHURCHILL, LLC  
 141 PLEASANT STREET, BRUNSWICK, MAINE 04011



FIELD WK: DIRIGO	SCALE: 1"=40'	SHEET:
DRN BY: RPL	JOB #: 1263	<b>5</b>
CHD BY: CYN	SS:	
DATE: 03-17-14	FILE: 1263SITE.DWG	

N/F WILLIS & DONNA YOUNG BOOK 29814, PG 176  
 N/F JOSEPH SMYTH VIRGINIA SHANNON BOOK 29824, PG 171  
 N/F JANA PROFENNO BOOK 29769, PG 59  
 N/F SHEILA HAYEY BOOK 29794, PG 347  
 N/F MATTHEW AMBROSE BOOK 29767, PG 260  
 BENCHMARK TOP OF NAIL EL=104.00  
 N/F PAUL AND JEANNETTE COULOMBE BOOK 13676, PG 157  
 N/F PHILIP CAMILL ANJA FORCHE BOOK 26328, PG 247  
 N/F MICHAEL AND BETTY MCNALLY BOOK 6521, PG 40  
 N/F MARLIN AND BEVERLY DILLER BOOK 8949, PG 68  
 N/F FOREST AND CHERYL CLUFF BOOK 6966, PG 160

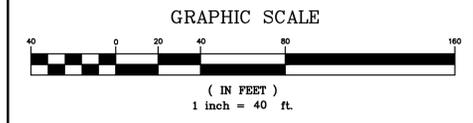
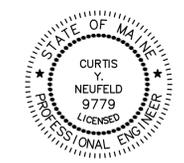


Existing Sanitary Sewer Table				
	RIM	Inv IN	Inv IN	Inv Out
SMH A	102.18	97.11		97.03
SMH B	102.82			97.54
SMH C	103.44	96.27		96.23
SMH D	100.99	96.49	96.5	96.43
SMH F	103.78			97.03
SMH G	104.28		Sealed cover	
SMH H	102.50	93.12	93.12	93.10
SMH I	102.97	92.75	92.07(service)	92.47

Existing Storm Sewer Table					
	RIM	Inv IN	Inv IN	Inv Out	Sump
CB A	101.65	95.20	94.95	95.00	94.15
CB B	101.57	97.87	95.07	94.97	94.17
CB C	101.82			98.82	98.29
CB D	102.54	94.34		93.69	92.84
CB E	102.59			98.94	98.44
CB F	100.58	95.20	92.78	92.38	91.18
CB G	100.50			96.40	95.98
CB H	102.12	97.62	97.47	97.72	95.24
CB I	101.70			98.20	96.3
CB J	102.49			98.84	96.86
CB K	102.67	98.42		97.77	96.05
CB L	102.24	96.79	97.34	96.84	94.59

**GENERAL NOTES:**

- THE CONTRACTOR SHALL INSTALL SEDIMENT BARRIER AROUND THE AREA UNDER CONSTRUCTION FOR EROSION CONTROL. SILT SOCKS OR A SEDIMENT BERM CAN BE USED.
- SILT SACK TO BE INSTALLED AT EXISTING CATCH BASINS CB-E, D, J, K AND L.
- ALL UNDERDRAIN SHALL BE 8" PERFORATED PIPE SET AT A MINIMUM SLOPE OF 0.005.



- 03-29-16 SUBMITTED FOR RE-APPROVAL CYN
- 03-13-14 SUBMITTED FOR RE-APPROVAL RPL
- 01-30-07 MINOR CHANGES TO GRADING, ADDED DMH3 REVISED PER MDEP COMMENTS CYN
- 12-20-06 SUBMITTED TO MDEP MRD
- 12-15-06 REVISED PER STAFF REVIEW MRD
- 11-28-06 SUBMITTED TO PLANNER FOR REVIEW - 18 COPIES DSE
- 11-21-06 SUBMITTED TO PLANNER FOR REVIEW - 1 COPY DSE

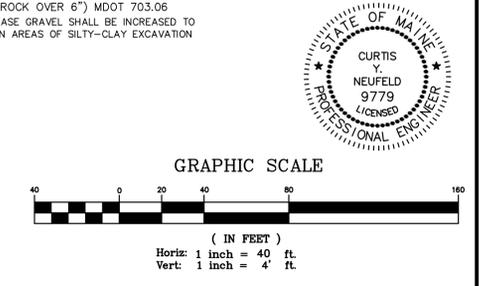
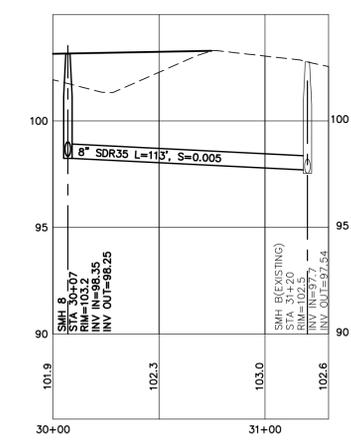
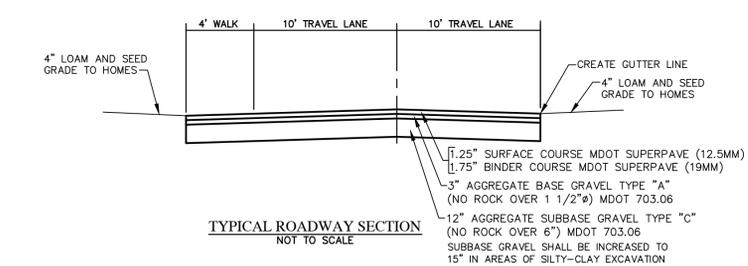
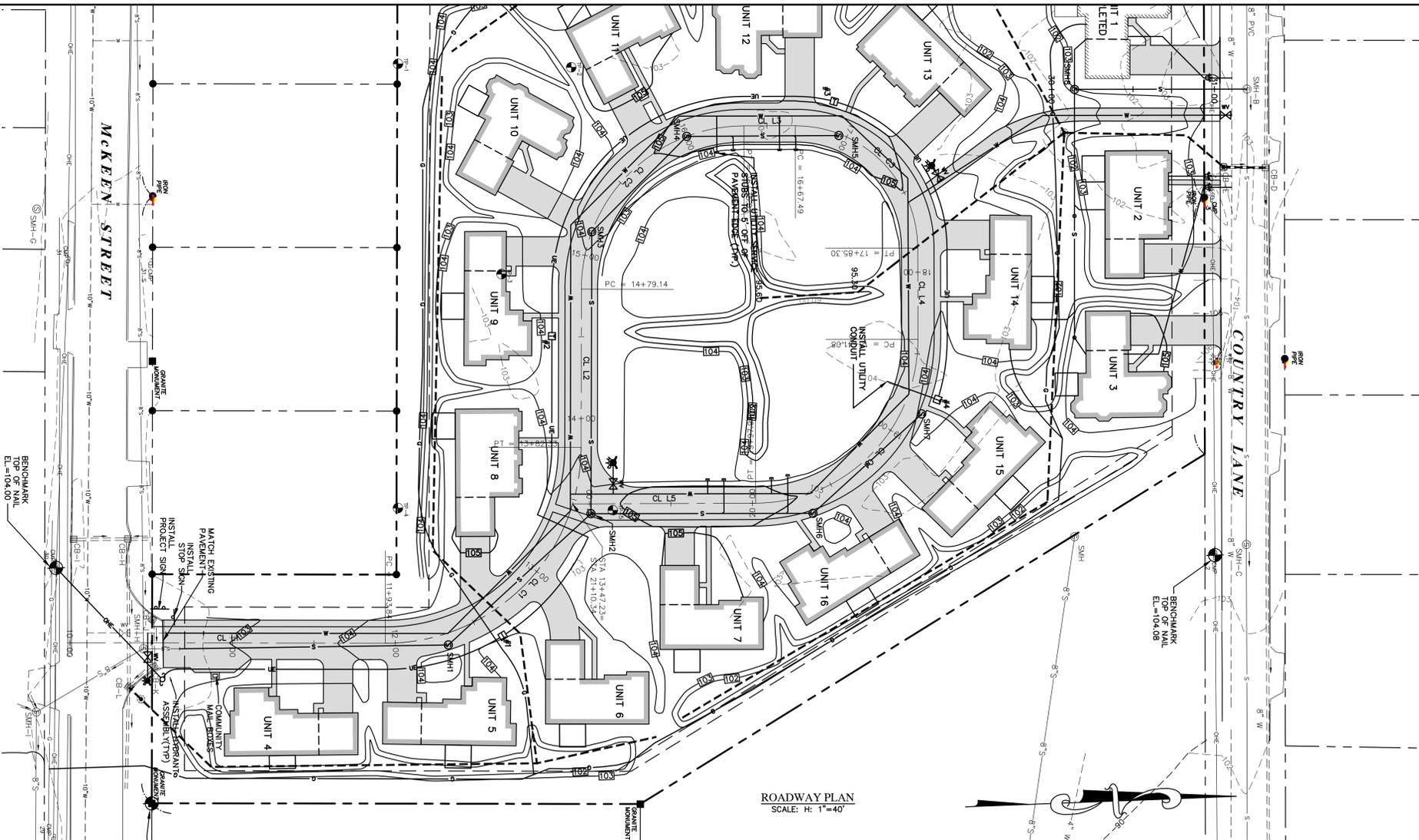
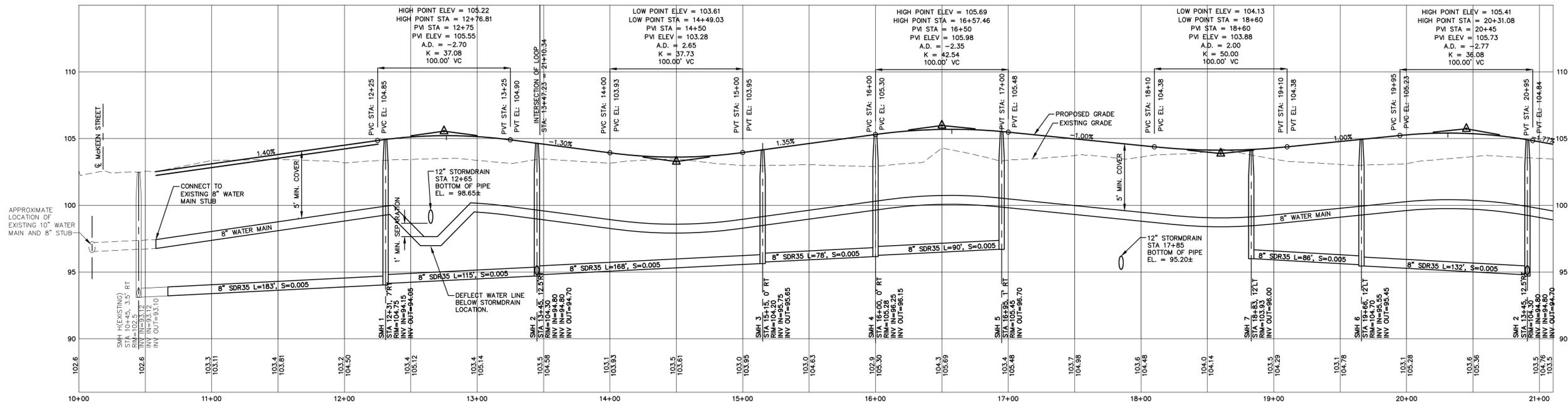
**GRADING, DRAINAGE AND EROSION CONTROL PLAN**

**CHURCHILL WOODS CONDOMINIUMS**  
BRUNSWICK, MAINE

CHURCHILL, LLC  
141 PLEASANT STREET, BRUNSWICK, MAINE 04011

**SITELINES P.A.**  
ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS  
8 CUMBERLAND STREET, BRUNSWICK, ME 04011  
Phone: (207) 725-1200 Fax: (207) 725-1114

FIELD WK: DIRIGO	SCALE: 1"=40'	SHEET: <b>6</b>
DRN BY: MRD/DSE	JOB #: 1263	
CHD BY: CRW/CYN	SS:	
DATE: 08-03-06	FILE: 1263SITE.DWG	



- 5. 03-29-16 SUBMITTED FOR RE-APPROVAL CYN
- 4. 03-18-14 SUBMITTED FOR RE-APPROVAL RPL
- 3. 12-20-06 SUBMITTED TO MDEP MRD
- 2. 11-28-06 SUBMITTED TO PLANNER FOR REVIEW - 18 COPIES DSE
- 1. 11-21-06 SUBMITTED TO PLANNER FOR REVIEW - 1 COPY DSE

**ROAD PLAN & PROFILE**

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 BRUNSWICK, MAINE

CHURCHILL, LLC  
 141 PLEASANT STREET, BRUNSWICK, MAINE 04011

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FIELD WK: DIRIGO	SCALE: H:1"=40', V:1"=4'	SHEET:
DRN BY: MRD/DSE	JOB #: 1263	<b>7</b>
CHD BY: CYN	SS:	
DATE: 08-03-06	FILE: 1263SITE.DWG	

**GENERAL NOTES:**

1. TOPOGRAPHIC DATA FOR THE PRE-DEVELOPMENT AND POST-DEVELOPMENT STORMWATER PLANS IS BASED ON AERIAL INFORMATION AND VERIFIED BY THE GROUND SURVEY PERFORMED BY DIRIGO LAND SERVICES, INC. TOPOGRAPHIC DATA FOR THE DESIGN DRAWINGS AND BOUNDARY INFORMATION IS BASED ON GROUND SURVEY PERFORMED BY DIRIGO LAND SERVICES, INC.
2. A SITE EVALUATION TO DETERMINE WETLANDS WAS PERFORMED BY WOODLOT ALTERNATIVES, INC. OF TOPSHAM, MAINE IN OCTOBER 1998 AND WETLANDS WERE NOT FOUND ON SITE.
3. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR THE ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION HAS NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVES AND IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR SHALL CALL THE APPROPRIATE UTILITY COMPANY AND DIG SAFE (1-800-DIG-SAFE) AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IN AREAS OF POTENTIAL CONFLICTS TEST PITS SHALL BE REQUIRED TO VERIFY EXISTING UTILITY LOCATION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
4. RIM ELEVATIONS OF PROPOSED DRAINAGE AND SANITARY SEWER MANHOLES AND ASSOCIATED STRUCTURES ARE APPROXIMATE. FINAL ELEVATIONS ARE TO BE SET FLUSH AND CONSISTENT WITH THE GRADING PLANS. ADJUST ALL OTHER RIM ELEVATIONS OF MANHOLES, WATER GATES, GAS GATES AND OTHER UTILITIES TO FINISH GRADE WITHIN LIMITS OF WORK.
5. THE LOCATION, SIZE, DEPTH, AND SPECIFICATIONS FOR CONSTRUCTION OF PROPOSED PRIVATE UTILITY SERVICES SHALL BE INSTALLED ACCORDING TO THE REQUIREMENTS PROVIDED BY, AND APPROVED BY THE RESPECTIVE UTILITY COMPANY (GAS, TELEPHONE, ELECTRIC AND FIRE ALARM). FINAL DESIGN LOADS AND LOCATIONS TO BE COORDINATED WITH OWNER AND ARCHITECT.

6. THE CONTRACTOR SHALL FIELD VERIFY THE LOCATION, SIZE, INVERTS AND TYPES OF EXISTING PIPES AT ALL PROPOSED POINTS OF CONNECTION PRIOR TO ORDERING MATERIALS. WHERE AN EXISTING UTILITY IS FOUND TO CONFLICT WITH THE PROPOSED WORK, THE LOCATIONS, ELEVATION, AND SIZE OF THE UTILITY SHALL BE ACCURATELY DETERMINED WITHOUT DELAY BY THE CONTRACTOR, AND THE INFORMATION FURNISHED IN WRITING TO THE OWNER'S REPRESENTATIVE FOR THE RESOLUTION OF THE CONFLICT.
7. CONTRACTOR SHALL VERIFY ALL CRITICAL DIMENSIONS AND GRADES TO HIS SATISFACTION BEFORE WORK BEGINS. CONTRACTOR SHALL CONFIRM LOCATION AND DEPTH ALL UTILITY LINE CROSSINGS WITH TEST PITS PRIOR TO BEGINNING WORK. CONFLICTS SHALL BE REPORTED IN WRITING TO THE ENGINEER FOR RESOLUTION OF THE CONFLICT.

8. ALL AREAS OUTSIDE THE LIMIT OF WORK THAT ARE DISTURBED SHALL BE RESTORED BY THE CONTRACTOR TO THEIR ORIGINAL CONDITION AT THE CONTRACTOR'S EXPENSE. ALL AREAS DISTURBED DURING CONSTRUCTION NOT COVERED WITH BUILDINGS, STRUCTURES, OR PAVEMENT SHALL RECEIVE 6 INCHES OF LOAM AND SEED.
9. CONTRACTOR SHALL MAKE ALL ARRANGEMENTS AND SHALL BE RESPONSIBLE FOR PAYING ANY FEES FOR ANY POLE RELOCATION AND FOR THE ALTERATION OR ADJUSTMENT OF GAS, ELECTRIC, TELEPHONE, FIRE ALARM AND ANY OTHER PRIVATE UTILITIES BY THE UTILITY COMPANIES.

10. UPON AWARD OF CONTRACT, CONTRACTOR SHALL MAKE ALL NECESSARY CONSTRUCTION NOTIFICATIONS AND APPLY FOR AND OBTAIN ALL NECESSARY PERMITS, PAY ALL FEES AND POST ALL BONDS ASSOCIATED WITH THE WORK INDICATED ON THE DRAWINGS.
11. ALL PROPERTY MONUMENTATION DISTURBED DURING CONSTRUCTION SHALL BE RESET TO THEIR ORIGINAL LOCATION BY A MAINE REGISTERED PROFESSIONAL LAND SURVEYOR (PLS) AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL PREPARE AN AS-BUILT PLAN SURVEY SHOWING LOCATIONS OF ALL SURFACE FEATURES AND SUBSURFACE UTILITY SYSTEMS INCLUDING THE LOCATION TYPE, SIZE AND INVERTS.

12. CONTRACTOR SHALL INSTALL ALL EROSION CONTROL MEASURES PRIOR TO EARTHWORK OPERATION AND MAINTAIN ALL EROSION CONTROL MEASURES AND SEEDED EMBANKMENTS DURING CONSTRUCTION. EROSION CONTROL SHALL BE REMOVED ONLY UPON THE ESTABLISHMENT OF ALL LANDSCAPED AREAS. AL WORK SHALL BE IN COMPLIANCE WITH THE ENVIRONMENTAL QUALITY HANDBOOK FOR EROSION AND SEDIMENT CONTROL, LATEST EDITION, AS ADOPTED BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION.
13. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR SITE SECURITY AND JOB SAFETY. ALL CONSTRUCTION ACTIVITY SHALL BE IN ACCORDANCE WITH OSHA STANDARDS AND LOCAL REQUIREMENTS.

14. ALL MATERIALS AND CONSTRUCTION METHODS USED WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO ALL LOCAL MUNICIPAL STANDARDS AND MAINE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS.
15. THE CONTRACTOR IS REQUIRED TO CONTROL DUST DURING CONSTRUCTION. EXPOSED SOIL AREAS SHALL BE SPRAYED WITH WATER AS NEEDED TO CONTROL DUST EMISSIONS. COVER EXPOSED SOIL AREAS AS QUICKLY AS PRACTICAL TO PREVENT WINDS FROM GENERATING DUST.

16. ALL HANDICAP ACCESSIBLE PARKING SPACES, RAMPS AND SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA).
17. ALL SITE SIGNAGE AND PAVEMENT MARKINGS SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.

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53. ALL SITE SIGNAGE AND PAVEMENT MARKINGS SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.

**LAYOUT NOTES:**

1. ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE FACE OF CURB OR BUILDING.
2. OFFSETS TO CATCH BASINS AND MANHOLES ARE TO THE CENTER OF THE FRAME.
3. PIPE LENGTH EQUALS THE CENTER TO CENTER DISTANCES BETWEEN CATCH BASINS AND/OR MANHOLES MINUS ONE HALF THE DIAMETER OF EACH CATCH BASIN OR MANHOLE.
4. BOUNDARY INFORMATION ON LAYOUT PLAN IS FOR REFERENCE ONLY, REFER TO CERTIFIED BOUNDARY PLANS FOR BOUNDARY INFORMATION.

**GRADING AND DRAINAGE NOTES:**

1. UNLESS OTHERWISE NOTED, ALL STORM DRAIN PIPE SHALL BE IN ACCORDANCE WITH MDOT SPECIFICATIONS SECTION 603. PIPE CULVERTS AND STORM DRAINS, LATEST REVISION WITH THE EXCEPTION THAT THE ONLY ACCEPTABLE TYPES OF PIPE ARE AS FOLLOWS:  
 REINFORCED CONCRETE PIPE  
 POLYVINYL CHLORIDE PIPE (PVC)  
 SMOOTH BORE POLYETHYLENE PIPE - HDPE N-12 ADS OR SDR 35
2. TOPSOIL STRIPPED IN AREAS OF CONSTRUCTION THAT IS SUITABLE FOR REUSE AS LOAM SHALL BE STOCKPILED ON SITE AT A LOCATION TO BE DESIGNATED BY OWNER. UNSUITABLE SOIL SHALL BE SEPARATED, REMOVED AND DISPOSED OF AT AN APPROVED DISPOSAL LOCATION OFF SITE.
3. THE CONTRACTOR SHALL ANTICIPATE THAT GROUNDWATER WILL BE ENCOUNTERED DURING CONSTRUCTION AND SHALL INCLUDE SUFFICIENT COSTS WITHIN THEIR BID TO PROVIDE DEWATERING AS NECESSARY. NO SEPARATE PAYMENT SHALL BE MADE TO THE CONTRACTOR FOR DEWATERING.

**EROSION AND SEDIMENTATION NOTES:**

1. CONTRACTOR SHALL FOLLOW BEST MANAGEMENT PRACTICES OF THE CUMBERLAND COUNTY SOIL CONSERVATION SERVICE AND THE MAINE DEP BEST MANAGEMENT PRACTICES HANDBOOK.

**GENERAL EROSION AND SEDIMENTATION CONTROL PRACTICES:**

**EROSION/SEDIMENT CONTROL DEVICES:**  
 THE FOLLOWING EROSION SEDIMENTATION CONTROL DEVICES ARE PROPOSED FOR CONSTRUCTION ON THIS PROJECT. INSTALL THESE DEVICES AS INDICATED ON THE PLANS.

1. SEDIMENT BARRIER: SILT SOXX, BERM OR APPROVED EQUAL WILL BE INSTALLED ALONG THE DOWN GRADING EDGES OF DISTURBED AREAS TO TRAP RUNOFF BORNE SEDIMENTS UNTIL THE SITE IS STABILIZED. IN AREAS WHERE STORMWATER DISCHARGES THE SEDIMENT BARRIER WILL BE REINFORCED WITH HAY BALES TO HELP MAINTAIN THE INTEGRITY OF THE SEDIMENT BARRIER AND TO PROVIDE ADDITIONAL TREATMENT.
2. HAY BALES: HAY BALES TO BE PLACED IN LOW FLOW DRAINAGE SWALES AND PATHS TO TRAP SEDIMENTS AND REDUCE RUNOFF VELOCITIES. DO NOT PLACE HAY BALES IN FLOWING WATER OR STREAMS.
3. RIPRAP: PROVIDE RIPRAP IN AREAS WHERE CULVERTS DISCHARGE OR AS SHOWN ON THE PLANS.
4. LOAM, SEED, & MULCH: ALL DISTURBED AREAS, WHICH ARE NOT OTHERWISE TREATED, SHALL RECEIVE PERMANENT SEEDING AND MULCH TO STABILIZE THE DISTURBED AREAS. THE DISTURBED AREAS WILL BE REVEGETATED WITHIN 5 DAYS OF FINAL GRADING. SEEDING REQUIREMENTS ARE PROVIDED AT THE END OF THIS SPECIFICATION.
5. STRAW AND HAY MULCH: USED TO COVER DENuded AREAS UNTIL PERMANENT SEED OR EROSION CONTROL MEASURES ARE IN PLACE. MULCH BY ITSELF CAN BE USED ON SLOPES LESS THAN 15% IN SUMMER AND 8% IN WINTER. JUTE MESH IS TO BE USED OVER MULCH ONLY. CURLEX II AND EXCELSIOR MAY BE USED IN PLACE OF JUTE MESH OVER MULCH.
6. 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 8%.

**TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES:**  
 PROVIDE THE FOLLOWING TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES DURING CONSTRUCTION OF THE DEVELOPMENT:

1. SEDIMENT BARRIER ALONG THE DOWNGRADIENT SIDE OF THE PARKING AREAS AND OF ALL FILL SECTIONS. THE SEDIMENT BARRIER WILL REMAIN IN PLACE UNTIL THE SITE IS 85% REVEGETATED.
2. HAY BALES PLACED AT KEY LOCATIONS TO SUPPLEMENT THE SEDIMENT BARRIER.
3. CATCH BASIN INLET FILTERS (SILT SACK OR APPROVED EQUAL) WILL BE USED ON ALL CATCH BASINS DURING CONSTRUCTION AND SHALL BE PUT IN PLACE AFTER COMPLETION OF EACH BASIN'S INSTALLATION. THE INLET FILTERS SHALL BE INSPECTED AND MAINTAINED MONTHLY AND AFTER EVERY MAJOR STORM EVENT UNTIL REMOVAL.
4. PROTECT TEMPORARY STOCKPILES OF STUMPS, GRUBBINGS, OR COMMON EXCAVATION AS FOLLOWS:  
 A. SOIL STOCKPILE SIDE SLOPES SHALL NOT EXCEED 2:1.  
 B. AVOID PLACING TEMPORARY STOCKPILES IN AREAS WITH SLOPES OVER 10 PERCENT, OR NEAR DRAINAGE SWALES.  
 C. STABILIZE STOCKPILES WITHIN 15 DAYS BY TEMPORARILY SEEDING WITH A HYDROSEED METHOD CONTAINING AN EMULSIFIED MULCH TACKIFIER OR BY COVERING THE STOCKPILE WITH MULCH.  
 D. SURROUND STOCKPILE SOIL WITH SEDIMENT BARRIER AT BASE OF PILE.
5. ALL DENuded AREAS WHICH HAVE BEEN ROUGH GRADED AND ARE NOT LOCATED WITHIN THE BUILDING PAD, OR PARKING AND DRIVEWAY SUBBASE AREA SHALL RECEIVE MULCH WITHIN 14 DAYS OF INITIAL DISTURBANCE OF SOIL OR WITHIN 7 DAYS AFTER COMPLETING THE ROUGH GRADING OPERATIONS. IN THE EVENT THE CONTRACTOR COMPLETES FINAL GRADING AND INSTALLATION OF LOAM AND SOD WITHIN THE TIME PERIODS PRESENTED ABOVE, INSTALLATION OF MULCH AND NETTING, WHERE APPLICABLE, IS NOT REQUIRED.
6. IF WORK IS CONDUCTED BETWEEN OCTOBER 15 AND APRIL 15, ALL AREAS BROUGHT TO FINAL GRADE ARE TO BE COVERED WITH HAY MULCH, APPLIED AT TWICE THE NORMAL APPLICATION RATE, WITHIN 24 HOURS, OR PRIOR TO ANY SNOW, WHICHEVER OCCURS FIRST. THE PERIOD BETWEEN FINAL GRADING AND MULCHING SHALL BE REDUCED TO A 15 DAY MAXIMUM.
7. TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED ONCE THE SITE HAS BEEN STABILIZED OR IN AREAS WHERE PERMANENT EROSION CONTROL MEASURES HAVE BEEN INSTALLED.

**PERMANENT EROSION CONTROL MEASURES:**  
 THE FOLLOWING PERMANENT CONTROL MEASURES ARE REQUIRED BY THIS EROSION/SEDIMENTATION CONTROL PLAN:

1. ALL AREAS DISTURBED DURING CONSTRUCTION, BUT NOT SUBJECT TO OTHER RESTORATION (PAVING, RIPRAP, ETC.), WILL BE LOAMED, LIMED, FERTILIZED AND SEEDED. NATIVE TOPSOIL SHALL BE STOCKPILED AND REUSED FOR FINAL RESTORATION WHEN IT IS OF SUFFICIENT QUALITY.
2. SLOPES GREATER THAN 2:1 WILL RECEIVE RIPRAP.

**CONSTRUCTION PHASE:**

- THE FOLLOWING GENERAL SEQUENCE & PRACTICES WILL BE USED TO PREVENT EROSION DURING CONSTRUCTION OF THIS PROJECT.
1. CLEARING LIMITS WILL BE FLAGGED AND REVIEWED BY THE TOWN NATURAL RESOURCES DIRECTOR PRIOR TO CUTTING.
  2. INSTALL STABILIZED CONSTRUCTION ENTRANCE.
  3. INSTALL CATCH BASIN INLET PROTECTION AT EXISTING CATCH BASIN ADJACENT TO THE SITE.
  4. CUT AND REMOVE TREES AROUND AREA OF WORK, LEAVING THE DUFF LAYER IN PLACE.
  5. SET SEDIMENT BARRIER AND EROSION CONTROL MEASURES AROUND THE PERIMETER OF THE LIMITS OF WORK. STUMPS SHALL BE GROUND ON SITE AND USED FOR SEDIMENT BARRIER AND/OR MULCH.
  6. CLEAR AND GRUB AREA FOR INSTALLATION OF UTILITIES AND ROADWAY. TOPSOIL SALVAGED SHALL BE STOCKPILED AND PROTECTED FROM EROSION.
  7. INSTALL UTILITIES AND INFRASTRUCTURE, INCLUDING DRIVEWAYS AND UTILITY SERVICE STUBS.
  8. CLEAR AND GRUB AREA FOR EXCAVATION OF UNIT FOUNDATIONS. CONTRACTOR SHALL OBSERVE CLEARING LIMITS AND MINIMIZE THE USE OF HEAVY EQUIPMENT OVER PROPOSED INFILTRATION AREAS.
  9. CONSTRUCT BUILDING FOUNDATIONS.
  10. REMOVE ANY FINE SEDIMENT DEPOSITION FROM PROPOSED INFILTRATION AREAS USING LIGHT EQUIPMENT OR MANPOWER.
  11. LOAM, SEED, AND MULCH DISTURBED AREAS.
  12. MONITOR SITE FOR SIGNS OF EROSION MONTHLY AND AFTER MAJOR STORM EVENTS.
  13. REMOVAL OF TEMPORARY EROSION CONTROL MEASURES. 90 DAYS POST CONSTRUCTION OR UPON SATISFACTORY ESTABLISHMENT OF ANNUALLY HAS BEEN OBTAINED.
  14. INSPECT SITE SEMI-ANNUALLY FOR ANY SIGN OF EROSION OR AREA REQUIRING ADDITIONAL SEEDING.

1. ONLY THOSE AREAS UNDER ACTIVE CONSTRUCTION WILL BE CLEARED AND LEFT IN AN UNTREATED OR UNVEGETATED CONDITION. IF FINAL GRADING, LOAMING AND SEEDING WILL NOT OCCUR WITHIN 14 DAYS, SEE ITEM NO. 4.
2. PRIOR TO THE START OF CONSTRUCTION IN A SPECIFIC AREA, SEDIMENT BARRIER AND/OR HAY BALES WILL BE INSTALLED AT THE TOE OF SLOPE AND IN AREAS AS LOCATED ON THE PLANS TO PROTECT AGAINST ANY CONSTRUCTION RELATED EROSION.
3. TOPSOIL WILL BE STOCKPILED WHEN NECESSARY IN AREAS WHICH HAVE MINIMUM POTENTIAL FOR EROSION AND WILL BE KEPT AS FAR AS POSSIBLE FROM THE EXISTING DRAINAGE COURSE. NO STOCKPILE SHALL BE CLOSER THAN 100' OF A RESOURCE INCLUDING, BUT NOT LIMITED TO, WETLANDS, STREAMS, AND OPEN WATER BODIES. ALL STOCKPILES SHALL HAVE A SEDIMENT BARRIER BELOW THEM REGARDLESS OF TIME OF PRESENCE. ALL STOCKPILES EXPECTED TO REMAIN LONGER THAN 14 DAYS SHALL BE:  
 A. TREATED WITH ANCHORED MULCH (WITHIN 5 DAYS OF THE LAST DEPOSITED SOIL).  
 B. SEEDED WITH CONSERVATION MIX AND MULCHED IMMEDIATELY.  
 C. INSTALL SEDIMENT BARRIER AROUND STOCKPILE AT BASE OF PILE. STOCKPILES TO HAVE SEDIMENT BARRIER INSTALLED AT TIME OF ESTABLISHMENT AT BASE OF PILE.
4. ALL DISTURBED AREAS EXPECTED TO REMAIN LONGER THAN 14 DAYS SHALL BE EITHER:  
 A. TREATED WITH ANCHORED MULCH IMMEDIATELY, OR  
 B. SEED WITH CONSERVATION MIX OF ANNUAL RYE GRASS (0.9 LBS/1000 SQ. FT) AND MULCHED IMMEDIATELY.

5. ALL GRADING WILL BE HELD TO A MAXIMUM 3:1 SLOPE WHERE PRACTICAL. ALL SLOPES WILL BE STABILIZED WITH PERMANENT SEEDING, OR WITH STONE, WITHIN 5 DAYS AFTER FINAL GRADING IS COMPLETE. (SEE POST-CONSTRUCTION REVEGETATION FOR SEEDING SPECIFICATION.)
6. CONSTRUCT INFILTRATION BASIN AFTER ITS CORRESPONDING DRAINAGE AREA HAS BEEN STABILIZED WITH VEGETATION AND EROSION CONTROL MEASURES THAT WILL PREVENT SEDIMENT FROM REACHING THE BASIN. DURING CONSTRUCTION, PROTECT AREAS DESIGNATED AS INFILTRATION BASINS FROM SEDIMENT WITH THE USE OF SILT SOXX WHERE PRACTICABLE. UPON COMPLETION OF CONSTRUCTION AND PRIOR TO REVEGETATION, REMOVE ANY ACCUMULATED SEDIMENT FROM THE INFILTRATION BASIN AREAS.

**POST-CONSTRUCTION REVEGETATION:**

THE FOLLOWING GENERAL PRACTICES WILL BE USED TO PREVENT EROSION AS SOON AS AN AREA IS READY TO UNDERGO FINAL GRADING.

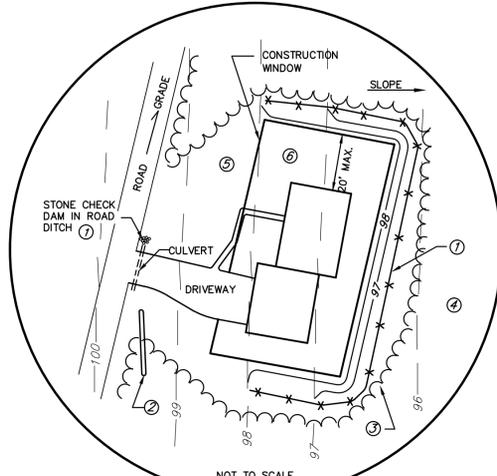
1. A MINIMUM OF 4" OF LOAM WILL BE SPREAD OVER DISTURBED AREAS AND GRADED TO A UNIFORM DEPTH AND NATURAL APPEARANCE, OR STONE WILL BE PLACED ON SLOPES TO STABILIZE SURFACES.
2. IF FINAL GRADING IS REACHED DURING THE NORMAL GROWING SEASON (4/15 TO 9/15), PERMANENT SEEDING WILL BE DONE AS SPECIFIED BELOW. PRIOR TO SEEDING, LIMESTONE SHALL BE APPLIED AT A RATE OF 138 LBS/1000 SQ. FT. AND 10:20:20 FERTILIZER AT A RATE OF 18.4 LBS/1000 SQ.FT WILL BE APPLIED. BROADCAST SEEDING AT THE FOLLOWING RATES:  
 3. AN AREA SHALL BE MULCHED IMMEDIATELY AFTER IT HAS BEEN SEED. MULCHING SHALL CONSIST OF HAY MULCH, HYDRO-MULCH, JUTE NET OVER MULCH, PRE-MANUFACTURED EROSION MATS OR ANY SUITABLE SUBSTITUTE DEEMED ACCEPTABLE BY THE DESIGNER.  
 A. HAY MULCH SHALL BE APPLIED AT THE RATE OF 2 TONS PER ACRE. HAY MULCH SHALL BE SECURED BY EITHER: (NOTE: SOIL SHALL NOT BE VISIBLE)  
 I. BEING DRIVEN OVER BY TRACKED CONSTRUCTION EQUIPMENT ON GRADES OF 5% AND LESS.  
 II. BLANKETED BY TACKED PHOTODEGRADABLE/BIODEGRADABLE NETTING, OR WITH SPRAY, ON GRADES GREATER THAN 5%.  
 III. SEE NOTE 6, GENERAL NOTES, AND NOTE 8, WINTER CONSTRUCTION.  
 B. HYDRO-MULCH SHALL CONSIST OF A MIXTURE OF EITHER ASPHALT, WOOD FIBER OR PAPER FIBER AND WATER SPRAYED OVER A SEEDED AREA. HYDRO-MULCH SHALL NOT BE USED BETWEEN 9/15 AND 4/15.
4. CONSTRUCTION SHALL BE PLANNED TO ELIMINATE THE NEED FOR SEEDING BETWEEN SEPTEMBER 15 AND APRIL 15. SHOULD SEEDING BE NECESSARY BETWEEN SEPTEMBER 15 AND APRIL 15 THE FOLLOWING PROCEDURE SHALL BE FOLLOWED. ALSO REFER TO NOTE 9 OF WINTER CONSTRUCTION.  
 A. ONLY UNFROZEN LOAM SHALL BE USED.  
 B. LOAMING, SEEDING AND MULCHING WILL NOT BE DONE OVER SNOW OR ICE COVER. IF SNOW EXISTS, IT MUST BE REMOVED PRIOR TO PLACEMENT OF SEED.  
 C. WHERE PERMANENT SEEDING IS NECESSARY, ANNUAL WINTER RYE (1.2 LBS/1000 SQ.FT) SHALL BE ADDED TO THE PREVIOUSLY NOTED AREAS.  
 D. WHERE TEMPORARY SEEDING IS REQUIRED, ANNUAL WINTER RYE (2.6 LBS/1000 SQ. FT.) SHALL BE SOWN INSTEAD OF THE PREVIOUSLY NOTED SEEDING RATE.  
 E. FERTILIZING, SEEDING AND MULCHING SHALL BE APPLIED TO LOAM THE DAY THE LOAM IS SPREAD BY MACHINERY.  
 F. ALTERNATIVE HAY MULCH SHALL BE SECURED WITH PHOTODEGRADABLE/BIODEGRADABLE NETTING. TRACKING BY MACHINERY ALONE WILL NOT SUFFICE.
5. FOLLOWING FINAL SEEDING, THE SITE WILL BE INSPECTED EVERY 30 DAYS UNTIL 85% COVER HAS BEEN ESTABLISHED.  
 (A) SEEDED AREAS, FOR SEEDED AREAS, PERMANENT STABILIZATION MEANS A 90% COVER OF HEALTHY PLANTS WITH NO EVIDENCE OF WASHING OR RILLING OF THE TOPSOIL.  
 (B) 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.  
 (C) PERMANENT MULCH, FOR MULCHED AREAS, PERMANENT STABILIZATION MEANS 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.  
 (D) RIPRAP, 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 BE SIZED APPROPRIATELY. IT IS RECOMMENDED THAT ANGULAR STONE BE USED.  
 (E) PAVED AREAS, FOR PAVED AREAS, PERMANENT STABILIZATION MEANS THE PLACEMENT OF THE COMPACTED GRAVEL SUBBASE IS COMPLETED.  
 (F) DITCHES, CHANNELS, AND SWALES, FOR OPEN CHANNELS, PERMANENT STABILIZATION MEANS THE CHANNEL IS STABILIZED WITH A 90% COVER OF HEALTHY VEGETATION, WITH A WELL-GRADED RIPRAP LINING, 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.

RESEEDING WILL BE CARRIED OUT BY THE CONTRACTOR WITHIN 10 DAYS OF NOTIFICATION BY THE ENGINEER THAT THE EXISTING CATCH IS INADEQUATE.

**MONITORING SCHEDULE:**

THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING, MONITORING, MAINTAINING, REPAIRING, REPLACING AND REMOVING ALL OF THE EROSION AND SEDIMENTATION CONTROLS OR APPOINTING A QUALIFIED SUBCONTRACTOR TO DO SO. MAINTENANCE MEASURES WILL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION CYCLE. AFTER EACH RAINFALL, A VISUAL INSPECTION WILL BE MADE OF ALL EROSION AND SEDIMENTATION CONTROLS AS FOLLOWS:

1. HAY BALE BARRIERS, SEDIMENT BARRIER, AND STONE CHECK DAMS SHALL BE INSPECTED AND REPAIRED ONCE A WEEK OR IMMEDIATELY FOLLOWING ANY SIGNIFICANT RAINFALL. SEDIMENT TRAPPED BEHIND THESE BARRIERS SHALL BE EXCAVATED WHEN IT REACHES A DEPTH OF 6" AND REDISTRIBUTED TO AREAS UNDERGOING FINAL GRADING. SHOULD THE HAY BALE BARRIERS PROVE TO BE INEFFECTIVE, THE CONTRACTOR SHALL INSTALL SEDIMENT BARRIER BEHIND THE HAY BALES.
2. VISUALLY INSPECT RIPRAP ONCE A WEEK AND/OR AFTER EACH SIGNIFICANT RAINFALL AND REPAIR AS NEEDED. REMOVE SEDIMENT TRAPPED BEHIND THESE DEVICES ONCE IT ATTAINS A DEPTH EQUAL TO 1/2 THE HEIGHT OF THE DAM OR RISER.
3. REVEGETATION OF DISTURBED AREAS WITHIN 25' OF DRAINAGE-COURSE/STREAM WILL BE SEEDING WITH THE "MEADOW AREA MIX" AND INSPECTED ON A WEEKLY BASIS OR AFTER EACH SIGNIFICANT RAINFALL AND RESEEDED AS NEEDED. EXPOSED AREAS WILL BE RESEEDED AS NEEDED UNTIL THE AREA HAS OBTAINED 100% GROWTH RATE. PROVIDE PERMANENT RIPRAP FOR SLOPES IN EXCESS OF 3:1 AND WITHIN 25' OF DRAINAGE COURSE.
4. VISUALLY INSPECT TEMPORARY INLET PROTECTION ONCE A WEEK AND/OR AFTER EACH SIGNIFICANT RAINFALL AND REPLACE AS NEEDED. REMOVE SEDIMENT TRAPPED IN THESE DEVICES ONCE IT ATTAINS A DEPTH EQUAL TO 1/2 THE DEPTH OF THE SILT SACK.



**INSTALLATION:**

1. INSTALL SEDIMENT BARRIERS ON YOUR SITE BEFORE DISTURBING SOILS. SEE THE "SEDIMENT BARRIERS" MEASURE FOR DETAILS ON INSTALLATION AND MAINTENANCE.
2. CONSTRUCT A DIVERSION DITCH TO KEEP UPSLOPE RUNOFF OUT OF WORK AREA.
3. MARK CLEARING LIMITS ON THE SITE TO KEEP EQUIPMENT OUT OF AREAS WITH STEEP SLOPES, CHANNELIZED FLOW, OR ADJACENT SURFACE WATERS AND WETLANDS.
4. PRESERVE BUFFERS BETWEEN THE WORK AREA AND ANY DOWNSTREAM SURFACE WATERS AND WETLANDS. SEE THE "BUFFERS" MEASURE FOR BUFFER PRESERVATION.
5. USE TEMPORARY MULCH AND RYE-SEED TO PROTECT DISTURBED SOILS OUTSIDE THE ACTIVE CONSTRUCTION AREA. SEE THE "MULCHING" MEASURE AND "VEGETATION" MEASURE FOR DETAILS AND SPECIFICATIONS FOR THESE CONTROLS.
6. PERMANENTLY SEED AREAS NOT TO BE PAVED WITHIN SEVEN DAYS OF COMPLETING FINAL GRADING. SEE "VEGETATION" MEASURE FOR INFORMATION ON PROPER SEEDING.

**MAINTENANCE:**

EVERY MONTH THE FIRST YEAR AFTER CONSTRUCTION AND YEARLY THEREAFTER, INSPECT FOR AREAS SHOWING EROSION OR POOR VEGETATION GROWTH. FIX THESE PROBLEMS AS SOON AS POSSIBLE. EACH SPRING REMOVE ANY ACCUMULATION OF DEBRIS OR WINTER SAND THAT WOULD IMPEDE RUNOFF FROM ENTERING A BUFFER OR DITCH.

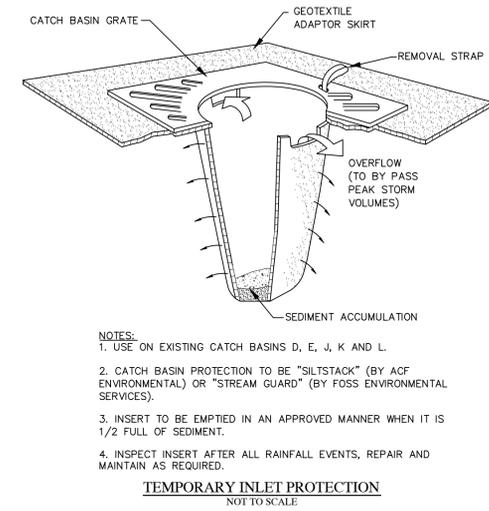
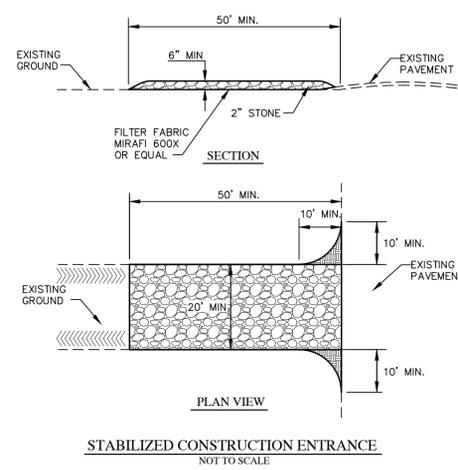
**HOUSE SITE - BEST MANAGEMENT PRACTICES**  
 NOT TO SCALE

**EROSION CONTROL DURING WINTER CONSTRUCTION:**

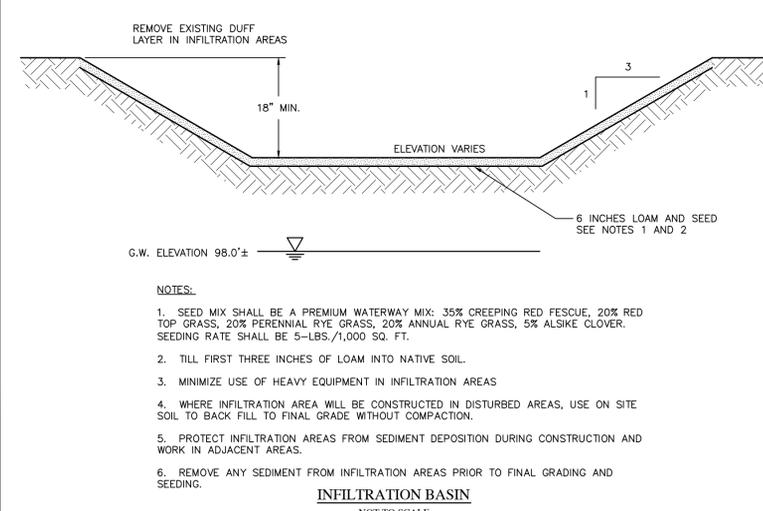
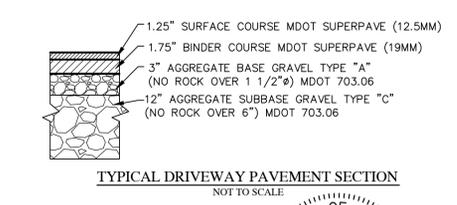
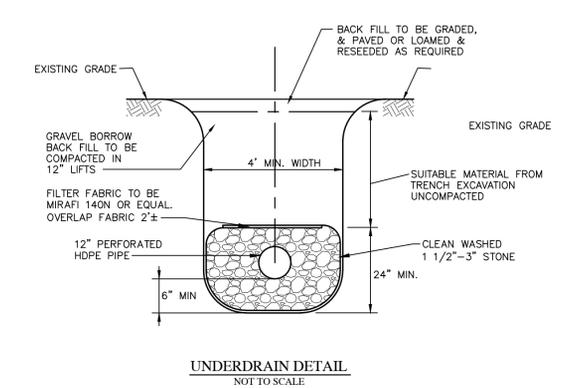
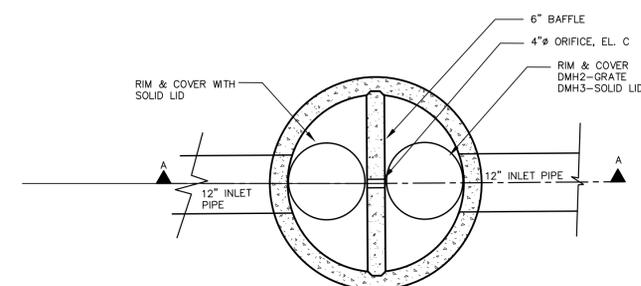
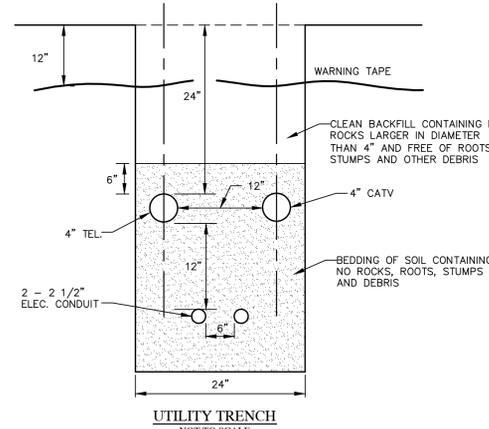
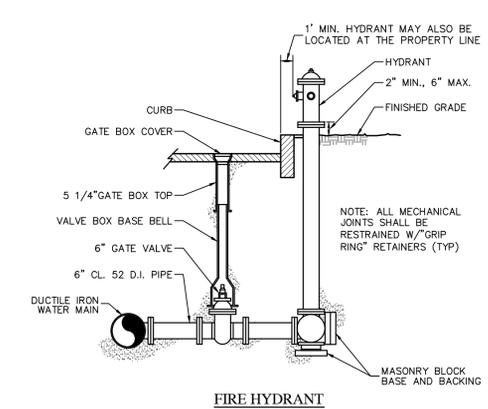
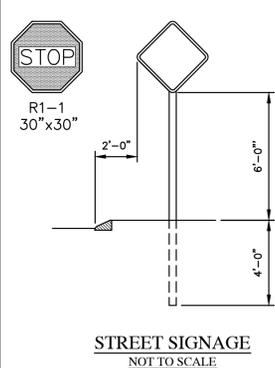
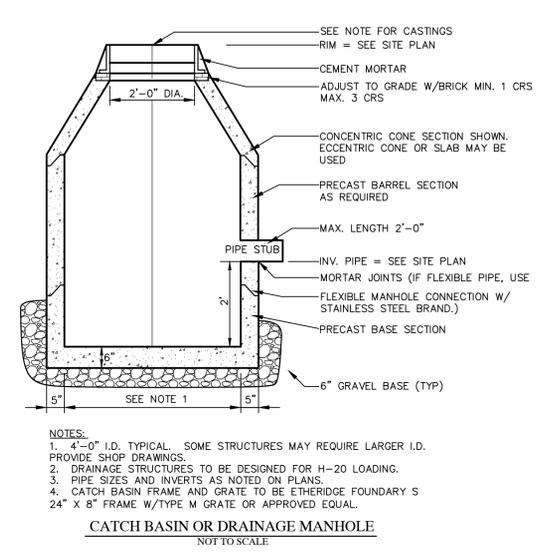
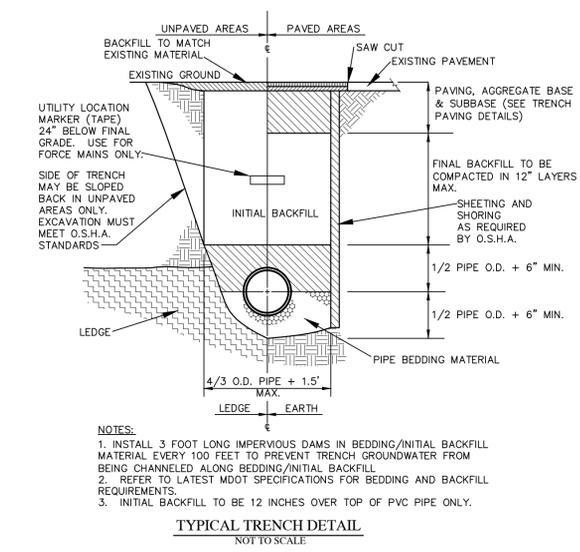
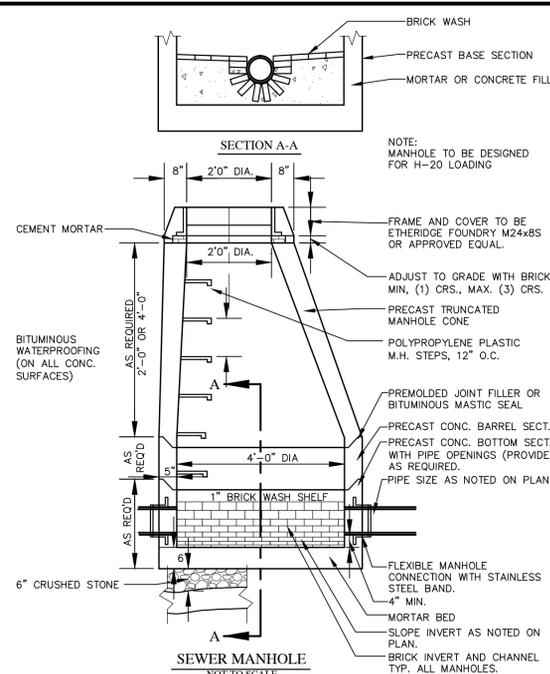
1. WINTER CONSTRUCTION PERIOD: NOVEMBER 1 THROUGH APRIL 15.
2. WINTER EXCAVATION AND EARTHWORK SHALL BE COMPLETED SUCH THAT NO MORE THAN 1 ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME.
3. EXPOSED AREA SHALL BE LIMITED TO THOSE AREAS TO BE MULCHED IN ONE DAY PRIOR TO ANY SNOW EVENT. AT THE END OF EACH WORK WEEK NO AREAS MAY BE LEFT UNSTABILIZED OVER THE WEEKEND.
4. CONTINUATION OF EARTHWORK OPERATIONS ON ADDITIONAL AREAS SHALL NOT BEGIN UNTIL THE EXPOSED SOIL SURFACE ON THE AREA BEING WORKED HAS BEEN STABILIZED, SUCH THAT NO LARGER AREA OF THE SITE IS WITHOUT EROSION CONTROL PROTECTION AS LISTED IN ITEM 2 ABOVE.
5. 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 1000 S.F. (WITH OR WITHOUT SEEDING) OR DORMANT SEED, MULCHED AND ANCHORED SUCH THAT SOIL SURFACE IS NOT VISIBLE THROUGH THE MULCH. NOTE: AN AREA IS ALSO CONSIDERED STABLE IF SODDED, COVERED WITH GRAVEL (PARKING LOTS) OR STRUCTURAL SAND.
6. BETWEEN THE DATES OF OCTOBER 15 AND APRIL 1, LOAM OR SEED WILL NOT BE REQUIRED. DURING PERIODS OF ABOVE FREEZING TEMPERATURES THE SLOPES 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 1 AND IF THE EXPOSED AREA HAS BEEN LOAMED, 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. IF CONSTRUCTION CONTINUES DURING FREEZING WEATHER, ALL EXPOSED AREAS SHALL BE CONTINUOUSLY GRADED BEFORE FREEZING AND THE SURFACE TEMPORARILY PROTECTED FROM EROSION BY THE APPLICATION OF MULCH. SLOPES SHALL NOT BE LEFT UNEXPOSED OVER THE WINTER OR ANY OTHER EXTENDED TIME OF WORK SUSPENSION UNLESS TREATED IN THE ABOVE MANNER. UNTIL SUCH TIME AS WEATHER CONDITIONS ALLOW, DITCHES TO BE FINISHED WITH THE PERMANENT SURFACE TREATMENT, EROSION SHALL BE CONTROLLED BY THE INSTALLATION OF BALES OF HAY, SEDIMENT BARRIER OR STONE CHECK DAMS IN ACCORDANCE WITH THE STANDARD DETAILS SHOWN ON THE DESIGN DRAWINGS. NOTE: DORMANT SEEDING SHOULD NOT BE ATTEMPTED UNLESS SOIL TEMPERATURE REMAINS BELOW 50 DEGREES AND DAY TIME TEMPERATURES REMAIN IN THE 30'S.
7. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS, SLOPES GREATER THAN 3% FOR SLOPES EXPOSED TO DIRECT WINDS AND FOR ALL OTHER SLOPES GREATER THAN 8%. VEGETATED DRAINAGE SWALES SHALL BE LINED WITH EXCELSIOR OR CURLEX.
8. BETWEEN THE DATES OF OCTOBER 15 TO NOVEMBER 1, WINTER RYE IS RECOMMENDED FOR STABILIZATION. AFTER NOVEMBER 1, WINTER RYE IS NOT EFFECTIVE. AROUND NOVEMBER 15 OR LATER, ONCE TEMPERATURES OF THE AIR AND SOIL PERMIT, DORMANT SEEDING IS EFFECTIVE.
9. IN THE EVENT OF SNOWFALL (FRESH OR CUMULATIVE) GREATER THAN 1 INCH DURING WINTER CONSTRUCTION PERIOD ALL SNOW SHALL BE REMOVED FROM THE AREAS OF SEEDING AND MULCHING PRIOR TO PLACEMENT.

**SITE INSPECTION AND MAINTENANCE:**

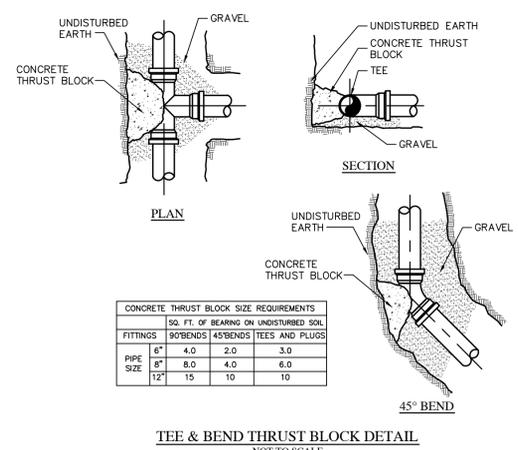
1. WEEKLY INSPECTIONS, AS WELL AS ROUTINE INSPECTIONS FOLLOWING RAIN FALLS, SHALL BE CONDUCTED BY THE GENERAL CONTRACTOR OF ALL TEMPORARY AND PERMANENT EROSION CONTROL DEVICES UNTIL FINAL ACCEPTANCE OF THE PROJECT (85% GRASS CATCH). NECESSARY REPAIRS SHALL BE MADE TO CORRECT UNDERMINING OR DETERIOR



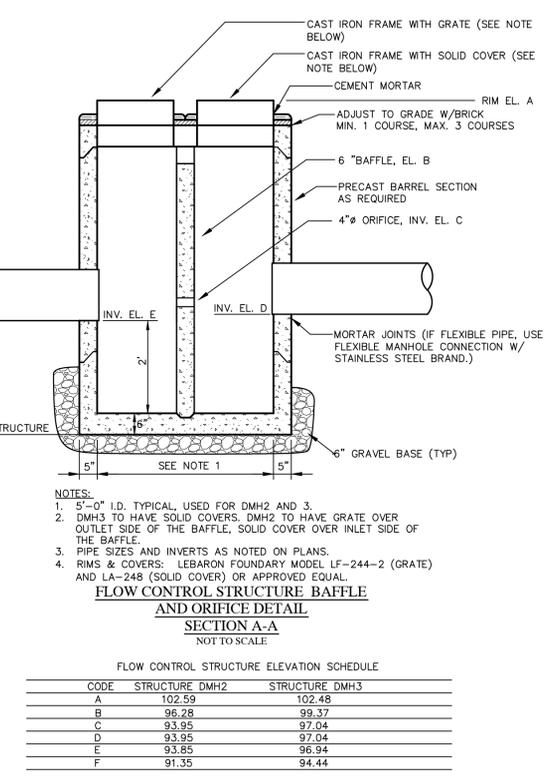
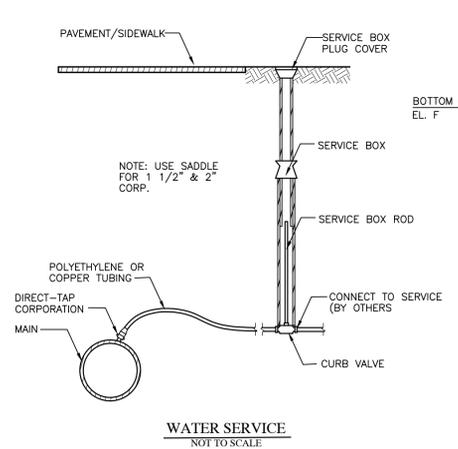
- NOTES:**
1. USE ON EXISTING CATCH BASINS D, E, J, K AND L.
  2. CATCH BASIN PROTECTION TO BE "SILTSTACK" (BY ACF ENVIRONMENTAL) OR "STREAM GUARD" (BY FOSS ENVIRONMENTAL SERVICES).
  3. INSERT TO BE EMPTIED IN AN APPROVED MANNER WHEN IT IS 1/2 FULL OF SEDIMENT.
  4. INSPECT INSERT AFTER ALL RAINFALL EVENTS, REPAIR AND MAINTAIN AS REQUIRED.



- NOTES:**
1. SEED MIX SHALL BE A PREMIUM WATERWAY MIX: 35% CREEPING RED FESCUE, 20% RED TOP GRASS, 20% PERENNIAL RYE GRASS, 20% ANNUAL RYE GRASS, 5% ALSIKE CLOVER. SEEDING RATE SHALL BE 5-LBS./1,000 SQ. FT.
  2. TILL FIRST THREE INCHES OF LOAM INTO NATIVE SOIL.
  3. MINIMIZE USE OF HEAVY EQUIPMENT IN INFILTRATION AREAS
  4. WHERE INFILTRATION AREA WILL BE CONSTRUCTED IN DISTURBED AREAS, USE ON SITE SOIL TO BACK FILL TO FINAL GRADE WITHOUT COMPACTION.
  5. PROTECT INFILTRATION AREAS FROM SEDIMENT DEPOSITION DURING CONSTRUCTION AND WORK IN ADJACENT AREAS.
  6. REMOVE ANY SEDIMENT FROM INFILTRATION AREAS PRIOR TO FINAL GRADING AND SEEDING.



CONCRETE THRUST BLOCK SIZE REQUIREMENTS			
	SQ. FT. OF BEARING ON UNDISTURBED SOIL		
FITTINGS	90° BENDS	45° BENDS	TEES AND PLUGS
PIPE SIZE	4.0	2.0	3.0
6"	8.0	4.0	6.0
12"	15	10	10



6. 03-29-16 SUBMITTED FOR RE-APPROVAL CYN
5. 03-18-14 SUBMITTED FOR RE-APPROVAL RPL
4. 01-30-07 REVISED PER MDEP COMMENTS MRD
3. 12-20-06 SUBMITTED TO DEP MRD
2. 11-28-06 SUBMITTED TO PLANNER FOR REVIEW - 18 COPIES DSE
1. 11-21-06 SUBMITTED TO PLANNER FOR REVIEW - 1 COPY DSE

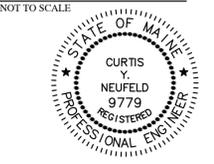
**CONSTRUCTION DETAILS**

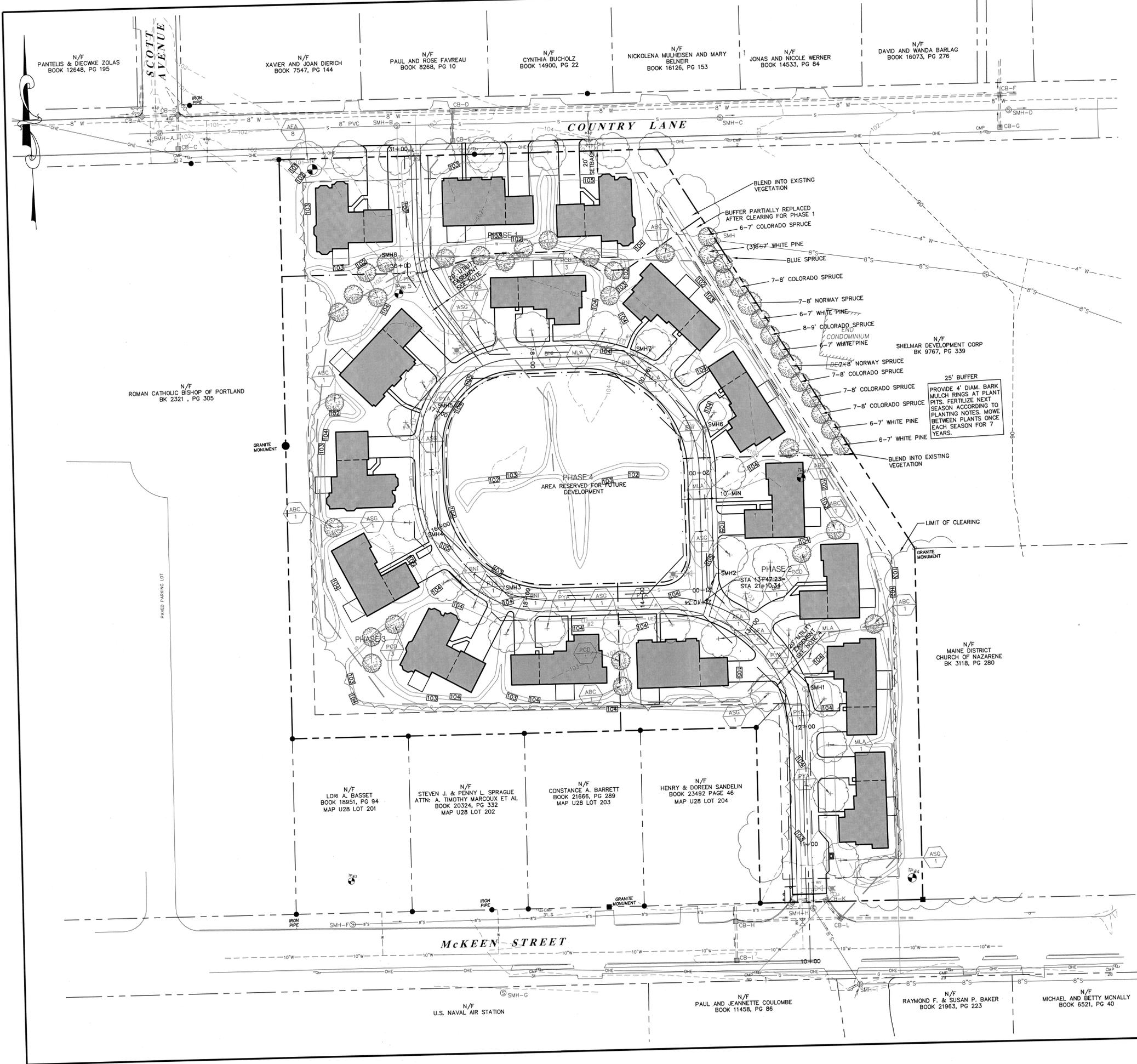
CHURCHILL WOODS CONDOMINIUMS  
BRUNSWICK, MAINE

CHURCHILL, LLC  
141 PLEASANT STREET, BRUNSWICK, MAINE 04011

**SITELINES P.A.**  
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LANDSCAPE ARCHITECTS  
8 CUMBERLAND STREET, BRUNSWICK, ME 04011  
Phone: (207) 725-1200 Fax: (207) 725-1114

FIELD WK:	SCALE: NOT TO SCALE	SHEET:
DRN BY: MRD/DSE	JOB #: 1263	9
CHD BY: CYN	SS:	
DATE: 09-22-06	FILE: 1263EROSION...	



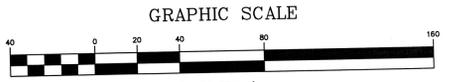
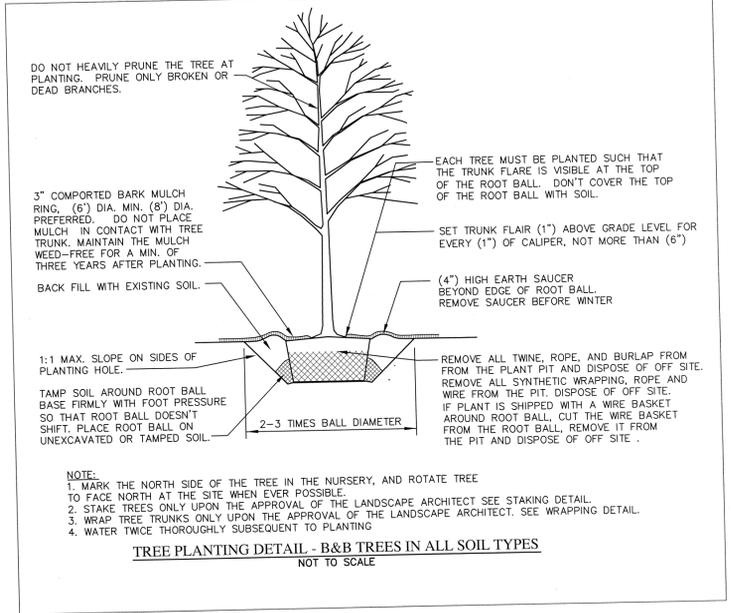


Date: OCTOBER 25, 2006

Client Name: CHURCHILL ESTATES  
Address: MCKEEN STREET, BRUNSWICK, MAINE

Description: PLANT SCHEDULE

ID NO.	BOTANICAL NAME	COMMON NAME	QTY.	SIZE
<b>Trees:</b>				
ABC	Abies concolor	White Fir	7	6/7'
AFA	Acer x freemani 'Celebration'	Celebration Maple	10	2"
ASG	Acer saccharum 'Green Mountain'	Sugar Maple	7	2"
BNI	Betula nigra 'Heritage'	Heritage River Birch	6	10-12' clump
MLA	Magnolia accuminata	Cucumber Magnolia	5	2" cal
PCD	Picea glauca 'Densata'	Black Hills Spruce	8	5/6'
PGP	Picea pungens 'Glauca'	Colorado Blue Spruce	18	5/6'
PNS	Pinus strobus	White Pine	11	6/7'
PYA	Pyrus calleryana 'Aristocrat'	Aristocrat Ornamental Pear	7	2"
TOT	Thuja occidentalis 'Nigra'	Dark American arborvitae	19	4-5'
123	SAMPLE	SAMPLE	1	1
<b>Shrubs:</b>				
JCS	Juniperus chinensis 'Hetzii Glauca'	Blue Hetzii Juniper	18	#5



2. 03-18-14 SUBMITTED FOR RE-APPROVAL RPL  
1. 11-21-06 SUBMITTED TO PLANNER FOR REVIEW - 1 COPY DSE

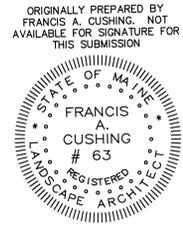
**LANDSCAPE / BUFFER PLAN**

CHURCHILL WOODS CONDOMINIUMS  
BRUNSWICK, MAINE

CHURCHILL, LLC  
141 PLEASANT STREET, BRUNSWICK, MAINE 04011

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LANDSCAPE ARCHITECTS  
8 CUMBERLAND STREET, BRUNSWICK, ME 04011  
Phone: (207) 725-1200 Fax: (207) 725-1114

FIELD WK: DIRIGO	SCALE: 1"=40'	SHEET:
DRN BY: FAC	JOB #: 1263	<b>10</b>
CHD BY: CYN	SS:	
DATE: 10-25-06	FILE: 1263SITE.DWG	



**DECLARATION OF CONDOMINIUM**

**of**

**CHURCHILL WOODS CONDOMINIUMS  
Brunswick, Maine**

**CHURCHILL, LLC  
Yarmouth, ME 04096  
Declarant**

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**DECLARATION**  
**CHURCHILL WOODS CONDOMINIUMS**

**ARTICLE I**  
**SUBMISSION; ASSOCIATION**

1.1 Submission of Property. CHURCHILL, LLC of Yarmouth, Cumberland County, Maine ("Declarant"), hereby submits the land and easements with all buildings and improvements thereon located within the Town of Brunswick, Cumberland County, Maine and more particularly described in Exhibit A attached hereto (the "Property") to the Maine Condominium Act, Chapter 31 of Title 33 of the Maine Revised Statutes Annotated, as amended (the "Act"), and hereby creates the Churchill Woods Condominiums (the "Condominium"). The Property is shown on the Condominium Plat prepared by Sitelines P.A., dated June 5, 2007, and recorded in Plan Book 207, Page 365 of the Cumberland County Registry of Deeds, and identified as Condominium Plat for Churchill Woods Condominiums, and on the condominium plans containing the floor plan for the units and the unit vertical boundaries and horizontal boundaries with elevations, prepared by Oxford Homes, and recorded in said Registry of Deeds in Plan Book 207, Pages 366 through 373.

Reference is also made to that certain plan entitled "Condominium Plan, Churchill Woods Condominiums, Brunswick Maine" prepared for Churchill, LLC by Sitelines P.A., and approved by the Town of Brunswick, Maine on February 13, 2007, and recorded in said Registry of Deeds and Plan Book 207, Page 166.

Initially, the Condominium consists of the land in Phase 1 as described in Exhibit A, and three (3) buildings containing one (1) unit each, on Country Lane, consisting of three (3) total units, numbered 1 through 3. As shown on the Condominium Plats and Plans, the Declarant reserves various Development Rights including without limitation the right to add additional land to the Condominium consisting of Phases 2, 3 and 4, and to create additional Condominium units up to a maximum total of sixteen (16) units (including the three (3) units in Phase 1), and if the Town of Brunswick Zoning Ordinance is amended to allow increased density as contemplated by the Town's Comprehensive Plan, to create up to four (4) additional Condominium units (for a total of twenty (20)) to the Condominium, and to create associated limited common elements.

Terms used herein, in the plats and plans or in the By-laws of the Association, shall have the meanings specified in the Act except as otherwise defined herein.

1.2 Association. The unit owners' condominium association shall be known as Churchill Woods Condominiums Owners Association (the "Association"). The Declarant shall form the Association prior to the sale of the first unit.

ARTICLE II  
BUILDINGS ON THE LAND; UNIT BOUNDARIES; DEVELOPMENT RIGHTS

2.1 Location and Dimension of Buildings. The location and dimensions of Units 1 through 3 are depicted on the plats and plans. Reference is also made to the floor plans for dimensions of the units.

Access to Phase I of the Condominium is from Country Lane, a public way. Access to Phases 2, 3 and 4 (if added) will be from McKeen Street, a public way. The Association will be responsible for maintaining, including plowing, Foliage Drive, a private way.

Water for all units will be provided by the Brunswick-Topsham Water District. The Brunswick-Topsham Water District shall be responsible for the maintenance, repair and replacement of the water lines located in the water line easement area. Each Unit owner shall be responsible for the maintenance, repair and replacement of the water line serving its Unit from the water main in the easement area to the Unit. The units shall be serviced by a privately owned and maintained sewer system, which will extend from the public sewer system located on Country Lane (for Phase 1) and McKeen Street (for Phases 2, 3 and 4). The Association shall be responsible for maintenance, repair and replacement of all sewer and utility systems (other than the water lines as described above), appurtenances and lines that are located outside of the units, except to the extent located in a public way. Water, sewer, electric, telephone and cable utilities will be furnished to each unit on a separately metered basis. The units in all Phases will have natural gas heat, furnished to each unit on a separately metered basis. The Town of Brunswick will provide rubbish removal services.

The driveway, front porch, front walk, and deck serving each unit and the five (5') foot areas adjacent to the front and rear of each unit as shown on the plats and plans (the "Garden Areas") shall be allocated to that unit as an appurtenant limited common element. The Association shall be responsible for the maintenance of the driveway, front walks and porches, which includes plowing and snow removal. The homeowner shall be responsible for any snow removal from the deck. Each unit owner shall be responsible for plantings and landscaping in the Garden Areas, at each Unit owner's cost, expense and risk. If a Unit owner fails to maintain plantings or such plantings become unsightly or unkempt, the Association may, but shall have no obligation to, plant and/or maintain such Unit owner's Garden Areas at such Unit owner's cost and expense.

**2.2 Units.** For each unit the identification number, location, and unit area are shown on the plats and plans. Any internal room configuration shown on the floor plans is illustrative only, and is not binding on an owner except that the structural support of the building must be preserved.

Each unit includes the following items:

- A. All interior spaces and partitions, interior doors, the sliding glass door (if any), and interior stairways within the unit, if any;
- B. All drywall, plaster, wall board or other materials forming the perimeter walls and ceiling bounding that unit, finished flooring, floor coverings, carpeting and the like, and finished wall and ceiling coverings (including paint, wallpaper, paneling, tile and any other materials constituting any part of the finished surfaces thereof), fixtures, hardware and equipment servicing that unit;
- C. Windows, skylights (if any), doors and garage doors providing access to the common elements, including their screens, storm windows, locks and hardware;
- D. Bathroom fixtures and kitchen fixtures, and surface mounted and recessed medicine or other cabinets and appliances and their water and waste connections;
- E. The hot water heater and space heating equipment servicing each unit and the controls appurtenant thereto;
- F. Electrical, telephone and cable wiring, equipment, outlets and lighting devices from the point where the feed wire enters the unit's circuit breaker distribution box inwards, the oil tank and related pipes, equipment and appurtenances, utility lines, pipes and equipment serving only that unit and located within its general boundary lines as hereinafter described; and
- G. The interior of the garage attached to the unit.

**2.3 Unit Boundaries.** The boundaries of each unit, and the garage attached to each unit, are generally as follows:

- A. **Upper and Lower (horizontal) Boundaries:** The upper and lower boundaries of each unit are generally the following boundaries extended to an intersection with the vertical (perimeter) boundaries:

1. Upper Boundary: The planes formed by the bottom sides of the roof rafters. The upper boundary lines also specifically include the exterior surface of skylights, if any.

2. Lower Boundary: The horizontal plane of the top surface of the undecorated concrete floor slab or basement floor, as the case may be.

B. Vertical (perimeter) Boundaries: The vertical boundaries of the unit are generally the vertical planes at the interior edge of the exterior wall stud line, excluding any drywall, plaster, wall board or other materials forming the perimeter walls and ceiling bounding the unit, extending to intersections with each other and with the upper and lower boundaries. The vertical boundary lines also specifically include the exterior surface of doors, garage doors, windows, sliding glass doors, storm windows, and glass walls.

Except as specified in this Article, all spaces and improvements within a unit's boundaries are a part of that unit. No unit owner shall permit or suffer any impairment of any deadening sound or fire resistant features between units. An easement for access to the unit through the common elements in common with other unit owners is appurtenant to each unit.

A unit generally does not include: the exterior walls, the roof, foundation, land, joists, columns, studs, beams, rafters and floor slab; or the pipes, wires, conduits, flues, ducts, or other utility lines running through a unit which serve more than one unit or which serve the common elements or which serve another unit.

2.4 Development Right to Create Optional Sunroom. Declarant reserves the right to expand certain units by converting the limited common element space immediately adjoining the unit, and shown on the plats and plans as a deck, into a part of that unit by adding an enclosed sunroom to the unit. If a sunroom is built, it will have a footprint identical to that of the deck. A sunroom may not be added to every unit to be constructed, so no assurances are given that the sunroom will be available on all lot locations. No assurances are given with regard to the order of exercise of these Development Rights, and the exercise of this Development Right for any unit constituting a part of the Condominium does not require its exercise elsewhere. If necessary, the Declarant shall prepare and record an amendment to this Declaration and the plats and plans to conform to the requirements of Section 1602-109 and 110 of the Act. The sunrooms **NEED NOT BE BUILT**. The exercise of these Development Rights is subject to the following limitations:

A. The sunroom shall not impair the structural integrity, mechanical systems or support of the buildings;

B. The sunroom shall be consistent with the architectural design, construction materials and quality of construction of the existing buildings;

C. The sunroom may be built only in the locations shown on the Condominium plats and plans; and

D. Only the Declarant may exercise these rights, which must be exercised no later than seven (7) years from the date of recording of this Declaration.

2.5 Development Right to Change Unit Styles. Declarant reserves the right to change the building footprints as shown on the plats and plans in order to replace a particular unit style as shown on the plats and plans with another unit style. No assurances are given that all unit styles are available on all lot locations, or with regard to the exercise of the development rights. The exercise of this development right for any unit constituting a part of the condominium does not require its exercise elsewhere. If necessary, the Declarant will prepare and record an amendment to the Declaration and the plats and plans to conform to the requirements of Section 1602-109 and 110 of the Act. Only the Declarant may exercise these rights, which must be exercised no later than seven (7) years from the date of recording of this Declaration.

2.6 Allocated Interests; Votes.

A. The allocation of common element interest, common expense liability and voting rights appurtenant to each unit are set forth in Exhibit B attached hereto. Declarant shall amend Exhibit B from time to time to reflect the actual allocation percentages based on the units as constructed.

B. The percentage of ownership of common elements and liability for common expenses is determined by dividing (i) one hundred (100), by (ii) the total number of units; subject to rounding for ease of administration, provided that the percentage stated in Exhibit B (as it may be amended) shall prevail in any event. The percentage of ownership of common elements and liability for common expenses as shown on Exhibit B shall be changed from time to time if and when Declarant adds additional units to the Condominium pursuant to the reserved Development Rights for phasing of the Condominium as set forth in Section 4.2. The equal allocation among the units reflects the fact that generally each unit is separately metered for utilities, and that the Common Expenses each unit owner pays in accordance with its Allocated Interests are for general building and maintenance expenses that benefit all unit owners equally, such as building

insurance, common area maintenance, building management services and building repair and maintenance.

C. Each unit shall have one vote in the Association as set forth in Exhibit B.

2.7 Relocation of Unit Boundaries and Subdivision of Units. Except as elsewhere herein specifically provided, no relocation of unit boundaries and no subdivision of units shall be permitted.

2.8 Use of Units. All units are restricted to residential use, which shall include temporary or vacation residence and shall not preclude leasing or rental subject, however, to the requirement that no lease or rental shall be for less than one (1) year, and to additional provisions of the By-laws and the Rules and Regulations of the Association. A copy of any lease entered into shall be provided to the Association.

### ARTICLE III COMMON ELEMENTS

#### 3.1 Common and Limited Common Elements.

A. Common elements consist of all of the property covered by this Declaration and as shown on the plats and plans, except the units as described above and the limited common elements described below, and generally include:

1. the land, including the yards immediately adjacent to the units (except for the Garden Areas), landscaping and buffering, and walkways (sidewalks) along the roads, with the benefit of and subject to all the accompanying rights and easements described in Exhibit A;
2. the foundations, roofs (excluding skylights, if any), exterior walls, and all load bearing portions of the buildings and units;
3. all pipes, wires, electrical and transmission wires and conduits, excepting equipment owned by public and municipal utilities, all portions of the life safety systems, security systems, and water, sewer and utility systems, appurtenances and lines which are located outside the boundary of the unit, or if within a unit boundary which serve more than one unit, to the point where it becomes owned by public and/or municipal utilities;

4. signage for the condominium, including entrance and directional signage;

5. Foliage Drive, and the sidewalk along Foliage Drive (only if Phases 2, 3 and 4 are added to the Condominium);

6. all other parts of the Property necessary or convenient to its existence, maintenance and safety or normally in common use, except as otherwise expressly provided in this Declaration;

7. a pedestrian and bicycle path connecting Foliage Drive to Country Lane, as shown on the plats and plans (only if Phases 2, 3 and 4 are added to the condominium); and

8. Dumpster pads and related fence enclosures, if any; and

9. Community mailbox structure, as shown on the plats and plans.

B. Limited common elements, the exclusive use of which is reserved to the use of a particular unit, to the exclusion of other units, consist of the following:

1. The deck attached to each Unit, if any;

2. the driveway extending from each unit's garage to the sideline of Country Lane (for Phase 1) or Foliage Drive (Phases 2, 3 and 4), and the front walk and porch;

3. window and exterior door thresholds, door and window frames and sills, doorsteps, exterior lighting fixtures and lamp posts and any other fixture designed to serve a single unit but located outside its boundary;

4. the Garden Areas; and

5. the propane gas tank servicing the unit (if any), including any fencing or other screening material and appurtenant piping.

C. The Association shall be responsible for all maintenance, repair and replacement of the Common and Limited Common Elements, subject, however to Sections 2.1, 9.5, 9.9 and 12.2 hereof.

3.2 Alteration of Common Elements by the Declarant. The Declarant reserves the right to modify, alter, remove or improve portions of the common and limited common elements, including without limitation, any equipment, fixtures and appurtenances, when in the Declarant's judgment it is necessary or desirable to do so, or in order to discharge its obligation and to exercise any Declarant Rights, whether arising hereunder or under the Act subject, however, to the following sentence and the provisions of Section 5.4. Modification, alteration or removal of the stormwater infiltration system or related Common Elements will not be done without written permission from the Town planner.

ARTICLE IV  
ADDITIONAL DEVELOPMENT RIGHTS AND DECLARANT CONTROL

4.1 Development Rights. The Declarant reserves the right:

A. Until the marketing, construction and sale of all units and common elements is completed, to locate and relocate in the common elements and units of the Property, even though not depicted on the plats and plans, and grant and reserve easements and rights-of-way for the installation, maintenance, repair, replacement and inspection of public and private utility lines, wires, pipes, conduits and facilities servicing the Property including, but not limited to, water, electric, telephone, cable, television, fuel, heat, and sewer provided that no such easement shall be effective until of record and no such easements may be granted through units sold by Declarant to third parties.

B. Until the marketing, construction and sale of all units and common elements is completed, to use the common elements for ingress and egress, for the alteration, repair and construction of units and common elements including the movement and temporary storage of construction materials and equipment, pedestrian and vehicular ingress and egress, vehicular parking, the cutting and removal of trees and vegetation, the excavation, grading and alteration of the surface of the earth and the creation of drainage ditches and swales, for the installation, maintenance, repair, replacement and inspection of public and private utility lines, wires, pipes, conduits and facilities securing the Property, for the installation of signs and lighting for sales and promotional purposes, and to connect with and make use of utility lines, wires, pipes and conduits located on the Property for construction and sales purposes, provided that Declarant shall be responsible for the cost of services so used.

C. Until the marketing, construction and sale of all units and common elements is completed, to operate a single sales, leasing and management office of any size and at any location, permit prospective tenants, purchasers and others to

visit that office and use any part of the common elements and use all unsold units for sales, leasing and display purposes, including the right to connect and make use of utility lines, wires, pipes and conduits located in the Property, and to relocate any such offices and display units.

D. To designate members of the Board of Directors and Officers of the Association until the earlier of (i) sixty (60) days after seventy-five (75%) percent or more of the units have been sold, or (ii) five (5) years from the first conveyance of a unit to a person other than Declarant, unless sooner voluntarily waived by Declarant by written notice duly recorded.

E. To exercise those Development Rights and other rights established under this Declaration or the Act.

4.2 Phasing. In accordance with and subject to the Act, the Declarant reserves the right, but not the obligation, until seven (7) years from the date of the recording of this Declaration:

A. To add additional land to the Condominium and to create up to a total of seventeen (17) additional units, together with common elements and limited common elements appurtenant to such units, all pursuant to Section 1602-110 of the Condominium Act. The location and dimension of such additional land is shown on the plats and plans as Phases 2, 3 and 4, and such additional land is more particularly described in Exhibit C attached hereto. **SUCH LAND NEED NOT BE ADDED.** Declarant may exercise the right to add additional units in Phases 2, 3 and 4 in whole or in part and at different times. For example, if Phase 2 is added, Declarant need not create all of the units shown on the Condominium Plats and Plans as being located in Phase 2, and may create the units at different times. The projected location and approximate dimensions of proposed buildings, units, common element improvements and limited common elements are shown on the plats and plans. Said additional buildings, units, common element improvements and limited common elements may not be built with the boundaries, configurations or in the locations as shown on the plats, and the **DECLARANT EXPRESSLY RESERVES THE RIGHT TO VARY SUCH BUILDINGS, UNITS, COMMON ELEMENT IMPROVEMENTS, LIMITED COMMON ELEMENTS AND THEIR LOCATIONS** in its discretion. The Declarant may reserve Development Rights at the time of the addition of each such portion, but may not reserve the right to create more than seventeen (17) units in Phases 2, 3 and 4. The addition of the land and the Phases may occur in such order as the Declarant shall determine. Upon the addition of the land and units, they shall be fully integrated into the Condominium as if such additional land and units had originally been subject to this Declaration, and the allocated interests of the units shall be

reallocated in accordance with the formula set forth in Section 2.5 of this Declaration and as more particularly set forth in the amendment adding said Phase or Phases. All such future units and limited common elements shall be reasonably consistent with the initial units in terms of quality of construction and principal materials, provided the Declarant may substitute construction materials and techniques of equal or better quality and may change the architectural style. All restrictions in or created by authority of this Declaration affecting the use, quality or alienation of units shall apply to such Phases including, without limitation, the restriction to residential use. Declarant need not add said Phases 2, 3 or 4 to the Condominium, hence said land NEED NOT BE ADDED, and said buildings, units, and limited common elements NEED NOT BE BUILT. As to all or any portion of the additional land in Phases 2, 3 or 4 not submitted to the Condominium, the Declarant shall not be limited by the foregoing limitations; and the Declarant provides no assurances with respect to the alternative use of the land and construction of improvements on the land which does not become part of the Condominium. Notwithstanding any of the foregoing to the contrary, Declarant may add the land in Phase 4 without creating any units thereon, and in any event may not create more than sixteen (16) units total (including those in Phase 1) unless the Town of Brunswick Zoning Ordinance is amended to increase the allowed density in the R4 zone as stated in the most recent Comprehensive Plan.

B. Upon the addition of units to the Condominium, the allocated interests of all units shall be determined by dividing (i) one hundred (100) by (ii) the total number of units, subject to rounding for ease of administration.

C. To exercise any rights reserved under this Section 4.2, the Declarant shall prepare, execute and record an amendment to the Declaration pursuant to the Act, which amendment shall include a plat and plans as required by the Act to the extent not previously recorded. Said amendment shall become effective without the consent of any other person.

#### 4.3 Board of Directors.

A. Subject to the provisions of the Act, this Declaration and the By-laws, the Board of Directors shall have the power to act on behalf of the Association. The initial Board of Directors shall consist of three (3) members designated by Declarant.

B. Unless sooner waived by Declarant by written notice duly recorded, no later than the earlier of (i) sixty (60) days after the conveyance of seventy-five (75%) percent of the units (including all units the Declarant reserved the right to create in future Phases), or (ii) five (5) years from the first conveyance of a unit to

a person other than to Declarant, the unit owners other than the Declarant shall elect a Board of Directors in accordance with the By-laws.

C. Members of the Board of Directors elected by the Declarant shall serve until the first regular election of the Board of Directors held at the first regular meeting of the Association held in accordance with the By-laws.

4.4 Amendment of Article IV. ARTICLE IV shall not be amended without the consent of the Declarant. The benefits of ARTICLE IV and all other special rights of Declarant set forth in this Declaration, the By-laws or otherwise, as amended from time to time, may be transferred by recorded instrument specifically referring to this Section and executed by Declarant and its successor or assignee.

ARTICLE V  
AMENDMENT TO CONDOMINIUM INSTRUMENTS; REQUIRED CONSENT

5.1 Amendment of Declaration. Except as otherwise provided herein or in the Act, this Declaration, including the plats and plans, may be amended or modified generally in accordance with the following procedure:

A. The notice of any regular or special meeting of the Association at which a proposed amendment to this Declaration is to be considered shall contain a statement of the proposed amendment, including the proposed text thereof. Such a statement must be included in the notice of any meeting if a written request therefor is made by the person or persons calling such a meeting or by any two unit owners. Notice shall also be sent to Eligible Mortgage Holders as defined in ARTICLE X.

B. At the meeting the resolution concerning any proposed amendment or modification shall be adopted if it receives the affirmative vote, in person or by proxy, of two-thirds (2/3) of the votes in the Association, and the required number of votes of Eligible Mortgage Holders as required under ARTICLE X. Unit owners and mortgagees may express their approval in writing or by proxy.

C. Except as provided herein, or by provisions of the Act, no amendment may create or increase special declarant rights, increase the number of units, or change the boundaries of any unit, the allocated interests of a unit or the uses to which any unit is restricted without the unanimous consent of the unit owners.

D. An amendment shall be effective when recorded. Copies of the amendment shall be sent to each unit owner and to Eligible Mortgage Holders in

the manner elsewhere provided for the giving of notices but the same shall not constitute a condition precedent to the effectiveness of such amendment.

5.2 Consent of Declarant. No amendment shall be made to any Condominium instrument, plat or plan prior to the election of a Board of Directors by the unit owners pursuant to Section 4.3(B) without the prior written consent of the Declarant.

5.3 Declarant's Right to Amend. Notwithstanding the foregoing, the Declarant shall have the right to prepare, execute and record amendments to the Declaration in the exercise of any Development Rights or Special Declarant Rights without the consent of unit owners or Eligible Mortgage Holders.

5.4 Town of Brunswick Consent. Notwithstanding anything in this Declaration to the contrary, this Declaration shall not be amended in relation to common elements relevant to the public interest, including, but not limited to, roads, stormwater infiltration facilities, the private sanitary sewer system, or the pedestrian and bicycle easement (including the sidewalk along Foliage Drive and the path connecting Foliage Drive to Country Lane) or in any way that adversely affects such common elements or the condition of the Town of Brunswick approval, without advance written notice to and consent received from the Town of Brunswick.

## ARTICLE VI DAMAGE OR DESTRUCTION.

6.1 Repair or Replacement. Any portion of the common and limited common elements damaged or destroyed shall be repaired or replaced promptly by the Association unless: (i) the Condominium is terminated under ARTICLE VII; (ii) repair or replacement would be illegal under any state or local health or safety statute or ordinance; or (iii) eighty (80%) percent in interest of the unit owners vote not to rebuild, including every owner of a unit or limited common area which would not be rebuilt (if any), with the consent of the Eligible Mortgage Holders as provided in ARTICLE X. The cost of repair or replacement in excess of insurance proceeds and reserves or not covered by any deductible shall be a common expense.

6.2 Application of Insurance Proceeds. If the entire Condominium is not completely repaired or replaced: (i) the insurance proceeds attributable to the damaged units and common elements and facilities shall be used to restore the damaged areas to a condition compatible with the remainder of the Condominium; (ii) the insurance proceeds attributable to the units which are not rebuilt (if any), including without limitation the interest in the common elements and facilities and in limited common elements and facilities, shall be distributed to such unit owners and their mortgagees; and (iii) the remainder of the proceeds shall be held in trust to be distributed to the unit owners and

their mortgagees in accordance with the Act. Any loss covered by such insurance shall be adjusted with the Association, which shall exclusively represent all unit owners in any proceedings, negotiations, settlements or agreements. The insurance proceeds shall be paid to the Association as trustee for the unit owners and lien holders as their interests may appear. Mortgagees' liens shall transfer in order of priority to the insurance proceeds. Notwithstanding the provisions of this Section, ARTICLE VII of the Declaration governs the distribution of insurance proceeds if the Condominium is terminated. If the members vote not to rebuild any unit, that unit's percentage interest in the common elements and facilities shall be automatically reallocated to the then remaining units in proportion to their percentage interests prior to the reallocation, and the Association shall promptly prepare, execute and record an amendment to the Declaration reflecting the reallocation. Unless a unit owner has requested and received written confirmation from both the Association and the Association's hazard insurance carrier of optional insurance coverage for the owner's permanent improvements and betterments within the unit, the unit owner shall be responsible for the expense of repair or replacement.

**ARTICLE VII**  
**REMOVAL FROM THE CONDOMINIUM ACT**

**7.1 Agreement to Terminate Condominium.** The submission of the Property to the Act shall not be terminated unless eighty (80%) percent in voting interest of all the then unit owners, determined in accordance with the Act, and the percentage of the Eligible Mortgage Holders required by ARTICLE X shall agree to such revocation or removal of the Property from the provisions of the Act, their agreement to be established by written instrument duly recorded.

**7.2 Ownership of Property and Proceeds.** Upon removal of the Property from the Act, the unit owners shall hold the Property and any proceeds thereof as tenants in common in accordance with the Act and subject to the Act with any mortgages or liens affecting a unit to attach in order of priority against the resulting interest. Removal shall not bar the subsequent resubmission of the Property to the Act.

**ARTICLE VIII**  
**EMINENT DOMAIN**

**8.1 Acquisition of a Unit.** If a unit is acquired by eminent domain, to the extent the award is paid to the Association or is controlled by this Declaration or the Association, the award shall be applied to compensate the unit owner and the unit owner's mortgagee(s), if any, for the value of the unit and its allocated percentage interest in the common elements, whether or not any common elements and facilities are acquired. Upon acquisition of a unit, the unit's allocated percentage interest shall be

automatically reallocated to the remaining units in proportion to their respective allocated interests before the taking, and the Association shall promptly prepare, execute, and record an instrument reflecting the reallocations.

8.2 Partial Acquisition. If part of a unit is acquired by eminent domain, to the extent the award is paid to the Association or is controlled by this Declaration or the Association, the award shall be applied to compensate the unit owner and the unit owner's mortgagee(s), if any, for the reduction in value of the unit and its interest in the common elements, whether or not any common elements and facilities are acquired. Upon such acquisition, (i) that unit's allocated percentage interest in common elements and facilities shall be reduced in proportion to the reduction in the square footage of the unit, and (ii) the portion of the allocated percentage interest divested from the partially acquired unit shall automatically be reallocated to that unit and the remaining units in proportion to the respective allocated percentage interests of those units with the partially acquired unit participating in the reallocation on the basis of its reduced allocated percentage interest.

8.3 Common Elements. If part of the common elements are acquired by eminent domain, the Association shall be entitled to payment of the award, subject, however, to the Act; generally the portion of the award attributable to the common elements taken shall be distributed to the unit owners and their mortgagee(s) in accordance with the Act, unless the Association rebuilds or acquires comparable areas and facilities. Any portion of an award attributable to the acquisition of a limited common element or as may otherwise benefit the Condominium as determined by a Court of competent jurisdiction must be equally divided among the owners of the units to which that limited common element is allocated at the time of acquisition in proportion to their interests in the common elements.

8.4 Intervention by Association; Priority. In the event of a proposed acquisition by eminent domain, the Association shall have the right but not the obligation to act and to intervene on behalf of unit owners. Nothing contained in this Declaration, however, shall entitle any unit owner or other person to priority over a first mortgagee of a unit pursuant to its mortgage instrument to the right to receive eminent domain awards for the taking of units and/or common elements.

## ARTICLE IX GENERAL ADMINISTRATIVE

### 9.1 Easement for Access and Support.

A. Each unit includes a perpetual right of ingress and egress over the common elements of the Condominium.

B. The Association and the managing agent and/or any other person authorized by the Board of Directors shall have the right of access to any unit as provided in the Act and the By-laws. In case of emergency, such entry may be immediate whether or not the unit owner is present at the time.

C. Each unit and common element shall have an easement for support from every other unit and common element.

9.2 Encroachments. To the extent that any unit or common element encroaches on any other unit or common element as a result of construction, reconstruction, repair, shifting, settlement or other movement of any portion of the improvements, a valid, perpetual easement for the encroachment and its maintenance exists. This easement shall not relieve a unit owner from liability in case of such unit owner's willful misconduct.

9.3 Use. Each unit may be used subject to all restrictions contained in the unit deed, this Declaration, the By-laws, and the Rules and Regulations of the Association, as amended from time to time. The units are restricted to residential use except that the Declarant may use any unsold unit as a model or as sales office.

9.4 Pets. The Association shall have the power to regulate the keeping of pets and animals under the Rules and Regulations of the Association as promulgated or amended from time to time.

9.5 Maintenance of Common and Limited Common Elements. The Association and the Board of Directors and their designees shall have the right and responsibility to maintain, repair and replace the common and limited common elements including, without limitation, the roads, sidewalks, private sewer system, pedestrian and bicycle path, the life safety systems, utility and service lines and facilities, roof and building exteriors. No unit owner shall do any of the foregoing without the prior permission of the Board of Directors in each instance. No unit owner shall paint or otherwise decorate or change the appearance of any portion of the exterior of the building, including the deck. Unit owners shall maintain their units and during the heating season shall maintain a temperature of at least 50°F. The Association will be responsible for maintaining the stormwater infiltration system located on the Condominium Property, which responsibility shall include implementing and carrying out the inspection and maintenance plan as set forth in the Maine Department of Environmental Protection Stormwater Permit (#L-23392-NJ-AN) Application and Approved Permit, as amended, a copy of which is attached to this Declaration as Exhibit D. The Association shall be responsible for maintaining all lawns, landscaping and buffering, both around the perimeter of the Property and adjacent to the units, including without limitation, the buffer zones, as shown on the plats and plans, all in accordance with the Town of

Brunswick Planning Board approvals and recorded documents. The Association shall furnish and maintain the street signs for Foliage Drive, and the community mailbox. The Association shall maintain any dumpster pads and fence enclosures.

9.6 Stormwater Infiltration System; Prohibitions. Due to the nature of the stormwater infiltration system, neither the Association nor any unit owner shall suffer or permit the (i) washing of vehicles or the changing of vehicle oil anywhere on the Condominium Property; (ii) storage and bulk handling of road salt, sand-salt mixtures, or other snow melting chemicals anywhere on the Condominium Property; the (iii) storage and bulk handling of fertilizers and pesticides anywhere on the Condominium Property. The Board of Directors may enforce this prohibition by the assessment of fines for violations thereof.

9.7 Rules and Regulations. The Association may adopt or amend existing Rules and Regulations, regulating the use and appearance of the common and limited common areas and any portions of the individual units which can be seen from outside the building or from any common or limited common element area. A two-thirds vote of the unit owners is required to amend the Rules and Regulations.

9.8 Preservation of Property. No unit owner shall in any manner jeopardize the soundness or safety of the Property, create a nuisance, reduce the value thereof, or impair any easements, rights, appurtenances or the use and benefit of common elements, as determined in the judgment of the Board of Directors of the Association.

9.9 Liability for Damage. Each unit owner shall be liable for the expenses of maintenance, repair or replacement of any damage to the common and limited common elements, to his/her own unit or to another unit caused by such unit owner's act, neglect or carelessness or by that of any member of such unit owner's family, or such unit owner's guests, customers, licensees, employees, agents, contractors, lessees, or their pets. Such liability shall include any increase in insurance rates occasioned by use, misuse, occupancy, or abandonment of any unit or its appurtenances. Nothing herein contained, however, shall be construed so as to modify any waiver by insurance companies of rights of subrogation against such unit owner.

## ARTICLE X RIGHTS OF MORTGAGEES

10.1 Eligible Mortgage Holders. Any first mortgagee of a unit may file a notice identifying itself by name and address as a recorded first mortgage holder on a unit identified by number, owner and owner's address with the Association by United States mail, return receipt requested or by delivery in hand securing a receipt therefor and shall

thereby become an "Eligible Mortgage Holder." The Secretary of the Association shall maintain a record of such information.

After the filing of the notice by the Eligible Mortgage Holder, the Board shall cause notice to be sent to the Eligible Mortgage Holders of each of the following events affecting the mortgaged unit(s) within fifteen (15) days of any such event:

- A. Default in the payment of monthly common charges, assessments, service charges, or other amounts due the Association which continues for sixty (60) days or as required by the Act;
- B. Default or violation of the Condominium documents, or any proceedings by the Association relating thereto;
- C. The lapse, cancellation or material modification of any insurance or fidelity bond required to be maintained under the Declaration or By-laws; and
- D. Any condemnation or casualty loss that affects either a material portion of the Condominium or the unit securing its mortgage.

After the filing of the notice by the Eligible Mortgage Holder, the Board shall cause reasonable prior notice by prepaid United States mail to the Eligible Mortgage Holders of each of the following events:

- A. An amendment to the Declaration requiring the consent of Eligible Mortgage Holders;
- B. Termination of the Condominium;
- C. Change in a unit's allocated interest (except as incidental to the exercise of any Declarant Rights) or voting rights or change in the boundaries or a unit or a subdivision of a unit;
- D. The merger or consolidation of the Condominium with another condominium;
- E. The conveyance or subjection to a security interest of any portion of the common elements;
- F. The proposed use of any hazard insurance proceeds for other than repair or restoration of the Property;

G. The adoption of any proposed budget by the Association, and the date of the scheduled unit owners' meeting to consider its ratification. A summary of the proposed budget shall accompany the notice; and

H. Any other matters as to which an Eligible Mortgage Holder is entitled to notice under the Act, as it may be amended.

**10.2 Material Amendments.** For a material amendment to the Declaration, but subject in any event to the provisions of the Act, approval must be obtained from Eligible Mortgage Holders representing in the aggregate at least fifty-one (51%) percent of the votes of units subject to mortgages held by Eligible Mortgage Holders. An amendment affecting any of the following is considered material:

- A. Voting rights in the Association;
- B. Change in percentage liability for common expenses, assessment liens for common expense (except as incidental to the exercise of Declarant Rights), or the subordination of assessment liens;
- C. Reserves for maintenance, repair and replacement of common elements;
- D. Responsibility for maintenance and repairs;
- E. Reallocation of pro rata interests in the common elements or limited common elements or rights to their use (except as incidental to the exercise of Declarant Rights);
- F. Boundaries of any unit;
- G. Convertibility of units into common areas or vice versa or any action to abandon, partition, subdivide, encumber, sell or transfer the common elements (except the granting of easements for utilities and other public purposes for the benefit of some or all condominium units);
- H. Expansion or contraction of the Condominium, or the addition, annexation or withdrawal of property to or form the Condominium, except in accordance with the Development Rights;
- I. Insurance or fidelity bonds;
- J. Leasing of units;

K. Imposition of any restrictions on a unit owner's rights to sell or transfer his or her unit;

L. A decision by the association to establish self-management when professional management had been required previously by an Eligible Mortgage Holder;

M. Restoration or repair of the project (after damage or destruction, or partial taking by eminent domain or condemnation) in a manner other than that specified in the Declaration;

N. Any action to terminate the Condominium after substantial damage, destruction or condemnation occurs; or

O. Any provisions that expressly benefit mortgage holders, insurers or guarantors.

10.3 Other Amendments. Approval of Eligible Mortgage Holders representing in the aggregate at least fifty-one (51%) percent of the votes of units subject to mortgages held by eligible Mortgage Holders is also required for an addition or amendment which is not a material amendment, such as the correction of a technical error or the clarification of a statement.

10.4 Presumed Approval. Approval of any of the foregoing Amendments shall be presumed when an Eligible Mortgage Holder fails to submit a response to any written proposal for an amendment within thirty (30) days after the notice of such proposal is sent to an Eligible Mortgage Holder.

10.5 Termination. Approval must be obtained from Eligible Mortgage Holders representing in the aggregate at least two-thirds (2/3) of the votes of units subject to mortgages held by Eligible Mortgage Holders for any action to terminate the Condominium for reasons other than substantial damage, destruction or condemnation.

10.6 Records. Any mortgagee of a unit or any common elements may examine the books, records and accounts of the Association at reasonable times. Any Eligible Mortgage Holder may have an audited statement of the Association's fiscal affairs prepared at its own expense.

10.7 Disposition by Mortgagees. In the event the Association adopts any right of first refusal or purchase option arising in the event of the sale or transfer of a unit, it shall not impair the right of an institutional mortgage lender to foreclose its mortgage, to accept

a deed in lieu of foreclosure after written notice of default which deed identifies the circumstances classifying it as such a deed, or to dispose of or lease a unit acquired under the procedures set forth above, without any need to comply with the terms of such right of first refusal or purchase option, it being the express intent hereof that any such right of first refusal or purchase option shall be junior and subordinate to the right of such mortgage lender under its mortgage, regardless of the respective dates or order of recording thereof.

10.8 Subject to Declaration. All mortgages on units are subject to the provisions of the Act, the Declaration, the plats and plans and the rules and regulations, whether the mortgage says so or not.

10.9 Liability for Use and Charges. Any mortgagee who obtains title to a unit by mortgage foreclosure or a deed in lieu of foreclosure shall not be liable for such unit owner's unpaid assessments or charges which accrue before the acquisition of title to such unit by the mortgagee, except where such mortgagee is liable as a unit owner for the payment of such unpaid assessment or charge that is assessed against the mortgagee as a result of all unit owners being reassessed for the aggregate amount of such deficiency.

10.10 Condemnation Rights. No provision of this Declaration shall give a unit owner, or any other party, priority over the rights of the mortgagee of a unit pursuant to its mortgage in the case of a distribution to such unit owner of insurance proceeds or condemnation awards for loss to or a taking of one or more units and/or common elements.

10.11 Books and Records. Any mortgagee shall have the right, exercisable by written notice to the Board of Directors, to examine the books and records of the Association and to require that it be provided with a copy of each annual report of the Association and other financial data of the Association reasonably requested by such mortgagee.

10.12 Compliance with Secondary Mortgage Market. If any provisions of this ARTICLE X are inconsistent with requirements of the Federal National Mortgage Association ("Fannie Mae"), the Declarant or the Association may amend the said provisions by filing an amendment to this Declaration to bring ARTICLE X into compliance, without the necessity of a vote of unit owners.

ARTICLE XI  
COMMON AND LIMITED COMMON EXPENSES;  
ASSESSMENT FOR COMMON CHARGES

11.1 Common and Limited Common Expenses. Common expenses mean and include, but are not limited to, (a) the cost of maintenance, management, operation, repair, renovation, restoration and replacement of the common elements and such limited common elements and such parts of the Units as to which pursuant to this Declaration it is the responsibility of the Association to maintain, repair and replace; (b) the cost of all insurance premiums on all policies of insurance required to be or which have been obtained by the Board of Directors pursuant to the provisions of this Declaration and the By-laws; (c) such amounts as the Board of Directors may deem necessary to provide for general operating reserve funds, reserve funds for replacements and contingencies, reserve funds in the amount of the applicable deductibles on property insurance policies carried by the Association, and such other reserve funds as may be required by the By-laws or as the Board of Directors may periodically establish; (d) sums that the Board of Directors may deem necessary to compensate for any deficits in receipts over expenses for the previous fiscal year; (e) the charges and fees for energy, electricity, heat, water, gas and sewer services, and all other utilities furnished to the Condominium to the extent not separately metered to individual units and charged to individual unit owners; (f) costs and fees for legal and accounting services for the Condominium procured by the Association; and (g) such other costs and expenses that may be declared by the Act, this Declaration, the By-laws, or resolution or agreement by the Board of Directors, to be common expenses of the administration, operation, maintenance and repair of the Condominium and Property and the rendering to unit owners of all related services. Limited common expenses include (a) the common expenses associated with the maintenance, repair or replacement of a limited common element which shall be assessed exclusively against the units to which that limited common element is assigned in proportion to the relative common expense liabilities of such units as between themselves, as the Board of Directors may periodically determine, and (b) the common expenses for services benefiting fewer than all the units, which are assessed exclusively against the units benefited in accordance with the use of such services as permitted by Section 1603-115(c) of the Act.

11.2 Lien. Each unit is subject to a statutory lien in favor of the Association for the unpaid common expenses as provided herein and in the Act and also is subject to a lien for service charges and penalties, interest at eighteen (18%) percent per annum, attorneys' fees and costs of collection as provided in the Act, Declaration and By-laws. A limited common expense or any common expense benefiting fewer than all the units shall be assessed exclusively against the unit or units benefited in accordance with the relative proportions of their allocated percentage interest in common elements and facilities. Until the Association makes a common expense assessment, Declarant shall pay all the

common expenses, but Declarant shall have no obligation to establish reserves. All unit owners, including Declarant with respect to Declarant-owned units for which the Town of Brunswick has issued a certificate of occupancy, shall commence paying monthly common charges to the Association no later than sixty (60) days after the first unit is conveyed. After any assessment has been made by the Association, assessments thereafter must be made at least annually, based on a budget adopted at least annually by the Association. After assessments are made, each unit owner, including Declarant with respect to any Declarant-owned units for which the Town of Brunswick has issued a certificate of occupancy, shall pay the full amount of such assessments to the Association.

With the sale of each unit, the purchaser of such unit shall contribute to the working capital fund in an amount equal to two (2) months estimated common charges for such unit. Such fund shall be kept in a segregated account, owned by and in the name of the Association, established at a Maine financial institution insured by the Federal Deposit Insurance Corporation or other equivalent federally sponsored insurance.

11.3 Service Charges. The Association shall have the express power to separately charge a unit and the owner thereof for extraordinary services rendered to that unit, and that are not otherwise covered by the monthly assessments and Association budget. Such charges shall be a lien on the unit with the same status as a lien for common expense assessments under this Declaration and By-laws, which lien for service charges may be foreclosed in like manner as a mortgage on real estate. The recordation of this Declaration constitutes record notice of the lien.

Service charges shall include without limitation:

A. If a unit owner, or members of his family, guests or tenants, requests the Association to perform repair and maintenance work on his unit or damages the common or limited common elements or fails to perform maintenance and repair work required, the expense thereof as determined by the Board of Directors or its designee may be assessed as a service charge.

B. Charges for management provided to units by the Association, its agents or designees, and rental fees for leasing or renting units arranged by the Association, its agents and licensees.

11.4 Liability. Multiple owners of a unit shall each be jointly and severally liable for all unpaid common charges, assessments, service charges, interest and costs of collection. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid common charges, assessments, service charges, interest and costs of collection up to the time of the grant or conveyance, although the grantee shall not be prevented from exercising any right to recover from the grantor the amounts paid for those assessments, common charges, etc. A grantee or proposed

purchaser under a purchase and sale contract for a unit may obtain, upon request and the payment of such reasonable fee as may be established from time to time by the Board of Directors, a statement from the Association setting forth the amount of unpaid common charges, assessments and service charges, interest and costs of collection against the unit as of the date of grant or conveyance and such other items as are required by the Act. The grantee shall not be liable for, and the unit conveyed shall not be subject to a lien for, any unpaid amounts due from the grantor before the statement date in excess of the amount set forth in the statement except interest and costs of collection accrued thereafter.

11.5 No Exemption by Waiver. No unit owner may exempt him or herself from liability for common charges by waiver of the enjoyment of the right to use any of the common elements or by the abandonment of his or her unit or otherwise.

11.6 Violations. Any unit owner in default in the payment of any amount due the Association or in violation of any provision of the Condominium Act, this Declaration, the By-laws, or the Rules and Regulations of the Association, which violation continues after reasonable notice to cure by the Association to the unit owner may be prohibited by the Board of Directors from the use and enjoyment of any and all of the common elements not essential to access to the unit, in addition to all other remedies available to the Board of Directors.

## ARTICLE XII MAINTENANCE AND REPAIR OF UNITS

### 12.1 Maintenance, Repair and Alteration of Units.

A. Every owner shall perform promptly all maintenance and repair work within such owner's own unit which if omitted would affect the Condominium in its entirety, the common elements, or other units(s), and such owner shall be expressly responsible for any damages or liabilities resulting from the failure to do so. If any owner fails to perform such maintenance or repair after reasonable notice from the Association, the Association through its officers or manager shall have the right but not the obligation to enter the unit and perform such maintenance or repair in the name of the owner. The Association, after notice to the owner and opportunity to be heard before the Board of Directors, shall be entitled to assess the expense thereof as a service charge due in full at the time of the next regular monthly payment.

B. All repairs to the heating equipment, water heater, bathroom fixtures, appliances, window glass, skylights, doors and installations of the unit, if any, including without limitation carpeting, finish flooring, utility lines, light, power, sewage, telephones, and all other accessories considered a part of the unit shall be

made at the owner's expense. The Association shall be responsible for the maintenance, repair or replacement of any water, sewer or utility line that is within a unit but services more than one unit (and is therefore a common element) or that is located outside of the boundary of the unit. The unit owners shall also be responsible for replacement of light bulbs in the exterior lighting fixtures serving their unit.

C. Trash, garbage and other waste shall be kept only in sanitary containers and shall be disposed of in such manner as may be prescribed from time to time in accordance with rules and regulations established by the Board of Directors of the Association. No articles of personal property belonging to any unit owners shall be stored in any portion of the common elements.

D. No Unit owner shall overload the electrical wiring in the building or operate any machinery, appliances, accessories or equipment in such a manner as to cause, in the judgment of the Board of Directors, any unreasonable disturbance or make any alterations to or connections with the heating, plumbing, or sewage disposal systems without the prior written consent of the Board of Directors.

E. No unit owner shall erect or install spotlights or floodlights on the exterior of any unit, which spotlights and floodlights are strictly prohibited.

12.2 Damage. The responsible owner shall promptly pay the Association as a service charge for any expenditures incurred in repairing or replacing any common elements or limited common elements damaged through his negligence, misuse or neglect, or that of his family, guests, lessees, tenants or their pets.

### ARTICLE XIII ASSOCIATION

13.1 Owners Association and By-laws. Each unit owner and/or owners shall be a member of the Association, a non-profit and non-stock corporation organized under the laws of the State of Maine and to be known as the "Churchill Woods Condominiums Owners Association." Membership shall be appurtenant to the units, and the transfer of title to a unit shall automatically transfer the membership appurtenant to that unit to the transferee or transferees. A mortgage, however, shall not transfer membership until foreclosure or sale in lieu of foreclosure. The Association shall give unit owners notice of matters affecting the Condominium by either mailing by first class mail or delivery by hand any such notice to the Unit or to such other address as Unit owner may provide for notices.

ARTICLE XIV  
MISCELLANEOUS

14.1 Interpretation. In the event of any conflict or discrepancy between this Declaration and the plats and plans, this Declaration shall govern.

14.2 Conflict. If any provision of this Declaration, the By-laws or the Rules and Regulations, or any section, sentence, clause, phrase, or word therein, or the application thereof in any circumstances be judicially held in conflict with any applicable laws, including, but not limited to, the Act, then the laws shall be deemed controlling; but the validity of the remainder of this Declaration, the By-laws and Rules and Regulations, and the application of any such provision, section, clause, phrase, or word in other circumstances shall not be affected thereby.

14.3 General Provisions.

A. The captions herein are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope of this Declaration or the intent of any provisions hereof.

B. The use of the singular number in this Declaration shall be deemed to include the plural, the plural the singular, and the use of any one gender shall be deemed applicable to all genders.

C. No provision contained in this Declaration shall be deemed to have been abrogated or waived by reason of any failure to enforce the same irrespective of the number of violations or breaches which may occur.

14.4 Interpretation by Board of Directors. Any dispute or disagreement between unit owners with respect to the interpretation or application of this Declaration or the By-laws or Rules and Regulations shall be determined by the Board of Directors, which determination shall be final and binding on all parties.

14.5 Invalidity. If any term, covenant, provision, phrase or other element of this Declaration, the By-laws, any deed to a unit, or the Rules and Regulations is held to be invalid or unenforceable for any reason whatsoever, such holdings shall not affect, alter, modify, or impair in any manner, any other term, covenant or provision, phrase or other element of such documents.

14.6 Lease and Rentals. The By-laws or Rules and Regulations may provide for the regulation of leasing and rental of units provided, however, no lease or rental shall be for less than one (1) year.

14.7 Arbitration. In any dispute between one or more unit owners and the Declarant regarding the common elements, the Board of Directors shall act for the unit owners, and any agreement with respect thereto by the Board shall be conclusive and binding upon the unit owners.

All claims, disputes and other matters in question between the Declarant, on the one hand, and the Association or any unit owners on the other hand, arising out of or relating to, this Declaration, the By-laws, the Rules and Regulations, or the deed to any unit or the breach thereof, except for claims which have been waived by the acceptance of a deed, shall be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association then obtaining unless the parties mutually agree otherwise. This agreement to arbitrate shall be specifically enforceable under the prevailing arbitration law. The award rendered by the arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereon.

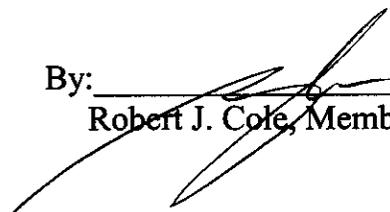
Notice of demand for arbitration shall be filed in writing with the other parties and with the American Arbitration Association. The demand for arbitration shall be made within a reasonable time after the claim, dispute or other matter in question has arisen, and in no event shall it be made after the date when institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statute of limitations or other principles of law and equity.

ARTICLE XV  
NOTICE

15.1 Notice. Any notice required or given pursuant to this Declaration to the Board of Directors of the Association or to any unit owner may be delivered to any Director or such unit owner either in person or by delivering it to his unit by mail or by hand, or as otherwise permitted by the By-laws.

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed this 28<sup>th</sup> day of June, 2007.

CHURCHILL, LLC

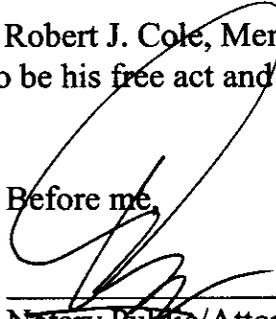
By:   
Robert J. Cole, Member

STATE OF MAINE  
CUMBERLAND, SS.

June 28, 2007

Personally appeared the above-named, Robert J. Cole, Member of Churchill, LLC, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Churchill, LLC.

Before me,

  
\_\_\_\_\_  
Notary Public/Attorney at Law

Drew A. Anderson  
\_\_\_\_\_  
Printed Name

**EXHIBIT A**  
**TO**  
**DECLARATION OF CONDOMINIUM**  
**OF**  
**CHURCHILL WOODS CONDOMINIUMS**

A certain lot of land situated in Brunswick, Cumberland County, State of Maine, being Phase I, and bounded and described as follows:

A certain lot or parcel of land, which is a portion of lands owned by Churchill LLC as depicted on a plan titled "Final Subdivision Plan, Churchill Estates," dated March 12, 2002 and recorded at the Cumberland County Registry of Deeds in Plan Book 202, Page 345, situated southerly of Country Lane in the Town of Brunswick, County of Cumberland, State of Maine, being more particularly described as follows:

Beginning at an iron pipe found on the southerly sideline of Country Lane at the northeasterly most corner of land now or formerly of the Roman Catholic Bishop of Portland (Deed Reference: Book 2321, Page 305):

Thence, S 87° 59' 17" E along the southerly sideline of said Country Lane, a distance of 168.72' to an iron pipe marking an angle point in the southerly sideline of said Country Lane;

Thence, S 87° 59' 52" E along the southerly sideline of said Country Lane, a distance of 156.79' to the northwesterly most corner of land now or formerly of the Shelmar Development Corp. (Deed Reference: Book 9767, Page 339);

Thence, S 29° 34' 11" E along southwesterly line of said Shelmar Development Corp., a distance of 70.04' to a point;

Thence, S 59° 00' 02" W through land of Churchill, LLC, a distance of 78.83' to an angle point;

Thence, N 87° 52' 48" W through land of Churchill, LLC, a distance of 22.91' to an angle point;

Thence, N 56° 37' 48" W through land of Churchill, LLC, a distance of 32.62' to an angle point;

Thence, N 87° 52' 48" W through land of Churchill, LLC, a distance of 66.72' to an angle point;

Thence, S 77° 51' 55" W through land of Churchill, LLC, a distance of 60.62' to an angle point;

Thence, N 87° 52' 48" W through land of said Churchill, LLC, a distance of 120.17' to a point on the easterly line of said Roman Catholic Bishop of Portland;

Thence, N 02° 12' 43" E along the easterly line of said Roman Catholic Bishop of Portland, a distance of 100.03' to the point of beginning.

Containing 0.74 acres (32,420 ± square feet), more or less.

Meaning and intending to convey and hereby conveying a portion of the premises conveyed to Churchill, LLC by warranty deed of Robert J. Cole dated January 24, 2007 and recorded in the Cumberland Registry of Deeds in Book 24799, Page 19. Reference is also made to deed from Shelmar Development Corp. to Robert J. Cole recorded in said Registry of Deeds at Book 17421, Page 90.

The above premises are conveyed subject to any notes, easements or conditions, including but not limited to any pedestrian easements, drainage easements, sewer easements, access easements, etc. as shown on the following Plans:

1. "Condominium Plat, Churchill Woods", prepared by Sitelines P.A. for Churchill, LLC, dated June 5, 2007 and recorded in the Cumberland County Registry of Deeds in Plan Book 207, Page 365.

2. "Condominium Plan, Churchill Woods Condominiums, Brunswick, Maine", prepared by Sitelines, P.A. for Churchill, LLC, dated August 3, 2006, approved by the Town of Brunswick, and recorded in the Cumberland County Registry of Deeds at Plan Book 207, Page 166.

The above premises are further conveyed subject to or with the benefit of the following:

1. The Declarant reserves for itself, its successors and assigns, a perpetual easement on, over and under Foliage Drive (if added to the Condominium pursuant to Declarant's phasing rights) and the common elements for the purpose of ingress and egress, for the alteration, repair, development and construction of improvements on Declarant's property (whether or not added to the Condominium as Phases 2, 3 or 4), including, without limitation, in the event Declarant adds land and units to the Condominium pursuant to Declarant's phasing rights, units and common elements, including the movement and temporary storage of construction materials and equipment, pedestrian and vehicular ingress and egress, vehicular parking, the cutting and removal of trees and vegetation, the excavation, grading and alteration of the surface of the earth and the creation of drainage ditches and swales, and for the installation of signs and lighting for sales and promotional purposes; or to take any other action reasonably determined to be necessary.

2. The Declarant reserves for itself, its successors and assigns a perpetual easement over the roads as shown on the Plan, together with the right-of-way running from the above-described premises to Country Lane, a public way, for the purposes of installation of all utilities including but not limited to electricity, telephone, cable, television, gas, water and sewer, whether the same be above-ground or under-ground, subject, however, to any easements and restrictions affecting and such roads appearing of record or as shown on the Plan.

3. The Declarant reserves for itself, its successors and assigns a perpetual easement over the roads as shown on the Plan, together with the right-of-way running from the above-described premises to McKeen Street, a public way, for the purposes of installation of all utilities including but not limited to electricity, telephone, cable, television, gas, water and sewer, whether the same be above-ground or under-ground, subject, however, to any easements and restrictions affecting and such roads appearing of record or as shown on the Plan.

4. The Declarant reserves, for so long as it owns any of the units and common elements, an easement on, over and under the premises for the purpose of maintaining and/or correcting drainage of surface water in order to maintain reasonable standards of health, safety and appearance, including the right to install, relocate and replace drainage ditches and swales. The easement created by this paragraph expressly includes the right to cut any trees, bushes or shrubbery; to grade the soil; or to take any other action reasonably determined to be necessary. The Declarant shall, when exercising its rights under this easement, comply with the Town of Brunswick approvals for the Condominium, and shall restore the affected premises as closely to its original condition as is practicable.

5. Utility Easements as shown on the plats and plans.

6. An easement for public pedestrian and bicycle access over the private sidewalk and roadway along Foliage Drive and across the land of Declarant, from McKean Street to Country Lane, as shown on the plats and plans.

7. 25-foot buffer for visual screening shall be maintained on the northwest boundary line. The buffer vegetation shall be supplemented and maintained to provide screening as described in the deed recorded in the Cumberland County Registry of Deeds at Book 17421, Page 90, as affected by Modification Agreement recorded in said Registry of Deeds at Book 24889, Page 137.

8. Terms, conditions and requirements set forth in that certain Maine Department of Environment Protection Stormwater Permit (#L-23392-NJ-AN) Application and Approved Permit, as amended with respect to the Property, recorded in the Cumberland County Registry of Deeds at Book 25053, Page 101.

9. Natural Gas Utility easement from Declarant to Maine Natural Gas Corporation, to be recorded in the Cumberland County Registry of Deeds.

**EXHIBIT B**  
**TO**  
**DECLARATION OF CONDOMINIUM**  
**OF**  
**CHURCHILL WOODS CONDOMINIUMS**

Allocation of Common Expense Liability  
and Common Element Interest; Vote Allocation

<u>Unit</u>	<u>Percentage Interest</u>	<u>Vote</u>
1	33 1/3 %	1
2	33 1/3 %	1
3	33 1/3 %	1

**EXHIBIT C**  
**TO**  
**DECLARATION OF CONDOMINIUM**  
**OF**  
**CHURCHILL WOODS CONDOMINIUMS**

(PHASES 2, 3 AND 4)

A certain lot or parcel of land, which is a portion of lands owned by Churchill LLC as depicted on a plan titled "Final Subdivision Plan, Churchill Estates," dated March 12, 2002 and recorded at the Cumberland County Registry of Deeds in Plan Book 202, Page 345, situated southerly of Country Lane in the Town of Brunswick, County of Cumberland, State of Maine, being more particularly described as follows:

Beginning at a point on the easterly sideline of land now or formerly of the Roman Catholic Bishop of Portland (Deed Reference: Book 2321, Page 305) that is located S 02° 12' 43" W from the northeasterly most corner of land of said Roman Catholic Bishop of Portland, a distance of 100.03';

Thence, S 87° 52' 48" E through land of said Churchill, LLC, a distance of 120.17' to an angle point;

Thence, N 77° 51' 55" E through land of Churchill, LLC, a distance of 60.62' to an angle point;

Thence, S 87° 52' 48" E through land of Churchill, LLC, a distance of 66.72' to an angle point;

Thence, S 56° 37' 48" E through land of Churchill, LLC, a distance of 32.62' to an angle point;

Thence, S 87° 52' 48" E through land of Churchill, LLC, a distance of 22.91' to an angle point;

Thence, N 59° 00' 02" E through land of Churchill, LLC, a distance of 78.83' to an angle point;

Thence, S 29° 34' 11" E along land now or formerly of the Shelmar Development Corp. (Deed Reference: Book 9767, Page 339) a distance of 337.36' to an angle point;

Thence, S 02° 12' 43" W along land now or formerly of the of the Maine District Church of Nazarene and recorded at the Cumberland County Registry of Deeds in Book 3118 at Page 280, a distance of 300.00' to a granite monument found on the northerly sideline of said McKeen Street at the southwesterly most corner of land of said Church of Nazarene;

Thence N 87°47'17" W along the northerly sideline of said McKeen Street, a distance of 140.08' to a point that is located 400.00' easterly, as measured along the northerly sideline of said McKeen Street, of the southeasterly most corner of land now or Formerly of the Roman Catholic Bishop of Portland;

Thence N 2°12'43" E, a distance of 150.0' to a point;

Thence N 87°47'17" W, a distance of 400.00' to a point on the easterly line of land of said Roman Catholic Bishop of Portland;

Thence N 2°12'43" E, a distance of 395.12' to the point of beginning;

Containing 5.03 acres (219,295 ± square feet), more or less.

**EXHIBIT D**

**TO**

**DECLARATION OF CONDOMINIUM**

**OF**

**CHURCHILL WOODS CONDOMINIUMS**

Copy of DEP Stormwater Permit

(See attached)

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

DEPARTMENT ORDER

IN THE MATTER OF

ROBERT J. COLE	)	STORMWATER MANAGEMENT LAW
Brunswick, Cumberland County	)	
CHURCHILL WOODS CONDOMINIUMS	)	
L-23392-NJ-A-N (approval)	)	FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations, the Department of Environmental Protection has considered the application of ROBERT J. COLE with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In Department Order #L-11960-NI-A-N, dated June 17, 1999, the Department approved a stormwater management system for an assisted living facility on this project site. That project was not constructed. The applicant subsequently bought the property and sold four single family house lots with access from McKeen Street. The four lots are exempt from permitting under the Storm Water Management Statute 38 M.R.S.A. § 420-D Section 7(E).

B. Summary: The applicant proposes to construct a stormwater management system for a condominium development that includes 1,100 linear feet of roadway and 20 condominium buildings on 5.78 acres. The project is shown on a set of plans the first of which is entitled "Churchill Woods Condominiums," prepared by Sitelines P.A., and dated November 15, 2006 with a latest revision date on any of the sheets of January 30, 2007. The project site has frontage on both McKeen Street and Country Lane in the Town of Brunswick.

C. Current Use of the Site: The site of the proposed project is currently wooded. There are no structures on the property.

2. STORMWATER STANDARDS:

The proposed project results in 2.26 acres of impervious area and 4.8 acres of disturbed area. It is not in the watershed of a lake most at risk and must meet Chapter 500 Basic and General Standards for stormwater treatment. The stormwater plan submitted by the applicant was reviewed by, and revised in response to, comments from the Division of Watershed Management of the Bureau of Land and Water Quality (DWM). Specific aspects of the plan are discussed below.

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The applicant is proposing to utilize a stormwater management system consisting of seven infiltration basins.

A. **Basic Standards:** The applicant submitted a stormwater maintenance plan that addresses re-occurring regular maintenance and long term performance of the stormwater system for the project and an erosion and sedimentation control plan. DWM stated that these plans meet Chapter 500 standards for erosion and sedimentation control, inspection and maintenance, and housekeeping. Grading and construction activity are designed so that they will not impede or otherwise alter drainage ways resulting in an unreasonable adverse impact on a protected natural resource. A homeowners' association will be established that will be responsible for the maintenance of all common facilities including the stormwater management system. The Declaration of Covenants and Restrictions for the association was reviewed and found to meet Department standards. Prior to the formation of the homeowners' association, the applicant will be responsible for all such maintenance.

B. **General Standards: Best Management Practices (BMP):** The applicant's stormwater management plan includes BMP 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 seven infiltration basins that will control runoff from 96% of the impervious area and 97% of the developed area. The infiltration basins have an eight-inch subsurface drainage relief installed below them to prevent possible problems with groundwater mounding below the site and adjacent properties. The subsurface drainage relief pipe will discharge to the municipal storm drain systems along Country Lane and McKean Street. The Town of Brunswick has approved these connections to its systems.

The proposed infiltration system was reviewed by staff from the Division of Environmental Assessment (DEA). The applicant must insure that the discharge of soluble pollutants to the infiltration area is minimized and that the infiltration area is maintained to assure that its capacity is unimpaired. Based on DEA's review, the Department does not anticipate that the infiltration area will adversely impact groundwater quality.

DWM stated that the proposed stormwater management system complies with the Chapter 500 General Standards and recommended that the applicant retain the services of a professional engineer to inspect the construction of the seven infiltration basins. The inspections must consist of weekly visits to the site by the engineer to inspect each basin's excavation, underdrain pipe installation, loam placement, and surface stabilization from initial ground disturbance to final stabilization. Upon completion of the construction of the seven infiltration basins, the engineer must notify the Department in writing to state that the basins have been completed. Accompanying the notification

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must be a log of the engineering inspections giving the date of each inspection and the items inspected on each date.

Based on the stormwater system's design, DEA and DWM's reviews, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500, Basic and General Standards. The Department further finds that the proposed project will meet the Chapter 500 standards for discharges to public storm sewer systems.

**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.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations:

- A. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic Standards for: (1) erosion and sediment control; (2) inspection and maintenance; (3) housekeeping; and (4) grading and construction activity.
- B. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 General Standard for best management practices provided that the applicant retains the services of a professional engineer to inspect the construction of the seven infiltration basins as outlined above.
- C. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 standards for discharges to a public storm sewer system.

**THEREFORE**, the Department **APPROVES** the above noted application of **ROBERT J. COLE** to construct a stormwater management system as described above in Brunswick, Maine, **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 order, the applicant shall take all necessary actions to ensure that its activities or those of its 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 applicant or other responsible party shall, within three months of the expiration of each five-year interval from the date of this Order, submit a report certifying that the items listed in Department Rules, Chapter 500, Appendix B(4) have been completed in accordance with the approved plans.

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- 5. The applicant shall include in all conveyances of condominiums deed restrictions making the conveyance subject to all terms and conditions of this Department permit, particularly those conditions related to maintenance of the stormwater management system. These terms and conditions may be incorporated by specific and prominent reference to the permit in the deed. All conveyances required by this approval to contain restrictions shall include in the restrictions the requirement that any subsequent conveyance shall specifically include the same restrictions.
- 6. The applicant shall retain the services of a professional engineer to inspect the construction of the seven infiltration basins as outlined in Finding 2(B).

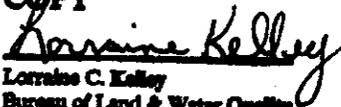
THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 29<sup>TH</sup> DAY OF MARCH, 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:   
DAVID P. LITTELL, COMMISSIONER

A TRUE COPY

ATTEST:   
Lorraine C. Kelley  
Bureau of Land & Water Quality

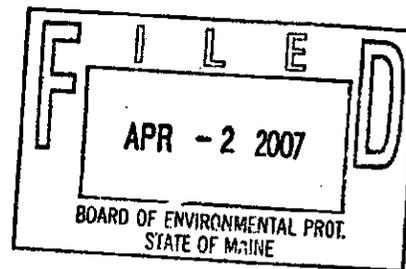
PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application: December 1, 2006

Date of application acceptance: December 21, 2006

Date filed with Board of Environmental Protection

CGW/ATS#63112/L23392AN



**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 applicant. 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.A. § 420-D(8) and is subject to penalties under 38 M.R.S.A. § 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) **Initiation of project within two years.** If the construction or operation of the activity is not begun within two 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.
- (6) **Reexamination after five years.** If the project is not completed within five years from the date of the granting of approval, the department may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances or requirements which may have occurred during the five-year period.
- (7) **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 developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions

~~Doc#: 25358 Bk:25053 Pg: 104~~

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.

- (8) 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.
- (9) 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 have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
  - (c) 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

November 16, 2005

~~Received  
Recorded Register of Deeds  
Apr 30, 2007 02:01:04P  
Cumberland County  
Pamela E. Lovley~~

DEPLW0426-B2006

## **STORMWATER MAINTENANCE PLAN**

### **MAINTENANCE OF DRAINAGE FACILITIES**

The Contractor will be responsible for maintaining the drainage improvements until the current phase of the project is complete. After the phase is complete, the Home Owners Association will be responsible for maintaining the swales, infiltration basins and outlet pipes as shown on the plan. Notwithstanding any other schedule noted below, general inspections should be conducted monthly during wet weather conditions from March to November.

#### **Inspection and Maintenance Plan**

##### **Vegetated Drainage Areas**

Vegetated buffers and drainage areas shall be inspected on a monthly basis or after a major rainfall event to assure that debris and/or sediments do not reduce the effectiveness of the system. Debris shall be removed at that time. Any sign of erosion or blockage shall be immediately repaired to assure a vigorous growth of vegetation for the stability of the structure and proper function. Maintenance shall include, but not be limited to, trimming and removal of excess vegetation in the basins as required to prevent blocking or diverting storm flows.

##### **Outlet pipes**

Piped drainage systems shall be inspected in spring and late fall, and after heavy 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. Sediment should be removed when its level exceeds 20% of the pipe diameter. Hydraulic flushing or any mechanical means may accomplish sediment removal. Care shall be taken to contain the sediment at the pipe outlet.

##### **Paved Surfaces**

Accumulations of winter sand along impervious areas shall be cleared at least once a year, preferably in the spring. Accumulations on pavement may be removed by pavement sweeping. Accumulations of sand along the edge of paved areas may be removed by grading excess sand to the pavement edge and removing it manually or by a front-end loader.

##### **Infiltration**

**Sediment Removal:** The vegetated area between the infiltration zones and the paved areas should be inspected at least once per year, preferably in the spring. Debris and sediment build-up should be removed from the buffer when noticeable accumulation has occurred.

**Vegetation Maintenance:** Grass should be mowed on a regular basis so that grass height does not exceed 6 inches. Any erosion rills, gullies, or bare spots on the filter area's side slopes and floor should be seeded or sodded to re-establish the turf cover.

**BRUNSWICK PLANNING BOARD  
APRIL 8, 2014**

**MEMBERS PRESENT:** Chair Charlie Frizzle, Vice Chair Margaret Wilson, Bill Dana, Soxna Dice, Dale King, and Richard Visser

**MEMBERS ABSENT:** Dann Lewis

**STAFF PRESENT:** Town Planner Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, April 8, 2014 in Council Chambers, 1<sup>ST</sup> Floor, 85 Union Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

**Case # 14-010 – Churchill Woods Condominiums:** The Planning Board will review and take action on a combined Sketch/Final Major Development Site Plan Reapproval application submitted by Churchill LLC, for phased construction of 16 residential units; located off of McKeen Street (Assessor's Map U28, Lot 196), in the R4 Meredith Drive –West McKeen Street Zoning District.

Jeremy Doxsee stated that the application before the Board is a combined Sketch/Final Major Development Site Plan reapproval application submitted by Churchill LLC. Jeremy stated that the application submitted is identical from the originally approved September 5, 2006 application for 16 condominium units in the R4 District and noted that the R4 District does permit up to five units per acre but that the applicant has decided to go with single-family units. Jeremy pointed out that the original application came through around the time that DEP changed Stormwater requirement and that this application was reviewed under the new laws; DEP is currently reviewing the application again. Jeremy said that there were no comments per staff review and that the Town Engineer and Town Arborist are comfortable with what has been submitted.

Curt Neufeld with Sitelines, reviewed that in the original 2006 application there was some talk at the time of increasing the density and impervious coverage to promote these infill developments but the idea that there would be a lollipop loop that would go to McKeen street and designed internally with a dedicated easement that would provide for pedestrians and a bike lane sat well with neighbors. Curt pointed out that there was an easement that was prepared between the owner of the land and the Town ensuring public access to trails. Curt said that this was a nice residential area and a good opportunity to bring in mid-level residents. Curt pointed out again that this was a nice infill with the proposed density and compatible to neighborhood. Curt noted that there would be one access off of McKeen Street with the first of the next two units taking entrance off of Country Lane. Curt said that the next phase would be to build an entrance road to the split which would create an immediate turnaround and provide for the first four or five units there to be constructed; the remaining loop would be constructed in the final phase. Curt said that the units are intended to have a tree and a poled carriage light in lieu of any street lights and that a buffer to McKeen Woods has been planted. Each unit will have water and sewer available and the housing would have a little built in park in the circle. Curt noted that they are going back to DEP with the same plan.

Bill Dana asked that in the event that the Zoning Ordinance does change, in terms of impermeable surfaces, will that be an amendment to this application or will there be another application? Charlie Frizzle replied that the applicant would have the choice to either amend this development or separate out the center and submit a new application but that this would be their choice.

**MOTION BY DALE KING THAT THE MAJOR DEVELOPMENT REVIEW FINAL SITE AND CONDOMINIUM SUBDIVISION PLAN APPLICATION IS DEEMED COMPLETE. SECONDED BY BILL DANA. APPROVED UNANIMOUSLY.**

Chairman Charlie Frizzle opened the meeting to public hearing.

**Mark Patrick, resident of 79 Hennessy Ave.**, noted that the first three lots on Country Lane had some of the biggest trees in the area and when those were prepared the applicant clear cut those three lots, constructed one house and the tree stumps and slash from the three lots sat in a pile for almost two years and asked if as development progress, will the rest of the lot be clear cut? Charlie Frizzle replied that he believes the lots will be clear cut as the project progresses, but subsequent to construction the plantings per the design and approved by the Town Arborist will be put into place. Mark recommended, if possible, to save a few of the trees. Curt Neufeld replied that he believes that the limits per the Conditions of Approval, would be flagged and thought this was to save some of the trees and noted that the trees will be somewhat at the mercy of facilities. Soxna Dice asked if the timing of clearing is phase by phase or lot by lot. Curt replied that lots are cleared by phase but for that phase only. Richard Visser replied that he believes this is covered in condition 8.

**Richard Harrison of Country Lane**, asked to clarify that the next two houses will be on Country Lane? Curtis Neufeld replied that he was correct. Richard asked where water and services will come from and Curt replied that services are already stumped in. Richard stated that there is a lot between his condo and the one down towards Baribeau Drive owned by the Bouchard family though it may be owned by the Town and wondered if they would need to dig that up to get water and sewer? Curt replied that this would not be necessary for those houses on McKeen Street.

**Nicole Werner of 8 Country Lane**, stated that she received a letter from a lawyer telling her that they have the right to come through property for Stormwater but does not know if it is coming through on her property. Curt Neufeld replied that the letter is a notice that says that the applicant is going to file with the DEP to get approvals for that Stormwater plan and stated that there is no intention of going through her property. Curt reviewed Stormwater layout. Nicole asked if she can request a natural row of trees along the vacant lots. Curt reviewed the setback and clearing lines and noted that the area is densely wooded and it is hoped that many trees will be maintained.

**Rudi Smith, resident of 75 Hennessey Ave**, asked as far as future owners are concerned, where does roof drainage end up? Curt Neufeld replied that it will fall to lawn areas around the roof and run back into the shallow soils and into the ground; what doesn't go all the way down will

go into the drains. Rudi asked if they could connect into the other drains in the Town and Curt replied that the units will but not the surface drains. Rudi expressed his concern that the water will not drain during cold and wet weather and clarified that the lowest point of swail is on north end. Curt replied that there really is not any pitch on any one end and noted that this is great soil; the science says that there should be no problems. Rudi asked if there will be drainage at each unit at footing and Curt replied "yes". Rudi asked where that will go and Curt replied that it will tie into a perimeter pipe; footie drain that goes all the way out. Rudi said that some of the houses built to the west of the entrance (McKeen Street) now have water in their basements and believe that it was caused by the development of the units on Country Lane. Rudi stated that he lives at 75 Hennessey Ave and wants to caution the people going to buy these units to be prepared for that and requests that the applicant bring the basement floor up high enough. Curt replied that the idea is that the footer would be 4-5 below grade and that the pipe would be lower and bring water out to the street. Rudi stated that he had DEP come out and nothing has happened. Jeremy Doxsee clarified that Rudi is saying that the development along Country Lane impacted the water table and Rudi replied that it has during different times of the year.

**Mellen Patrick, resident of 79 Hennessey Ave**, asked for clarification on a map dated 4/1/2012 that she received with a road going through instead of the original plan. Curt Neufeld replied that there is no intent to do that. Charlie Frizzle replied that there is no intent to do this and assure her that if approved, the applicant will have no right to put a road going through.

**Barbara Taylor, resident of 15 Country Lane**, and owner of the one house that was built 6-7 years ago stated that at that time, the houses were built by Oxford Homes who no longer exist and asked about the design of the homes. Charlie Frizzle replied that the Board does not usually look at who the developer wishes to contract for their homes or offering for selection. Barbara asked, as a condominium owner, what rights she has and Charlie replied that she has the rights that were built into her contract. Referring back to drainage, Barbara said that there are two man hole covers next to her house that are raised; one says drain and one says sewer, and when it melts there is always a big pool of water that does not drain right away. Barbara asked what assurance does she have of her basement not getting wet and who does she contact if the debris left next to her house in the vacant lot is not cleaned up? Charlie replied that she go to Codes Enforcement. Jeremy Doxsee replied that as far as he knew, the developer has not identified a new construction company and stated that he would be willing to assist in facilitating a nuisance complaint for the construction debris left next to her house. Margaret Wilson replied that this issue has been brought up before and just as recently as the reapproval of Botany Place and the problem is that there is nothing in the ordinance that protects neighbors from that unsightly situation while it is still in construction. Barbara asked if the trees would be left and Margaret replied that they would leave the ones that they could. Curt Neufeld replied that unfortunately between the roads and the setback, much if not all would be disturbed, but if there is a nice tree where a proposed tree would be it would make sense to try and save it. Barbara asked why this was not done on Country Lane and Curt replied that he could not speak to that. Curt discussed the stormwater and drains and stated that in terms of this site, once everything is installed, it should work as intended. Margaret suggested a condition that once house one is built, the landscaping be placed. Jeremy replied that he wouldn't want to act prematurely and have a new seedling be adversely effected by the ongoing construction while working on an adjacent lot. Soxna Dice pointed out that when they discussed the construction debris and Botany Place, they

were addressing dirt pile, and pointed out that Barbara is not talking about construction debris and that a deck being dumped on an empty lot is not construction debris and maybe is something that Codes Enforcement can address. Jeremy stated that in terms of stormwater, he knows that many neighbors would like to see catch basins on site, but that the ordinance does ask that developers use low impact management practices for stormwater. Soxna Dice replied that another reason why it is important to keep stormwater on site is because natural filtration is one of the best pollution abatements and also for aquifer recharge.

**Richard Papetti, resident of 8 Scott Ave**, how does he know that the developer is good again. Charlie Frizzle replied that it is relevant but the Board has no leverage with respect to developers who do not behave and this would have to be brought up in a legal context. Jeremy Doxsee replied that in this instance the performance guarantee for services for phases 2 and 3 will be required, but in terms of construction of houses themselves, that is different. Richard asked if there is there an inspection phase and Charlie replied that all infrastructure are inspected before the applicant moves forward. Richard clarified that upon completion, there will be 16 condominiums and that as of now, one has been built. Rudi clarified that the process could be fast or slow depending on the economy and asked how long the developer has before they have to seek reapproval. Charlie Frizzle replied that the Board would be approving a 16 unit condominium project and that this approval would lapse in five years if the applicant hasn't completed the project. Rudi stated that he was under the impression that one contractor would be building the units and clarified that this is not the case. Curt Neufeld replied that the original intent was to offer four floor plans; the units were designed so that the design could work and be fluid and fit throughout. Curt stated that he does not know if the developer will be moving forward with a modular or a stick built contractor, but that he believes that there will be another offering of three or four floor plans. Curt stated that he also believes that all the units will be single floor though he cannot say that for sure, but will be comparable to what has already been built. Richard stated that he believes that the average cost per unit will be roughly \$400,000 and Curt said that he did not know what the cost will be. Charlie replied that that cost per unit is not in Planning Board purview. Curt stated that in economic terms, there is a definite swing in interest in this project and other similar projects. Margaret Wilson clarified that she did not see anything in the packets that talked about configuration of houses and asked Curt if this was intended. Curt replied that he believes that there is language that they request the ability to make changes with the intent that these units might be able to substitute one for the other. Charlie replied that if the developer should experience another situation where a builder goes under then he would have to hire another builder, but the design would still have to fit the basic footprint; the Board does not dictate how they build the houses. Jeremy Doxsee replied that the Town has made a point not to set guidelines over single-family homes and even if the applicant were to submit architectural renderings, the Board would only be speaking on their personal opinions.

Rudi Smith asked if the Town inspects grading according to plan before an occupancy permit is issued. Charlie Frizzle replied that it is inspected only if the grading effects the Stormwater management plan; the site has to be graded per the management plan submitted to the State. Rudi replied that he was told by someone in Town Hall that back when his house was built, it was so busy that permits were just signed off and he does not want to see that happen here; he would like to see this addressed correctly.

Chairman Charlie Frizzle closed the public hearing.

Richard Visser pointed out that Condition number 5 may give some comfort as it does address the Stormwater management plan. Margaret Wilson stated that she would appreciate it if Curt Neufeld could talk to applicant about how he has left the site for some years but would appreciate more effort. Curt agreed. Dale King asked how wide the buffer was and Curt replied that by deed it is 25 feet and the setback is typically 20 feet. Dale asked if they were going to do landscaping or benches in the middle where there is going to be a park. Charlie replied that the written commitment at this point is to leave it in its natural state.

**MOTION BY MARGARET WILSON THAT THE BOARD WAIVES THE FOLLOWING REQUIREMENTS:**

1. Section 412.2.B.17: Waiver for the requirement to show all trees over 10 inches in diameter.
2. Section 412.2.B.8: Waiver for the requirement to show cross section and profiles of existing roads.

**SECONDED BY SOXNA DICE, APPROVED UNANIMOUSLY.**

Discussion on rewording of condition number 8 so that the developer does a better job in sequencing the landscaping once the lots have been completed and the houses have been built.

**MOTION BY DALE KING THAT THE MAJOR DEVELOPMENT REVIEW FINAL SITE PLAN IS REAPPROVED WITH THE FOLLOWING CONDITIONS:**

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, its representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require review and approval in accordance with the Brunswick Zoning Ordinance.
2. That, prior to issuance of Building Permits for Phases 2 & 3, the developer shall provide the Town with a performance guarantee, as required under Section 411.19, to be approved by the Town Engineer.
3. That, prior to issuance of Building Permits, the developer shall provide a public access easement to allow access between Country Lane and the internal loop road.
4. That, prior to issuance of Building Permits, the final plan shall provide a detail of the proposed pedestrian/bicycle path.
5. That, prior to issuance of Building Permits, the stormwater management plan is approved by the Town Engineer and that the Maine D.E.P. Chapter 500 Stormwater Permit is reapproved.

6. That, prior to issuance of Building Permits, an updated Solid Waste Impact Fee is approved by the Director of Public Works, and proof of payment per unit is provided by the applicant.

7. That, prior to issuance of Building Permits, an updated Recreation Impact Fee is approved by the Director of Parks & Recreation and/or Recreation Commission, and proof of payment per unit is provided by the applicant.

8. That, prior to issuance of Building Permits, a revised landscaping plan shall be submitted to the satisfaction of the Director of Planning and Development. This plan shall show site clearing for the development limited to the specific areas required for individual phases of the project; areas for future development are to be left in a natural state until such time as the site work for individual phases commences, which shall not occur until building permits have been issued for the individual phases. No new phase shall begin until landscaping and construction cleanup from the previous phase has been completed, to the satisfaction of the Director of Planning and Development.

9. That, prior to issuance of a Building Permit, the final plan shall include a phasing schedule on the cover sheet to include projected start dates for Phases 2 & 3.

**SECONDED BY BILL DANA. APPROVED UNANIMOUSLY.**

**Zoning Ordinance Rewrite Update**

- Next meeting on April 9, 2014 in Council Chambers at 4:45 PM. Jeremy Doxsee reviewed the agenda.

**Other Business**

- Anna Breinich is expecting a letter from the Town Attorney asking the Board to address the issue on the sign ordinance and perhaps make an ordinance change.
- April 22, 2014 agenda to possibly include an application for the Plaza at Cooks corner and a four lot subdivision off Harpswell Road.

**Approval of Minutes**

No minutes were reviewed at this meeting.

**Adjourned**

This meeting was adjourned at 8:44 P.M.

Attest

Tonya D. Jenusaitis  
Recording Secretary

**BRUNSWICK PLANNING BOARD  
TUESDAY, SEPTEMBER 5, 2006**

**MEMBERS PRESENT:** Rita Worthing, Charlie Frizzle, Carol Liscovitz, George Hunter, Austin Treworgy, Dana Totman

**STAFF PRESENT:** Jim Fortune, Town Planner

A meeting of the Brunswick Planning Board was held on Tuesday, September 5, 2006 at the Municipal Meeting Facility on McKeen Street. Chairman Rita Worthing called the meeting to order at 7:15 p.m.

**Case #06-071, Churchill Woods Condominiums:** The Board will review and take action on a **Sketch Plan** application submitted for a 16-unit condominium development off McKeen Street; (**Assessors Map U28, Lot 196**) in the **Residential (R4) Zone**.

Charlie Wiercinski of Sitelines, Inc. outlined the scope of the project for 16 condominium units. The housing units will be single-story detached homes (no duplexes or multiplexes are proposed as part of the development). The single-story homes proposed for this development are more typical of what the demand in the current housing market. The density allowed in the Residential Neighborhood 4 (R4) zone would allow more housing units; however, the maximum impervious area coverage in the R4 Zone (35%) will limit this development to 16 units using the single-story design for the homes. The sketch plan shows 20 units as a conceptual plan to add 4 more similar units to the development if impervious area coverage's are increased in the future.

Mr. Wiercinski explained The Churchill Woods parcel was part of the McKeen Woods development at one time. McKeen Woods was only partially built and the remaining land has been sold to the developer of Churchill Woods. The buffer between the two developments is part of a separate agreement between the buyer and seller of the property. The developer of Churchill Woods will honor that agreement, but it does exceed the Town's Ordinance requirements.

Jim Fortune explained the issues for the Board, as outlined in the memo prepared for this project.

Carol Liscovitz asked for clarification on the impervious area requirements for the R4 Zone. Charlie Wiercinski explained that impervious area is that which is covered by building footprints, streets, driveways, etc. (any area that is developed and rendered impervious) The R4 Zone permits a development to cover 35% of a lot with this development. The Churchill Woods development will cover 35% of the existing lot, including all building footprints, streets and driveways.

Dana Totman clarified that the applicant is not asking for a waiver to allow more impervious area for the 4 additional housing units. Charlie Wiercinski explained that the

development as proposed will not exceed 35% impervious area. The 4 additional units (for a total of 20 units) would need further Planning Board approval. The Board does not have the authority to waive this standard. The only way to get more than 16 units would be to modify the proposal and build two-story homes rather than single-story units.

Dana Totman suggested that the marketing issue isn't relevant to the Planning Board's review, so they should remove the 4 extra units from the plan since they are not going to build them as part of this application. Charlie Wiercinski agreed and indicated that they will remove the 4 units from the plan.

Rita Worthing suggested that they limit clearing of the property to each phase. Clear only the area necessary for each phase as the project progresses. Charlie Wiercinski agreed. He said that clearing will be done in phases, corresponding to development of the homes in each phase.

Dana Totman asked if Country Lane is a dead end street and if it is a town road. The street does terminate a little further to the west of this development, but it connects back out to Hennessey Avenue and Bouchard Drive. Country Lane is an accepted town way.

Carol Liscovitz asked about the house directly across from the entrance to Churchill Woods on Country Lane. She asked if the entrance to the proposed development could be adjusted so that it isn't directly in front of the house at 14 Country Lane.

Charlie Wiercinski said that the road for the Churchill Woods development is intended to be a private road, but there will be no effort made to stop people from using it to get between Country Lane and McKeen Street since it is designed as a thru street. Carol Liscovitz suggested that they investigate ways to mitigate any negative impact on the home at 14 Country Lane. He said they would consider the possibility of making an adjustment or some other accommodation for 14 Country Lane.

George Hunter asked what the length of the road would be. Charlie Wiercinski stated that it would be about 1,000 feet ±. He said the town prefers thru streets and discourages dead ends.

**Public Comment:**

Paul Favreau: Indicated that he is the owner of home at 14 Country Lane. He asked if the road location could be moved so that it will have less impact on his home, where the car headlights would shine directly into the windows in his house across the street.

Bill Foley: President of the McKeen Woods Condominium Association, asked about a note regarding building setbacks and the buffer that was agreed to when the property was sold.

Gary Ouellette: McKeen Woods resident asked about the reference to buffer for McKeen Woods that is mentioned in the deed. This is a 20-foot wide buffer that is supposed to

screen any new development from McKeen Woods. The deed restriction requires a 20-foot wide vegetation buffer along the property boundary with McKeen Woods. The deed specifies that a fence would not satisfy this requirement. The screening is not in yet and he would like the approval to be help up until the buffer is planted.

Mary Patrick: Said she is concerned about traffic and the new street should not be built as a thru street.

Nicky Persette: Asked if this is the same plan that was approved for the lot before.

Charlie Wiercinski suggested that they could do a dead end loop road off McKeen Street and have a pedestrian connection only out to Country Lane. Three units would be accessed via individual driveways off Country Lane rather than from within the development. They would still be part of Churchill Woods, but with no vehicular access to the subdivision street.

Eric Collier: Said he is not convinced that a thru road is necessary in this instance. A bike and pedestrian path to Country Lane would be preferable.

Charlie Wiercinski suggested that the Town's Ordinances and policies encourage and advocate for connectivity and against dead end roads. The town likes to see connections rather than isolated developments. He said the connectivity to Country Lane makes sense, but the developer can do either one.

Dana Totman said he is concerned that the streets around Country Lane would be overburdened if the connection is made. He said he did not see a need for a thru street in this instance. He said he is favor of a cul-de-sac with a pedestrian connection to Country Lane.

George Hunter said he agrees with Totman. It may go against standard policy, but a dead end may make sense here.

Carol Liscovitz indicated that input from the Town Engineer, Fire Chief and Public Safety (Police) will be important in making this decision. She said she is leaning toward the interconnectivity, but with modification and with input from Town Staff.

Rita Worthing agreed with Carol Liscovitz. She said the Town strives toward connectivity, but that she is open to not having the new street connect to Country Lane.

Charlie Frizzle said he is not inclined to deny the project if it is developed with a dead street. He is fine with it either way.

Carol Liscovitz suggested that staff input will be important.

Dana Totman suggested that the road might need to be reclassified if it connects to Country Lane (24 foot wide travel way rather than 20 feet as proposed). Charlie

Wiercinski said that the road standards are reduced for a private road, which this one is proposed as.

Dana Totman indicated that he would be more supportive of the project if it had a pedestrian connection to Country Lane only. He prefers a dead end street.

Eric Collier asked if a removable barrier can be placed on Country Lane so that emergency vehicles could access the development from Country Lane.

George Hunter said that that approach was used between the Thornton Oaks development and the Chans medical office building on Baribeau Drive.

Carol Liscovitz asked if the Country Lane houses would be required to pay for the maintenance of the private road too if they do not have access to it for their driveways. Charlie Wiercinski indicated that they would have to pay an appropriate portion based on their use of the road.

Bill Foley suggested that other condominium developments have dead end roads and this one does not need to be treated differently.

Carol Liscovitz indicated that the road could never be accepted as a public way if it is built as a private street using the private street standards.

It was noted that the Country Lane residents prefer a dead end street from McKeen Street and no connection to Country Lane. The McKeen Woods residents have requested that the screening for their property be put in before construction starts. The screening can not be a fence, it is supposed be trees. Charlie Wiercinski indicated that trees will be planted.

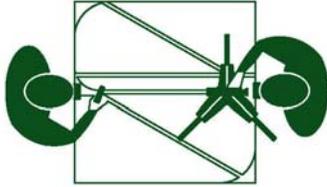
The Planning Board would like input from staff on whether there needs to be an interconnection to Country Lane. Provide a planting and buffer plan for the final. Remove the four additional units on the final plan.

Motion by Charlie Frizzle to determine that the sketch plan for Churchill Woods is complete. Second by George Hunter. Voted 6-0 in favor of determining the sketch plan application is complete.

Motion by Charlie Frizzle to approve the sketch plan for Churchill Woods. Second by Austin Treworgy. Voted 6-0 to approve the sketch plan for Churchill Woods.

**Case #06-058, Harold and Duane Hinkley/Lulwe Ridge Subdivision.** The Board will review and take action on a **Final Plan** application submitted for the development of the Lulwe Ridge Subdivision, a proposed 11-lot subdivision off Collinsbrook Road; **(Assessor's Map 5, Lot 4)** in the **FF-1 Zone**.

Jim Fortune outlined the scope of the project and the changes that were made since the sketch plan review.



April 22, 2016

1340.01

Mr. Jared Woolston, Town Planner  
Town of Brunswick  
85 Union Street  
Brunswick, Maine 04011

**Re: Workshop Submission**  
**ALL SAINTS PARISH EVENTS CENTER**  
**35-39 PLEASANT STREET**  
**Tax Map U16, Lots 47 & 48**

Dear Jared:

On behalf of *ALL SAINTS PARISH*, Sitelines, PA is pleased to submit the enclosed Concept Plan and supporting materials for the development of a 14,685 sq. ft. events center and a 13,167 sq. ft. school building on the St. John's Church property located on Pleasant Street. This letter is intended to summarize the project in order to facilitate a workshop meeting with the Planning Board.

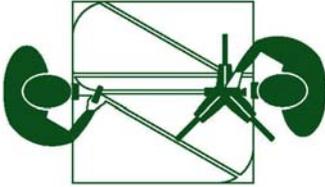
#### **PROPERTY**

*THE ROMAN CATHOLIC BISHOP OF PORTLAND TRUST* owns two parcels of land located on Pleasant Street (Tax Map U16, Lots 47 & 48). The parcel contains 4.68 acres and is currently developed, with a church, elementary school, a former convent building, several storage buildings, as well as paved parking and playground areas. The existing impervious area is 118,610 sq. ft. (2.72 acres) or 58.2% impervious coverage. The property is located in the Inner Pleasant Street (TR1) and the Intown Railroad Corridor (MU2) Zoning districts. As more than 50% of the property is located within the MU2 Zoning district, the dimension standards of the MU2 district are being applied for this project. Please see the attached advisory memo from Jeff Hutchinson, CEO.

#### **SITE DESIGN**

The proposed development will consist of two (2) phases. Phase 1 will consist of the construction of a new 14,685 sq. ft. one-story events center, which will contain an auditorium/cafeteria/gymnasium, a stage, a music room, kitchen, and adoration chapel, a meeting room, as well as locker rooms and bath rooms. Fundraising is currently underway for this facility. The construction of this facility, concrete walkways and utility driveway will increase the impervious area to approximately 129,500 sq. ft. or 63.5% coverage. The campus will continue to utilize the existing parking and traffic circulation patterns.

Phase 2 will consist of the removal of the old convent building, which is now used as the parish center, the removal of the school building, and construction of an approximate 13,200 s.f.



footprint two-story school building. As part of Phase 2, the existing parking lot and drive aisles will be redeveloped to serve the new buildings and enhance traffic flow.

Although, Phase 2 is not anticipated for several years, we wish to preserve the ability to utilize the current zoning standards for the ultimate campus build out.

**SUMMARY**

We trust that this information satisfactorily addresses the requirements for a Workshop Meeting and we look forward to meeting with you and the Planning Board at the April 26, 2016 meeting to obtain their feedback.

We appreciate your assistance with this project. Should you have any questions, please call or contact me via [kclark@sitelinespa.com](mailto:kclark@sitelinespa.com).

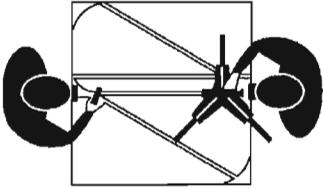
Very truly yours,

*Kevin P. Clark*

Kevin P. Clark, PLS  
President

Enclosures

cc: Charles Wiercinski  
Charleen Foley



February 15, 2016

1340.01

Father Murray, Pastor  
All Saints Parish  
132 McKeen Street  
Brunswick, ME 04011

**Re: Designation of Agent Authorization**  
**ALL SAINTS PARISH EVENTS CENTER**  
**35-39 PLEASANT STREET**  
**Tax Map U16, Lots 47 & 48**

Dear Father Murray,

As required by various approval agencies, please indicate by signing below that Sitelines, PA is authorized to act as agent for All Saints Parish, for the specific purpose of preparation and submission of local and state permitting applications on your behalf for the proposed residential subdivision to be located on Pleasant Street in Brunswick, Maine.

Sincerely,

*Kevin P. Clark*

Kevin P. Clark, PLS  
President

The undersigned hereby gives Sitelines, PA the authority to act as agent for All Saints Parish, for the specific purpose of preparation and submission of local and state permitting applications for the project specifically identified above.

(REV.) *Frank J. Murray*  
Authorized

*Feb. 23, 2016*  
Date

## Kevin Clark

---

**From:** Jeff Hutchinson <jhutchinson@brunswickme.org>  
**Sent:** Monday, August 31, 2015 2:48 PM  
**To:** Kevin Clark  
**Cc:** chashome@myfairpoint.net; 'James Baskerville'; Anna Breinich  
**Subject:** RE: St. John's Church - Pleasant Street

Hi Kevin,

I have conducted a zoning determination regarding the subject property using the Town's GIS system (current practice) and have arrived at the same conclusion. Therefore, in accordance with Section 303.B of the existing Brunswick zoning ordinance, it's my opinion that the MU2 zoning district would govern development of this property.

A copy of this determination and this email thread will be placed in the property file for future reference.

If you should need any further assistance, please don't hesitate to contact me.

Jeff

*JEFF HUTCHINSON*  
*Codes Enforcement Officer*  
*Town of Brunswick*  
*85 Union Street*  
*Brunswick, ME 04011*  
*phone: (207)725-6651(ext 4024)*  
*fax: (207)725-6663*  
*e-mail: [jhutchinson@brunswickme.org](mailto:jhutchinson@brunswickme.org)*  
*web: [www.brunswickme.org](http://www.brunswickme.org)*

---

**From:** Kevin Clark [mailto:kclark@sitelinespa.com]  
**Sent:** Friday, August 28, 2015 2:34 PM  
**To:** Jeff Hutchinson  
**Cc:** chashome@myfairpoint.net; 'James Baskerville'  
**Subject:** St. John's Church - Pleasant Street

Jeff,

We kindly request an advisory letter/memo regarding the zoning for the St. John's Church property located at 39 Pleasant Street (Tax Map U16, Lots 47 & 48). Based on a boundary survey of the property and our cautious placement of the Zoning Line between the TR1 Zone and the MU2 Zone, we have determined that 2.21 acres of the parcel lies within the TR1 Zone and 2.47 acres lie within the MU2 zone. Per Section 303.B of the Ordinance, the use, density, lot area and dimensional requirements of the MU2 zone would govern for the property. It would be greatly appreciated if you would please provide correspondence confirming our interpretation of the Ordinance.

I have attached a copy of the survey plan and the Ordinance section.

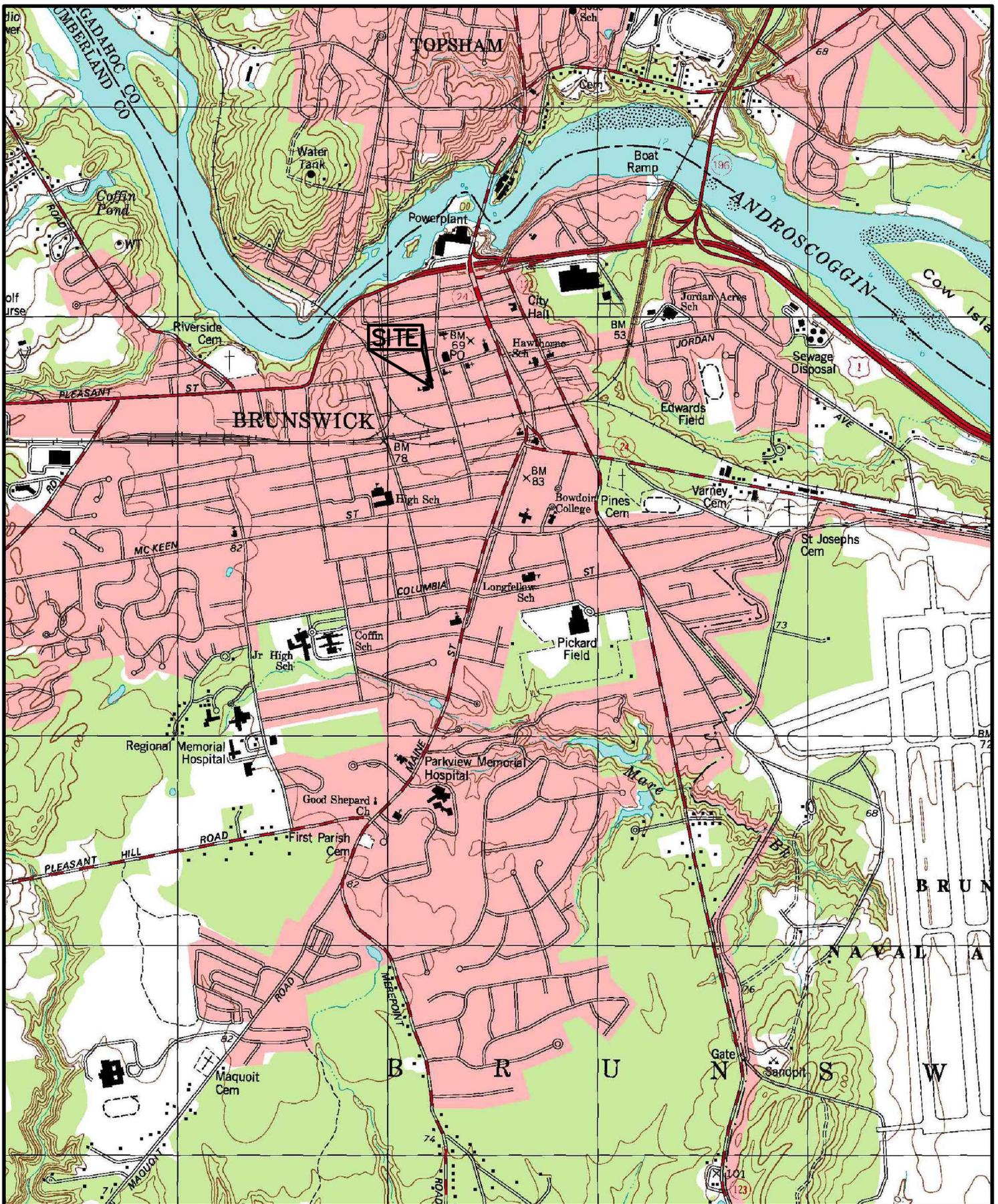
Thank you,

*Kevin Clark*

Kevin Clark, PLS  
President

**Sitelines, PA**

(207) 725-1200 Ext. 14  
(207) 576-6061 (Cell)  
(207) 725-1114 (Fax)  
8 Cumberland Street  
Brunswick Maine 04011  
[kclark@sitelinespa.com](mailto:kclark@sitelinespa.com)  
[www.sitelinespa.com](http://www.sitelinespa.com)



SHEET: 1 OF 1

**SITELINES**  
ENGINEERS PLANNERS

8 CUMBERLAND ST. BRUNSWICK, ME 04011  
(207) 725-1200 FAX 725-1114

**USGS LOCATION MAP**  
 ALL SAINTS PARISH EVENT CENTER  
 35-39 PLEASANT STREET  
 BRUNSWICK, MAINE

DATE: 2/26/16
SCALE: 1"=2000'
JOB: 1340.01
FILE: 1340.01-USGS

ABUTTING PROPERTY OWNERS  
35-39 PLEASANT ST, BRUNSWICK, MAINE

N/F  
PIPER, LINDA J & CARUSO, JOHN J TRUSTEES OF  
EST. OF VIRIGINIA CARUSO LIVING TRUST  
68 WARD CIRCLE  
BRUNSWICK, ME 04011  
MAP U13 LOT 50  
BK 30367 PG 306

N/F  
ST PAULS EPISCOPAL CHURCH  
27 PLEASANT ST  
BRUNSWICK, ME 04011  
MAP U13 LOT 105  
BK 3145 PG 135

N/F  
ST PAULS BRUNSWICK TITLE HOLDING COMPANY  
INC  
PO BOX 195, 27 PLEASANT ST  
BRUNSWICK, ME 04011  
MAP U13 LOT 108  
BK 15654 PG 339

N/F  
BROWN, MITCHELL W  
& JOHANTGEN-BROWN, HOLLY  
19 THOMPSON ST  
BRUNSWICK, ME 04011  
MAP U14 LOT 16  
BK 31634 PG 105

N/F  
HORCH, KEVIN F & HADLEY W  
44 PLEASANT ST  
BRUNSWICK, ME 04011  
MAP U14 LOT 17  
BK 16242 PG 59

N/F  
DUNNING, JUDITH A  
42 PLEASANT ST  
BRUNSWICK, ME 04011  
MAP U14 LOT 18  
BK 28001 PG 315

N/F  
PELLETIER, JEANNINE C TRUSTEE OF  
THE PELLETIER FAMILY LIVING TRUST  
40 PLEASANT ST  
BRUNSWICK, ME 04011  
MAP U14 LOT 19  
BK 12913 PG 164

N/F  
LOVELL, RYAN A  
50 WALTHAM ST, APT 1R  
BOSTON, MA 02118  
MAP U14 LOT 20  
BK 29342 PG 320

N/F  
COFFIN, RICHARD J & LINA H  
PO BOX 672  
BRUNSWICK, ME 04011  
MAP U16 LOT 44  
BK 29808 PG 15

N/F  
BRILLANT, PAULINE A  
66 UNION ST  
BRUNSWICK, ME 04011  
MAP U16 LOT 45  
BK 8881 PG 318

N/F  
FIELD HOUSE LLC  
C/O EDGAR CATLIN III  
49 PLEASANT ST  
BRUNSWICK, ME 04011  
MAP U16 LOT 49  
BK 16242 PG 59

N/F  
BARIBEAU, MICHAEL H & DIANNA S  
51 PLEASANT ST  
BRUNSWICK, ME 04011  
MAP U16 LOT 50  
BK 15611 PG 7

N/F  
DECAMILLA, DOUGLAS C & LAURIE A  
22 CEDAR ST  
BRUNSWICK, ME 04011  
MAP U16 LOT 62  
BK 11503 PG 57

N/F  
BECKETT, GREGORY A & MICHELLE L  
20 CEDAR ST  
BRUNSWICK, ME 04011  
MAP U16 LOT 63  
BK 30441 PG 112

N/F  
HWANG, SIMON  
134 HOLLOWELL DR  
FT LEAVENWORTH, KS 66027  
MAP U16 LOT 64  
BK 17547 PG 260

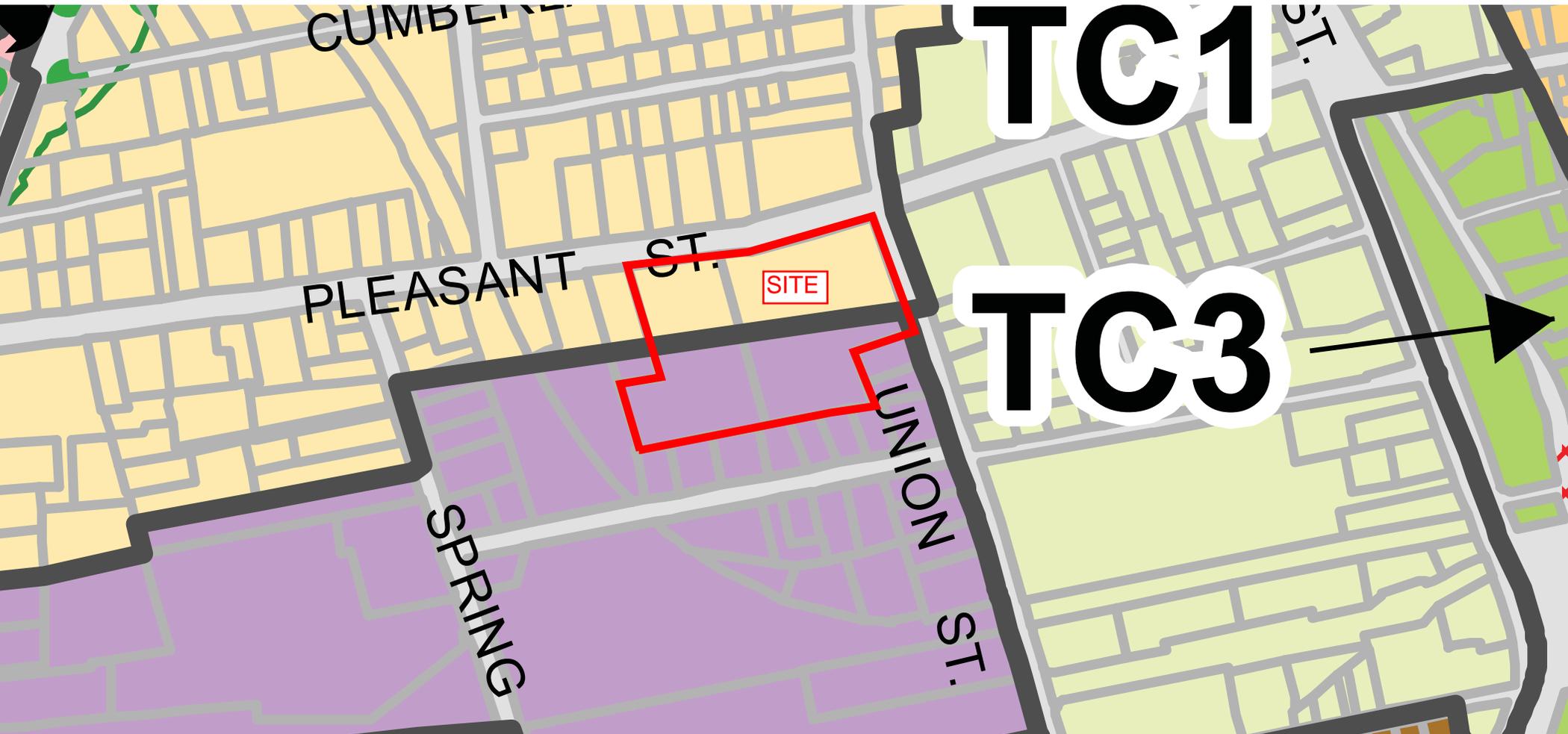
ABUTTING PROPERTY OWNERS  
35-39 PLEASANT ST, BRUNSWICK, MAINE

N/F  
ST JOHN, CHRISTOPHER & EUNICE  
14 CEDAR ST #1  
BRUNSWICK, ME 04011  
MAP U16 LOT 65  
BK 28729 PG 279

N/F  
HEALTH, MARY B  
10 CEDAR ST  
BRUNSWICK, ME 04011  
MAP U16 LOT 66  
BK 10135 PG 144

N/F  
DOOLITTLE, PAULINE S  
75 STATE STREET, APT 422  
PORTLAND, ME 04101  
MAP U16 LOT 67  
BK 12381 PG 204

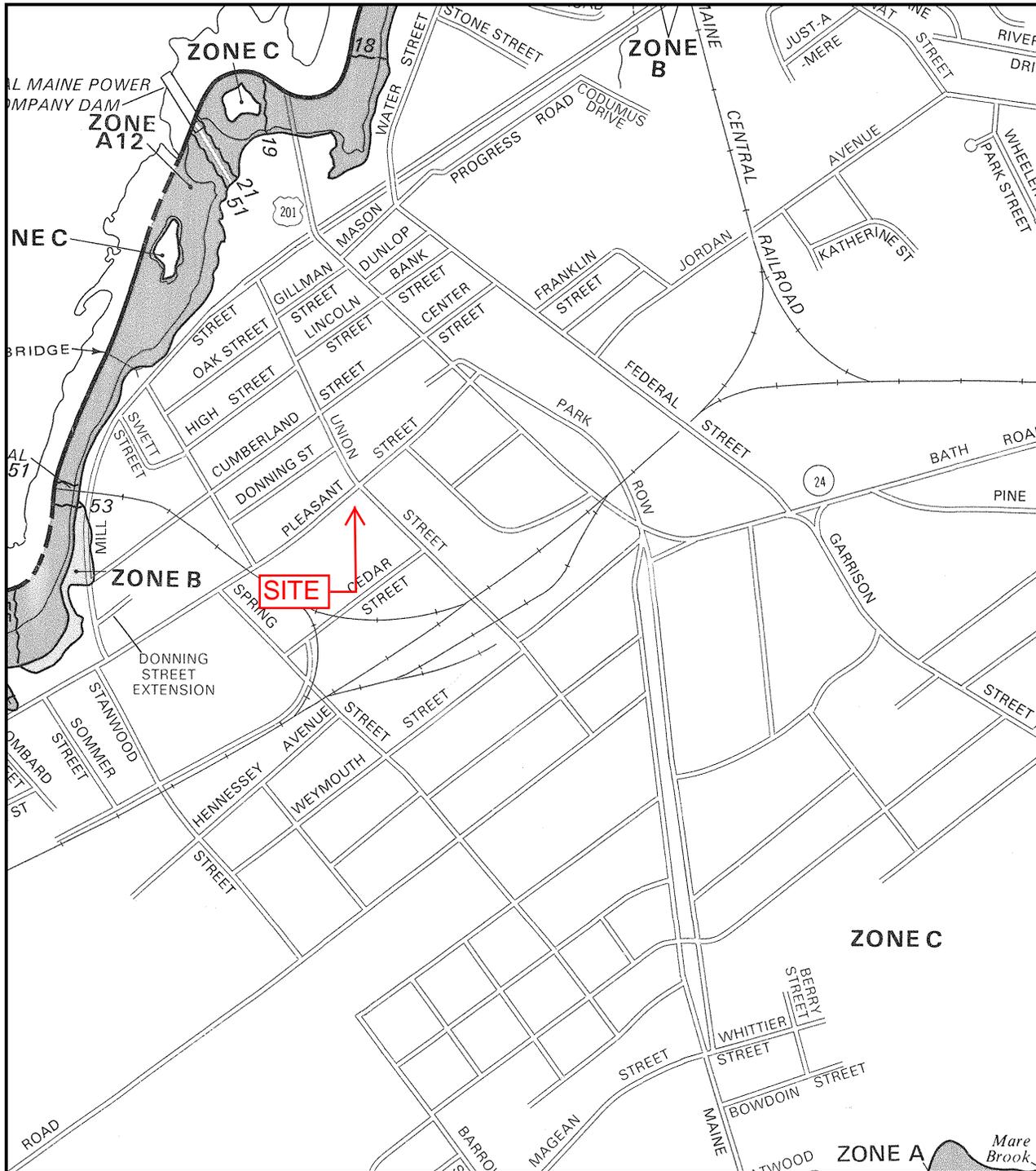
N/F  
FEDERAL NATIONAL MORTGAGE CORP  
3900 WISCONSIN AVE NW  
WASHINGTON, DC 20016  
MAP U16 LOT 68  
BK 31453 PG 102



**TC1**

**TC3**





APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

TOWN OF  
**BRUNSWICK, MAINE**  
CUMBERLAND COUNTY

PANEL 15 OF 35  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER  
230042 0015 B

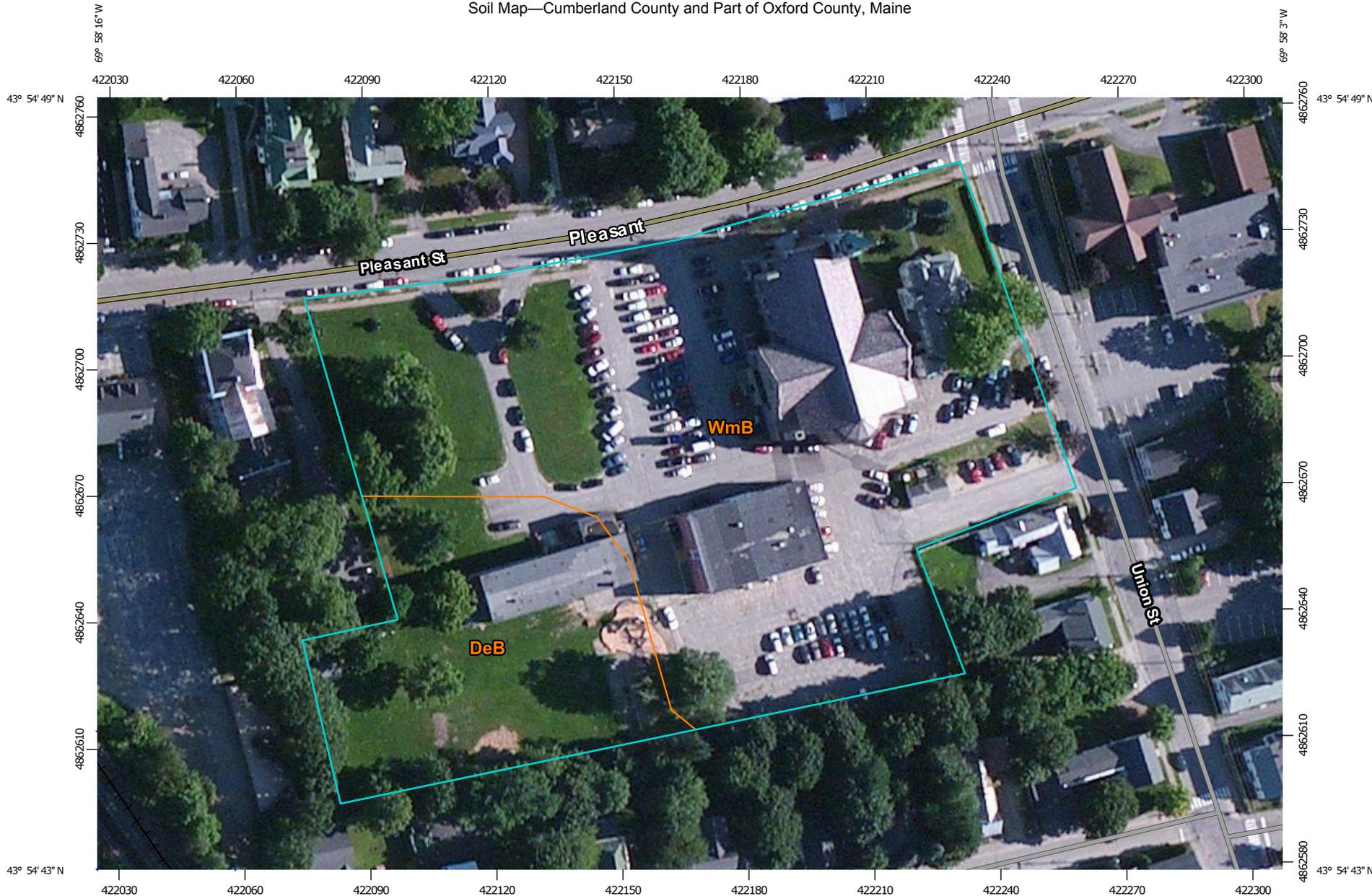
EFFECTIVE DATE:  
JANUARY 3, 1986



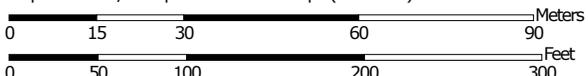
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

Soil Map—Cumberland County and Part of Oxford County, Maine



Map Scale: 1:1,290 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84



## Map Unit Legend

Cumberland County and Part of Oxford County, Maine (ME005)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DeB	Deerfield loamy sand, 3 to 8 percent slopes	1.1	24.6%
WmB	Windsor loamy sand, 0 to 8 percent slopes	3.5	75.4%
<b>Totals for Area of Interest</b>		<b>4.6</b>	<b>100.0%</b>

## Cumberland County and Part of Oxford County, Maine

### DeB—Deerfield loamy sand, 3 to 8 percent slopes

#### Map Unit Setting

*National map unit symbol:* blh6

*Elevation:* 150 to 1,200 feet

*Mean annual precipitation:* 30 to 50 inches

*Mean annual air temperature:* 37 to 45 degrees F

*Frost-free period:* 90 to 160 days

*Farmland classification:* Farmland of statewide importance

#### Map Unit Composition

*Deerfield and similar soils:* 87 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Deerfield

##### Setting

*Landform:* Outwash terraces

*Landform position (two-dimensional):* Footslope

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Sandy glaciofluvial deposits derived from granite and gneiss

##### Typical profile

*H1 - 0 to 10 inches:* loamy sand

*H2 - 10 to 24 inches:* loamy sand

*H3 - 24 to 65 inches:* sand

##### Properties and qualities

*Slope:* 3 to 8 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Moderately well drained

*Capacity of the most limiting layer to transmit water (Ksat):* High to very high (6.00 to 20.00 in/hr)

*Depth to water table:* About 18 to 36 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* Low (about 3.2 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 2w

*Hydrologic Soil Group: A*

## **Data Source Information**

Soil Survey Area: Cumberland County and Part of Oxford County, Maine  
Survey Area Data: Version 11, Sep 17, 2015

## Cumberland County and Part of Oxford County, Maine

### WmB—Windsor loamy sand, 0 to 8 percent slopes

#### Map Unit Setting

*National map unit symbol:* 2w2x2

*Elevation:* 0 to 1,410 feet

*Mean annual precipitation:* 36 to 71 inches

*Mean annual air temperature:* 39 to 55 degrees F

*Frost-free period:* 140 to 240 days

*Farmland classification:* Farmland of statewide importance

#### Map Unit Composition

*Windsor and similar soils:* 85 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Windsor

##### Setting

*Landform:* Deltas, dunes, outwash plains, outwash terraces

*Landform position (three-dimensional):* Riser, tread

*Down-slope shape:* Linear, convex

*Across-slope shape:* Linear, convex

*Parent material:* Loose sandy glaciofluvial deposits derived from granite and/or loose sandy glaciofluvial deposits derived from schist and/or loose sandy glaciofluvial deposits derived from gneiss

##### Typical profile

*Oe - 0 to 1 inches:* moderately decomposed plant material

*A - 1 to 3 inches:* loamy sand

*Bw - 3 to 25 inches:* loamy sand

*C - 25 to 65 inches:* sand

##### Properties and qualities

*Slope:* 0 to 8 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Excessively drained

*Runoff class:* Low

*Capacity of the most limiting layer to transmit water (Ksat):*

Moderately high to very high (1.42 to 99.90 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Salinity, maximum in profile:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

*Available water storage in profile:* Low (about 4.5 inches)

##### Interpretive groups

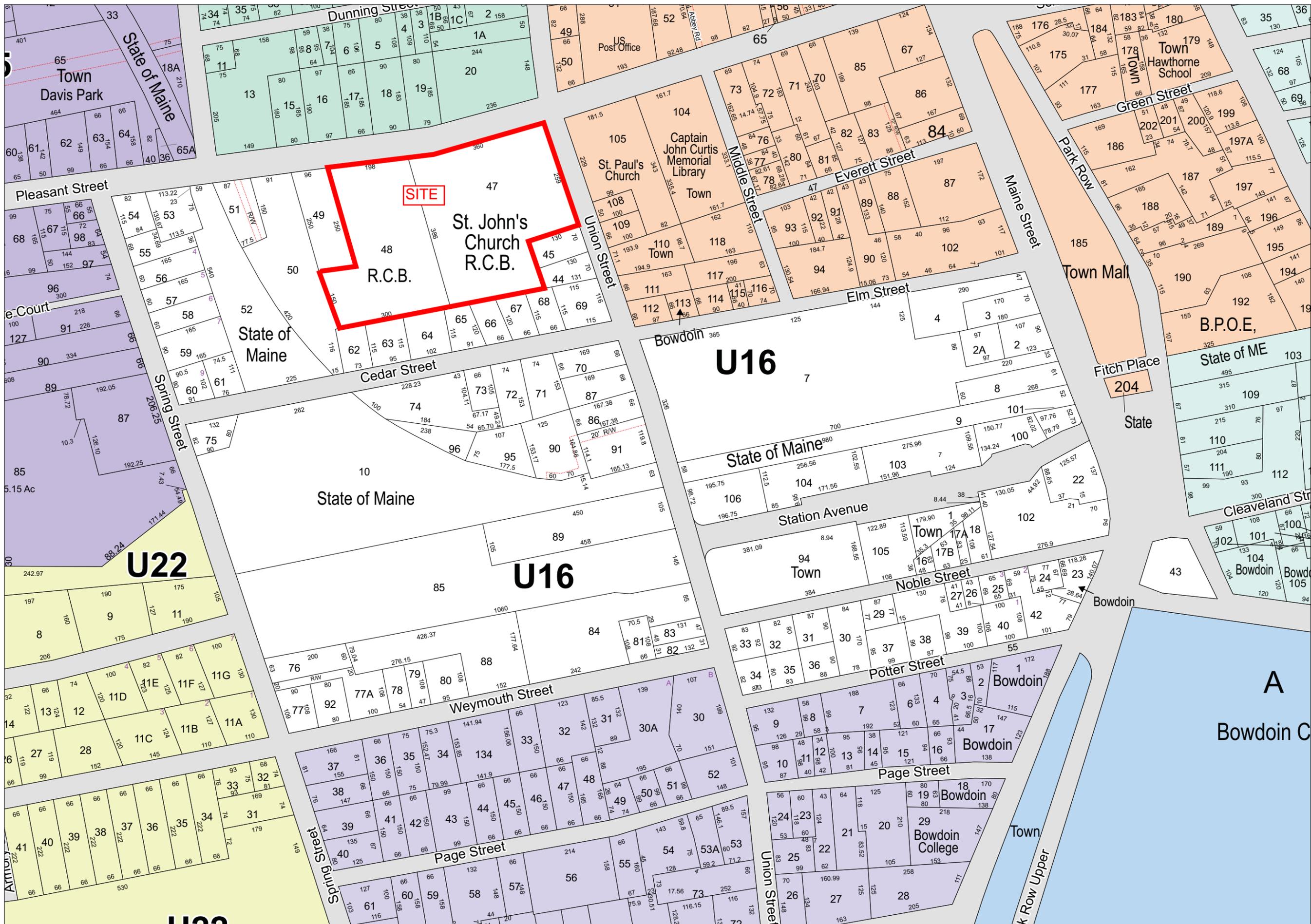
*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 2s

*Hydrologic Soil Group: A*

## **Data Source Information**

Soil Survey Area: Cumberland County and Part of Oxford County, Maine  
Survey Area Data: Version 11, Sep 17, 2015



- Legend**
- Public Road
  - Private Road
  - ROW
  - Water
  - Hydrography Line
  - ROW Property Access
  - Other Road
  - Town Boundary
  - Other Lot Boundary
  - Parcels Lines

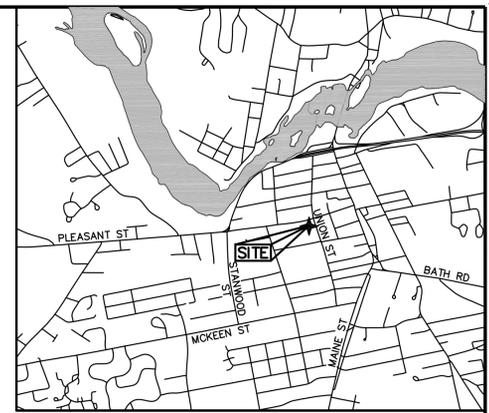
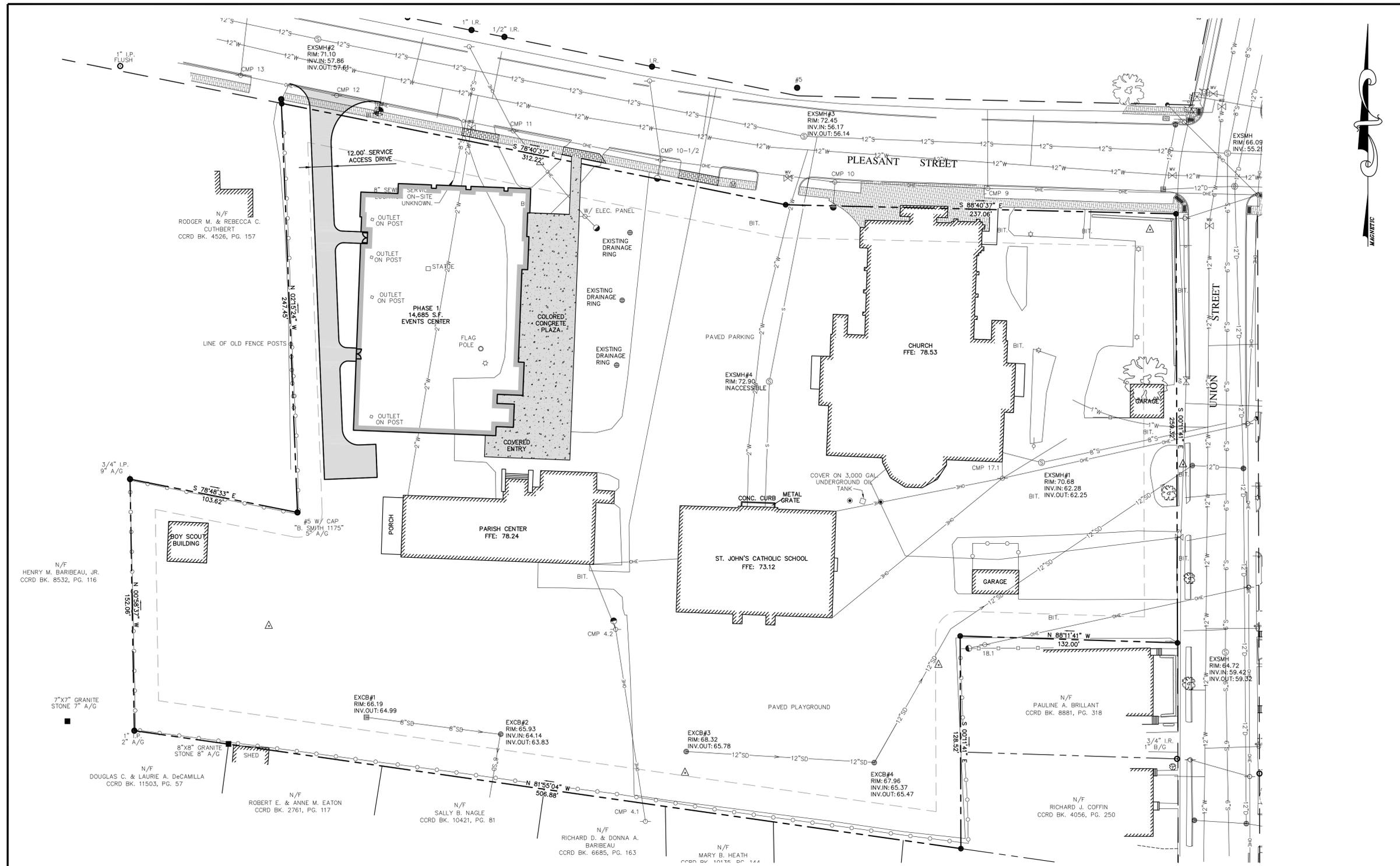
Disclaimer:  
The information is provided as a reasonably accurate point of reference, but is not guaranteed and is not to be used for conveyances.  
The Town of Brunswick shall not be held responsible for the accuracy or misuse of this data.  
Copyright Town of Brunswick.



1 inch = 100 feet

Revised To: April 1, 2015  
Maps Prepared by:  
Town of Brunswick

**MAP**  
**U16**



LOCATION MAP  
NOT TO SCALE

- NOTES:**
- TITLE REFERENCE FOR SURVEYED PARCEL:**  
THE SITE IS OWNED BY ROMAN CATHOLIC BISHOP OF PORTLAND MAINE TRUST, ST JOHN'S CHURCH (39 PLEASANT STREET, BRUNSWICK, ME 04011)  
BK. 431 PG. 91  
BK. 888 PG. 423  
BK. 991 PG. 105  
BK. 1833 PG. 72  
BK. 1841 PG. 55  
BK. 2260 PG. 116  
BK. 2971 PG. 789
  - PLAN REFERENCE(S):**  
A) PLAN ENTITLED, "STANDARD BOUNDARY SURVEY FOR ROMAN CATHOLIC BISHOP OF PORTLAND PLEASANT & UNION STREETS BRUNSWICK, MAINE", DATED MAY 1999, BY ROBERT M. SPIVEY, PLS 1338.
  - AREA INFORMATION:**  
PARCEL AREA= 203,902 S.F. OR 4.68 ACRES  
AREA IN MU2 ZONE= 107,578 S.F. OR 2.47 ACRES (52.8%)  
AREA IN TR1 ZONE= 96,324 S.F. OR 2.21 ACRES (47.2%)  
IMPERVIOUS AREA= 118,610 S.F. OR 2.72 ACRES (58.2%)
  - TAX MAP REFERENCE:**  
TAX MAP U16, LOTS 47 & 48.
  - ORDINANCE STANDARDS:**  
PARCEL IS LOCATED WITHIN THE VILLAGE REVIEW ZONE (VRZ)  
ZONE: MU2 (INTOWN RAILROAD CORRIDOR ZONE)  
MINIMUM LOT SIZE: 10,000 S.F.  
DIMENSION REQUIREMENTS:  
1.) MINIMUM LOT WIDTH: 60'  
2.) YARD DEPTHS  
A) FRONT = 20'  
B) REAR = 20'  
C) SIDE = 15'  
3.) MAXIMUM BUILDING HEIGHT = 40'  
MAXIMUM BUILDING FOOTPRINT = 20,000 S.F.  
MAXIMUM IMPERVIOUS 75%  
ZONE: TR1 (INNER PLEASANT STREET NEIGHBORHOOD ZONE)  
MINIMUM LOT SIZE: 7,500 S.F.  
DIMENSION REQUIREMENTS:  
1.) MINIMUM LOT WIDTH: 65'  
2.) YARD DEPTHS  
A) FRONT = 15'  
B) REAR = 15'  
C) SIDE = 15'  
3.) MAXIMUM BUILDING HEIGHT = 35'  
MAXIMUM BUILDING FOOTPRINT = 7,500 S.F.  
MAXIMUM IMPERVIOUS 50%
  - PROPOSED SITE TABULATIONS:**  
EXISTING CHURCH - 13,978 S.F.  
EVENTS CENTER - 14,685 S.F.  
PARKING - EXISTING  
TOTAL IMPERVIOUS AREA - 129,471 S.F. (63.5%)

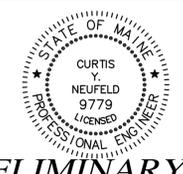
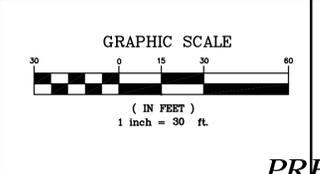
**CONCEPT PLAN - PHASE 1  
ALL SAINTS EVENTS CENTER**

ST. JOHN'S CHURCH  
35-39 PLEASANT STREET - BRUNSWICK, ME

PREPARED FOR:  
ALL SAINTS PARISH

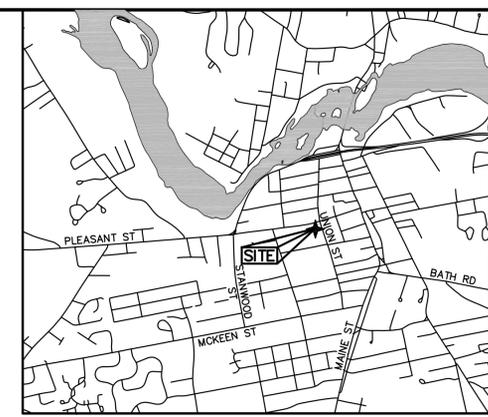
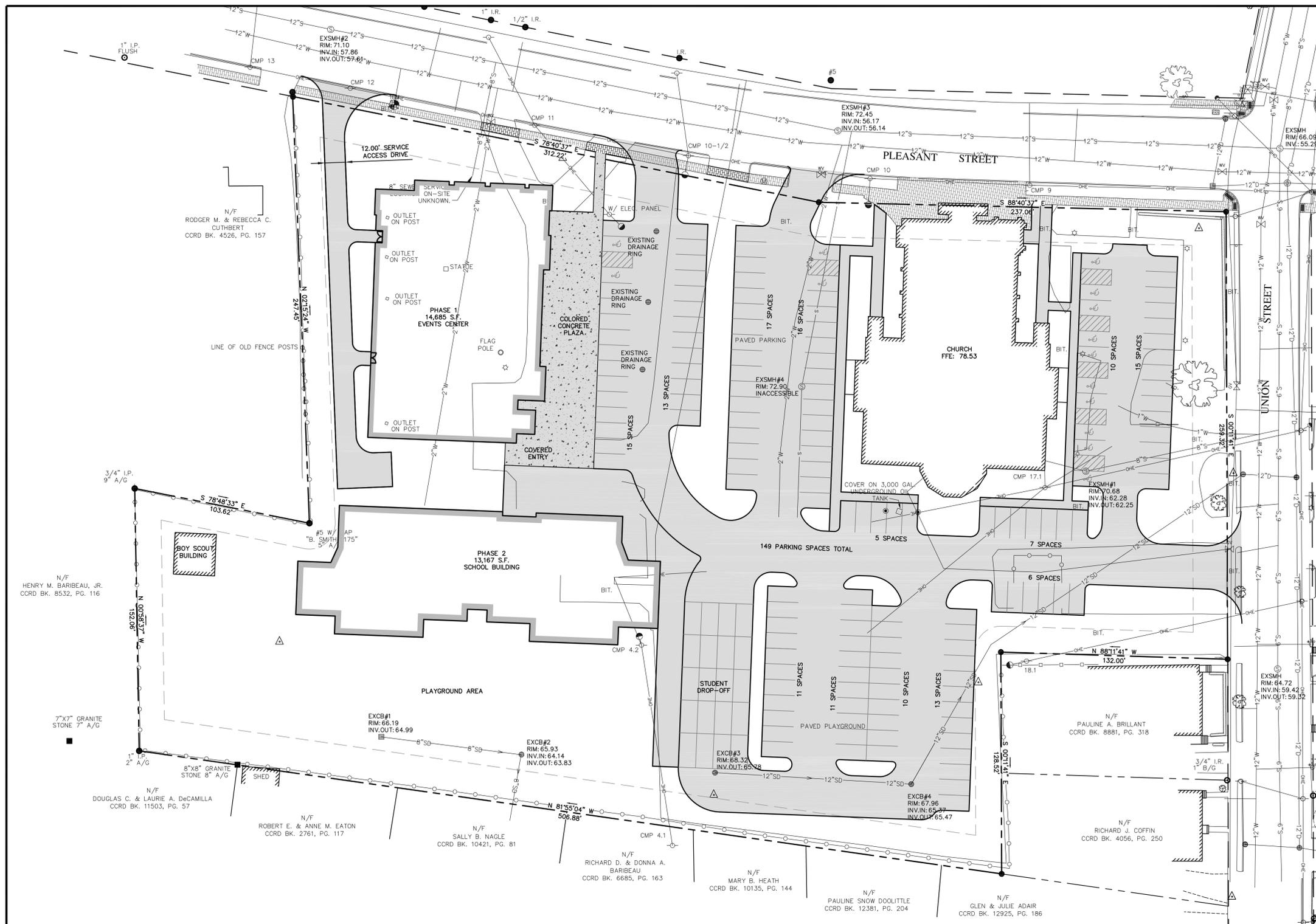
**PROGRESS PRINT**  
THIS PLAN IS ISSUED FOR REVIEW AND INFORMATION PURPOSES ONLY. THIS PLAN IS SUBJECT TO CHANGE AND IS NOT FOR PRICING OR CONSTRUCTION. PRICING OR CONSTRUCTION ON THIS PLAN IS NOT BINDING UNLESS SIGNED BY BOTH CONTRACTOR AND OWNER.

CALL DIG SAFE UTILITY LOCATION  
**1-888-344-7233**  
STATE LAW REQUIRES ADVANCE NOTICE OF AT LEAST 3 BUSINESS DAYS BEFORE YOU DIG, GRADE OR EXCAVATE FOR THE MARKING OF UNDERGROUND UTILITIES



**PRELIMINARY**

<b>SITELINES, PA</b> ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS 8 CUMBERLAND STREET, BRUNSWICK, ME 04011 207.725.1200 www.sitelinespa.com		<b>SHEET:</b> <b>1</b>
FIELD WK: MC/CH	SCALE: 1"=30'	
DRN BY: RPL	JOB #: 1340.01	
CH'D BY: KPC	MAP/LOT: U16/47&48	
DATE: 02-09-2016	FILE: 1340.01-SITE	



LOCATION MAP  
NOT TO SCALE

- NOTES:**
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IMPERVIOUS AREA = 118,610 S.F. OR 2.72 ACRES (58.2%)
  - TAX MAP REFERENCE:**  
TAX MAP U16, LOTS 47 & 48.
  - ORDINANCE STANDARDS:**  
PARCEL IS LOCATED WITHIN THE VILLAGE REVIEW ZONE (VRZ)  
ZONE: MU2 (INTOWN RAILROAD CORRIDOR ZONE)  
MINIMUM LOT SIZE: 10,000 S.F.  
DIMENSION REQUIREMENTS:  
1.) MINIMUM LOT WIDTH: 60'  
2.) YARD DEPTHS  
A) FRONT = 20'  
B) REAR = 20'  
C) SIDE = 15'  
3.) MAXIMUM BUILDING HEIGHT = 40'  
MAXIMUM BUILDING FOOTPRINT = 20,000 S.F.  
MAXIMUM IMPERVIOUS 75%  
ZONE: TR1 (INNER PLEASANT STREET NEIGHBORHOOD ZONE)  
MINIMUM LOT SIZE: 7,500 S.F.  
DIMENSION REQUIREMENTS:  
1.) MINIMUM LOT WIDTH: 65'  
2.) YARD DEPTHS  
A) FRONT = 15'  
B) REAR = 15'  
C) SIDE = 15'  
3.) MAXIMUM BUILDING HEIGHT = 35'  
MAXIMUM BUILDING FOOTPRINT = 7,500 S.F.  
MAXIMUM IMPERVIOUS 50%  
6. **PROPOSED SITE TABULATIONS:**  
EXISTING CHURCH - 13,978 S.F.  
EVENTS CENTER - 14,685 S.F.  
NEW SCHOOL - 13,167 S.F.  
PARKING - 174 SPACES (14 HANDICAP)  
TOTAL IMPERVIOUS AREA - 123,393 S.F. (60.5%)

N/F HENRY M. BARIBEAU, JR.  
CCRD BK. 8532, PG. 116

N/F DOUGLAS C. & LAURIE A. DeCAMILLA  
CCRD BK. 11503, PG. 57

N/F ROBERT E. & ANNE M. EATON  
CCRD BK. 2761, PG. 117

N/F SALLY B. NAGLE  
CCRD BK. 10421, PG. 81

N/F RICHARD D. & DONNA A. BARIBEAU  
CCRD BK. 6685, PG. 163

N/F MARY B. HEATH  
CCRD BK. 10135, PG. 144

N/F PAULINE SNOW DOOLITTLE  
CCRD BK. 12381, PG. 204

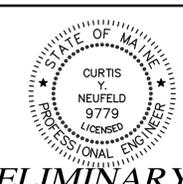
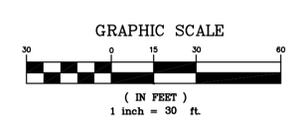
N/F GLEN & JULIE ADAIR  
CCRD BK. 12925, PG. 186

N/F RICHARD J. COFFIN  
CCRD BK. 4056, PG. 250

N/F PAULINE A. BRILLANT  
CCRD BK. 8881, PG. 318

**PROGRESS PRINT**  
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**PRELIMINARY**

**CONCEPT PLAN - PHASE 2**  
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PREPARED FOR:  
ALL SAINTS PARISH

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FIELD WK: MC/CH	SCALE: 1"=30'	SHEET:
DRN BY: RPL	JOB #: 1340.01	<b>2</b>
CH'D BY: KPC	MAP/LOT: U16/47&48	
DATE: 02-09-2016	FILE: 1340.01-SITE	



# TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT  
85 UNION STREET  
BRUNSWICK, ME 04011

ANNA M. BREINICH, FAICP  
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660  
FAX: 207-725-6663

April 22, 2016

**To:** Brunswick Planning Board  
**From:** Anna Breinich, FAICP  
**Subject:** Zoning Ordinance Amendment Request: Chapter Four (Development Review), Sections 401 (Applicability) and 402 (Development Review Classifications and Thresholds to Require Review of Filling and Earthmoving Activities within the NRPZ

**SHORELAND ZONING BACKGROUND:** Pursuant to 38 M.R.S.A. sections 435-449, the *Mandatory Shoreland Zoning Act*, requires all municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, including all tidal waters; and within 75 feet of streams as defined. The Act also requires the Board of Environmental Protection to establish minimum guidelines for such ordinances. Accordingly, the Department of Environmental Protection (DEP) Rule, *Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances*, adopted by the Board on February 14, 1990 and amended July 14, 1992, August 7, 1994, February 6, 1999, February 13, 2000, May 1, 2006 and January 26, 2015 contains those guidelines for municipal shoreland ordinances. The Act requires that municipalities adopt shoreland zoning ordinances consistent with, or no less stringent than, those minimum guidelines.

**EMERGENCY MORATORIUM:** A review of the Town of Brunswick's shoreland zoning ordinance for activities within the so-called, *Natural Resource Protection Zone (NRPZ)*, revealed an inconsistency with Chapter 1000, specifically, that the requirement for town review and approval of activities involving filling and earthmoving within the NRPZ is not part of Brunswick's zoning ordinance.

As a result, during their March 21, 2016 meeting, the Brunswick Town Council, by a 5-4 vote, approved an emergency moratorium on new development within the Natural Resource Protection Zone (NRPZ) involving filling and earthmoving. The moratorium is enclosed.

**PROPOSED AMENDMENT:** On April 12, 2016, the Planning Board held a workshop to consider an amendment to the NRPZ. During the meeting staff received comments from the Planning Board, and members of the public regarding the proposed review process, and associated thresholds for filling and earthmoving activities within the NRPZ. Specifically, the proposed thresholds and associated review process were considered too comprehensive for small projects, and could be reviewed under a simple process comparable to the town's building permit review, or septic system review. Based on that feedback, the revised amendment requires Code Enforcement Officer (CEO) review and written approval for filling and earthmoving activities within most areas of the NRPZ, except for activities affecting the most sensitive natural resources contained within the NRPZ. For activities affecting the most sensitive areas of the NRPZ, the development review threshold is at filling and earthmoving activities in excess of 10 cubic yards.

On April 14, 2016 staff from the Department of Planning and Development (and Codes) discussed draft NRPZ language regarding filling and earthmoving with DEP staff within the Shoreland Zoning unit. In the most recent correspondence, the following thresholds for filling and earthmoving activities were considered acceptable by DEP staff pending town acceptance, and formal review and approval by the DEP: *CEO review and approval for  $\leq 10$  cubic yards of filling and earthmoving within areas that are equivalent to Resource Protection Districts per 06-096, Ch. 1000, and within 75 feet from streams (as defined by Brunswick Zoning Ordinance), >10-100 cubic yards review and approval by Staff Review Committee (SRC), and >100 cubic yards review and approval by Planning Board. All other filling and earthmoving within the Natural Resource Protection Zone (NRPZ) will be reviewed and approved only by the CEO.*

The intent of the proposed amendment is to assign a review entity for filling and earthmoving that is consistent with the Ch. 1000 “use table”. In Ch. 1000, there is an allowance for filling and earthmoving within certain areas of the Shoreland Zone to go without review for activities involving less than 10 cubic yards. However, Brunswick’s NRPZ ordinance does not provide the flexibility to allow no review for filling and earthmoving since it does not have the equivalent districts within the NRPZ (i.e. Limited Residential District, Limited Commercial District, General Development District, Commercial Fisheries/Maritime Activities District). As drafted, all filling and earthmoving within the NRPZ (even if less than 10 cubic yards) will require town review and approval by the CEO, Staff Review Committee, or Planning Board.

After corresponding with DEP, the staff understands that Brunswick’s ‘stream’ definition and associated 75-foot setback is equivalent to a ‘stream protection district’ in Ch. 1000; and areas defined in our NRPZ at Section 211.2.A.1(a-g) are equivalent to a ‘resource protection district’ in Ch. 1000. In accordance with the Ch. 1000 ‘use table’, areas equivalent to ‘stream protection district’ and ‘resource protection district’ will require development review if over 10 cubic yards (less than 10 cubic yards is CEO approval only). As written, all filling and earthmoving activities within the NRPZ that are not adjacent to streams, or within areas equivalent to resource protection districts must be reviewed and approved in writing by the CEO in accordance with the requirements of the NRPZ.

The draft amendment to Section 401 (Applicability) and Section 402 (Development Review Classifications and Thresholds) is enclosed.

Enclosures: Moratorium; Draft Zoning Ordinance Amendment: Sections 401 and 402

**ADOPTED MORATORIUM ON NEW  
DEVELOPMENT IN THE NATURAL RESOURCE  
PROTECTION ZONE (NRPZ)**

**Public Hearing – 03/21/2016**

**Adopted – 03/21/2016**

**Effective – 04/20/2016**

WHEREAS, two (2) shoreline stabilization projects that involve filling and earth moving of 10 cubic yards or more are currently underway within the Town of Brunswick's Natural Resource Protection Zone (NRPZ) as defined at Section 211 of the Brunswick Zoning Ordinance; and

WHEREAS, it has been determined that land use standards for filling and earth moving activities within the NRPZ that are required under State law affecting shoreland zoning within the Town of Brunswick have inadvertently not been included in the Brunswick Zoning Ordinance despite approval of the Ordinance by the State of Maine Department of Environmental Protection; and

WHEREAS, the Brunswick Zoning Ordinance is currently inadequate to meet minimum State law requirements for shoreland zoning; and

WHEREAS, additional filling and earth moving activities within the NRPZ is anticipated; and

WHEREAS, allowing additional filling and earth moving activities to go forward within the NRPZ without adequate regulations affects life, health and property in the Town of Brunswick; and

WHEREAS, the Brunswick Zoning Ordinance is inadequate to prevent serious public harm from new filling and earth moving activities; and

WHEREAS, the Brunswick Town Council adopted an "Emergency on Moratorium on New Development in the Natural Resource Protection Zone" on March 7, 2016, with an immediate affective date;

NOW THEREFORE, be it ordained by the Town Council of Brunswick that no filling and earth moving activity within the NRPZ shall be reviewed, allowed or permitted by Town Staff, the Planning Board or under any other authority pursuant to the Brunswick Zoning Ordinance unless the activity is currently underway and approved by the Maine Department of Environmental Protection, or associated with an activity that is currently subject to Development Review pursuant to Section 402 of the Brunswick Zoning Ordinance, or within areas where principal and accessory structures are allowed with a building permit from the Town of Brunswick unless located within 125 feet, horizontal distance, of the normal high water line of a river or within 125 feet, horizontal distance, of the upland edge of a coastal or fresh water wetland or 75 feet, horizontal distance, of the normal high water line of a stream. This does not prevent the Code Enforcement Officer or Planning Board from allowing such activities if necessary to prevent immediate and irreparable environmental harm.

This Moratorium shall be in effect for 90 days from the date from its effective date. (which will be July 19, 2016)

## CHAPTER FOUR: DEVELOPMENT REVIEW

Development review includes Subdivision and Site Plan review, and certain changes of use and other procedures as outlined in Section 402. No development shall be approved unless it complies with all review criteria and findings indicated in Section 411.

All time frames for development review expressed in this chapter are maximums. The Town's staff and reviewing entities shall make every effort to conduct reviews as expeditiously as possible.

### 401 Applicability

**401.1** The following outlines the applicability for Development Review:

A. Development review does not apply to:

- 1) Aa single or two family dwelling.
  - 2) Uses or structures that are accessory to a single or two family dwelling.
  - 3) Agricultural land management practices, including farm and woods roads developed in accordance with “Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices”, as amended (Amended 9/3/02 R)
  - 4) Unpaved trails and paths developed in accordance with Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, as amended. (Groups or individuals planning such trails and paths are encouraged to consult with the Planning Department prior to construction) (Amended 9/3/02 R)
  - 5) Filling and earthmoving activities within the Natural Resource Protection Zone (NRPZ) provided the Code Enforcement Officer issues a written approval for the filling and earthmoving activity in accordance with the “Additional Requirements for the Shoreland Area” at Section 211.2 *et al.*, and that all filling and earthmoving activities within the NRPZ of more than 10 cubic yards on a lot are not located within 75 feet from a stream or within areas described at Section 211.2.A.1(a-g).
- 65) The *initial* non-military re-occupancy of a building in the BNAS Reuse District existing as of the July 20, 2009 adoption of this provision provided all of the following are met:
- a) The new use is a permitted use in the Reuse Land / Use District in which it is located, per the BNAS Reuse Master Plan, approved December 2007,
  - b) The re-occupancy maintains the pre-existing pattern of use of the site including the general location of the building and parking and service areas,
  - c) The usable floor area of the building is not increased by more than two thousand (2,000) square feet, within the existing building footprint,
  - d) The amount of impervious surface on the project site is not increased by more than two thousand (2,000) square feet,

e) There is adequate parking available for the new use in accordance with Section 512,

f) The re-occupancy of the building will not change the primary use of the building from residential to non-residential or from non-residential to residential,

g) The *initial* non-military re-occupancy of a building shall not be considered a change of use even if it does not meet the vacancy time limits of Section 702.1. All subsequent re-occupancy of buildings in the BNAS Reuse District shall be subject to the change of use review requirements of Sections 402 and 702 of this ordinance as applicable, and (Amended 7/20/09R)

76) The change of use of a building in the BNAS Reuse District with less than 10,000 square feet of floor area following its initial non-military occupancy provided that the new use does not significantly intensify the use of the property compared to its previous use. A new use that increases the required off-street parking in accordance with Sections 512.1 or 512.2 by more than twenty percent (20%) or that increases the number of peak hour vehicle trips based upon the current edition of the ITE Trip Generation Manual, as amended, by more than twenty percent (20%) or that meets any of the review thresholds of Section 702.3 shall be considered to significantly intensify the use. If the Codes Enforcement Officer determines that there will be a significant intensification of the use, the activity shall be deemed to be a minor development subject to development review in accordance with Section 402.1. (Amended 7/20/09R)

- B. Activities not subject to development review still require appropriate permits issued by the Codes Enforcement Officer and/or the Village Review Board if the property is in the Village Review Zone.
- C. All activities listed in Section 402 shall be subject to Development Review.
- D. Projects subject to development review shall be divided into two classes, Major and Minor. Minor projects shall be reviewed by the Staff Review Committee. Major projects shall be reviewed by the Planning Board.
- E. Thresholds for development review apply only to new, or “add-on” construction, except as indicated in Section 402. Floor area and impervious surface area are calculated on a net basis. The floor area and the impervious surface area (roof) of a building each contribute separately to the cumulative total of the two. (Amended 6/19/00 R)
- F. If development is proposed on two or more lots and the Director of Planning and Development finds that the development functions as a single project, thresholds for development review shall be applied to the project as though the lots on which it is located were single lots. (Amended 9/4/01 R)

## 402 Development Review Classification and Thresholds

### 402.1 Activities Subject to Minor Review

The following activities shall be subject to Minor Development Review by the Staff Review Committee:

- A. Any development activity or combination of activities that, within any five year period results in the construction of the following:
  1. In all zoning districts except for those indicated in Sections 402.1 A.2 and 402.1 A.3: (Amended 7/20/09R)
    - a. Between 1,000 and 4,999 square feet of new floor area; (Amended 6/19/00 R)
    - b. Between 1,000 and 4,999 square feet of new impervious surface, or
    - c. A cumulative total of between 1,500 and 7,499 square feet of floor area and impervious surface. (Amended 6/19/00 R)
  2. In the MU4 (Fox Run), CC (Cook's Corner Center), I2 (Church Road Industrial Park), I3 (Bath Road Industrial), I4 (Exit 22), HC2 (Inner Bath Road):
    - a. Between 2,000 and 9,999 square feet of new floor area; (Amended 6/19/00 R)
    - b. Between 2,000 and 9,999 square feet or more of new impervious surface; or
    - c. A cumulative total of between 3,000 and 14,999 square feet or more of floor area and impervious surface. (Amended 6/19/00 R)
  3. In the BNAS Reuse District:
    - a. Between 2,000 and 9,999 square feet of new floor area;
    - b. Between 2,000 and 9,999 square feet of new impervious surface; or
    - c. A cumulative total of between 3,000 and 19,999 square feet of new floor area and impervious surface. (Amended 7/20/09R)
- B. Any use that involves the construction of one drive-up window.
- C. Marine Activities that involve the creation of less than 5,000 square feet of new impervious surface.
- D. Construction of a multi-family dwelling unit in all zoning districts except the BNAS Reuse District, containing between 3 and 5 units that does not create a subdivision. In the BNAS Reuse District, activities involving the construction of multi-family dwellings with up to ten (10) units that do not create a subdivision are classified as Minor Projects. (Amended 7/20/09)
- E. Development subject to Special Permit (Section 701) that results in the creation of less than 5,000 square feet of new impervious surface.
- F. Construction within the Natural Resources Protection Zone subject to the provisions of section 211.2.A.3, 304.6.D.4., 304.4.B or 304.7 (Amended 9/4/01 R, 10/15/01 R)
- G. Establishment or expansion of a Neighborhood Store. (Amended 7/5/05 R)
- H. Change of use of a building within the BNAS Reuse District that affects 10,000 to 19,999 square feet of floor area, pursuant to Section 702. (Amended 7/20/09R)
- ~~H.I.~~ I. Filling and earthmoving activities of more than 10 cubic yards and less than or equal to 100 cubic yards on a lot and within 75 feet from a stream or within areas of the

Natural Resource Protection Zone (NRPZ) described at Section 211.2.A.1(a-g).

**402.2 Activities Subject to Major Review**

The following activities shall be subject to Major Development Review by the Planning Board:

- A. The creation of a Subdivision as defined by 30-A M.R.S.A. Section 4401, as amended.
- B. Any development activity, or combination of activities that, within any five year period results in the construction of the following:
  - 1. In all zoning districts except for those indicated in Sections 402.2 B.2 and 402.2 B.3: (Amended 7/20/09R)
    - a. 5,000 square feet or more of new floor area; (Amended 6/19/00 R)
    - b. 5,000 square feet or more of new impervious surface, or
    - c. A cumulative total of 7,500 square feet or more of floor area and impervious surface. (Amended 6/19/00 R)
  - 2. In the MU4 (Fox Run), CC (Cook's Corner Center), I2 (Church Road Industrial Park), I3 (Bath Road Industrial), I4 (Exit 22), HC2 (Inner Bath Road):
    - a. 10,000 square feet or more of new floor area;(Amended 6/19/00 R)
    - b. 10,000 square feet or more of new impervious surface; or
    - c. A cumulative total of 15,000 square feet or more of floor area and impervious surface. (Amended 6/19/00 R)
  - 3. In the BNAS Reuse Zoning District:
    - a. 10,000 square feet or more of new floor area;
    - b. 10,000 square feet or more of new impervious surface; or
    - c. A cumulative total of 20,000 square feet or more of new floor area and impervious surface. (Amended 7/20/09R)
- C. Any use that involves the construction of 2 or more drive-up windows.
- D. Changes of use that affect 10,000 square feet or more of floor area, pursuant to Section 702, or 20,000 square feet or more of floor area in the BNAS Reuse District. (Amended 7/20/09R)
- E. Changes of use that involve conversion of a single or two-family home to any other use in Town Residential and Residential Districts.
- F. The development or expansion of a Mobile Home Park, pursuant to Section 212.
- G. Development subject to Special Permit (Section 701) that involves creation of 5,000 square feet or more of new impervious surface.
- H. Mineral Extraction, pursuant to Section 306.6.
- I. The addition or expansion of a canopy for a gasoline sales station, pursuant to Section 306.14.
- J. Any activity in the BNAS Reuse District that is located within two hundred (200) feet of the district boundary that would otherwise be classified as a minor project. (Amended 7/20/09R)
- K. Any activity in the BNAS Reuse District that generates more than one hundred (100) peak hour vehicle trips, based upon the current edition of the ITE Trip Generation Manual, as amended, unless the activity is part of an approved subdivision or common development plan in which traffic was addressed as part of the approved plan. (Amended 7/20/09R)

L. Filling and earthmoving activities of more than 100 cubic yards on a lot and within 75 feet from a stream or within areas of the Natural Resource Protection Zone (NRPZ) described at Section 211.2.A.1(a-g).

## Julie Erdman

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**From:** Morse, Michael J <Michael.J.Morse@maine.gov>  
**Sent:** Tuesday, April 19, 2016 2:51 PM  
**To:** Jared Woolston  
**Cc:** Jeff Hutchinson  
**Subject:** RE: RP

Jared, you're interpretation is correct. In some cases the entire 250-foot shoreland zone might be RP and therefore a new structure would need to be outside the RP district. In the example you provide related to FEMA flood zones, you are correct that the Town's 125' setback would not be increased due to a 50' wide flood zone. The setback would still be measured from the NHWL of the river.

Mike

*Mike Morse  
MDEP  
Assistant Shoreland Zoning Coordinator  
312 Canco Road  
Portland, Maine 04103  
Ph- 207-822-6328  
Fax- 207-822-6303*

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**From:** Jared Woolston [<mailto:jwoolston@brunswickme.org>]  
**Sent:** Friday, April 15, 2016 4:05 PM  
**To:** Morse, Michael J  
**Cc:** Jeff Hutchinson  
**Subject:** RP

Mike: Thanks for taking the time to talk with me and Jeff yesterday. I will keep you updated when a revision to the language for filling and earthmoving is drafted. As we discussed, the draft language will require CEO review and approval for  $\leq 10$  cubic yards of filling and earthmoving within areas that are equivalent to Resource Protection Districts, and within 75 feet from streams (as defined),  $>10-100$  cubic yards review and approval by Staff Review Committee (SRC), and  $>100$  cubic yards review and approval by Planning Board. All other filling and earthmoving within the Natural Resource Protection Zone (NRPZ) will be reviewed and approved only by the CEO.

Regarding RP, will you confirm that RP Districts as defined in 06-096, Ch. 1000 only prohibit new structures (unless specifically allowed in an RP District) within those RP District areas rather than requiring a 250-foot setback within the associated Shoreland Zone. For example, a FEMA 100 year flood zone 50 feet landward from the normal high water line of a river would not increase Brunswick's 125-foot principal and accessory structure setback to a 250-foot setback within the NRPZ; rather, the principal and accessory structure setback remains 125 feet. Here is that tricky Ch. 1000 language:

### **B. Principal and Accessory Structures**

- (1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads,

parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

Jared Woolston  
Planner  
Town of Brunswick  
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Brunswick, ME 04011

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# Mandatory Shoreland Zoning Act

- Statute: 38 M.R.S.A. sections 435-449
- Requires all municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, including all tidal waters; and within 75 feet of streams as defined.
- Board of Environmental Protection (“board”) established minimum guidelines for ordinances by Department of Environmental Protection (DEP) Rule – 06-096, Chapter 1000

# Ch. 1000: Table of Land Uses

Pursuant to 06-096, Ch. 1000: All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in \*Section 15.

<b><u>Key to Table 1:</u></b>			
Yes -	Allowed (no permit required but the use must comply with all applicable land use standards.)		
No -	Prohibited		
PB -	Allowed with permit issued by the Planning Board.		
CEO -	Allowed with permit issued by the Code Enforcement Officer		
LPI -	Allowed with permit issued by the Local Plumbing Inspector		
<b><u>Abbreviations (Districts):</u></b>			
<b>RP -</b>	<b>Resource Protection</b>	GD -	General Development I and General Development II
LR -	Limited Residential	CFMA -	Commercial Fisheries/Maritime Activities
LC -	Limited Commercial	SP -	Stream Protection

\*06-096, Ch. 1000 §15 “Land Use Standards”

# Ch. 1000: Table 1. LAND USES IN THE SHORELAND ZONE

LAND USES		DISTRICT					
		SP	RP	LR	LC	GD	CFMA
1.	Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2.	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3.	Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes	yes
4.	Timber harvesting	yes	CEO	yes	yes	yes	yes
5.	Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO1	yes	yes	yes	yes
6.	Fire prevention activities	yes	yes	yes	yes	yes	yes
7.	Wildlife management practices	yes	yes	yes	yes	yes	yes
8.	Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9.	Mineral exploration	no	yes <sup>2</sup>	yes <sup>2</sup>	yes <sup>2</sup>	yes <sup>2</sup>	yes <sup>2</sup>
10.	Mineral extraction including sand and gravel extraction	no	PB3	PB	PB	PB	PB
11.	Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12.	Emergency operations	yes	yes	yes	yes	yes	yes
13.	Agriculture	yes	PB	yes	yes	yes	yes
14.	Aquaculture	PB	PB	PB	yes	yes	yes
15.	Principal structures and uses						
A.	One and two family residential, including driveways	PB4	PB9	CEO	CEO	CEO	no
B.	Multi-unit residential	no	no	PB	PB	PB	no
C.	Commercial	no	no <sup>10</sup>	no <sup>10</sup>	PB	PB	PB5
D.	Industrial	no	no	no	no	PB	PB5
E.	Governmental and institutional	no	no	PB	PB	PB	PB5
F.	Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB4	PB	CEO	CEO	CEO	PB5
16.	Structures accessory to allowed uses	PB4	PB	CEO	CEO	yes	yes
17.	Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland						
a.	Temporary	CEO11	CEO11	CEO11	CEO11	CEO11	CEO11
b.	Permanent	PB	PB	PB	PB	PB	PB5
18.	Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19.	Home occupations	PB	PB	PB	CEO	yes	yes
20.	Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21.	Essential services	PB6	PB6	PB	PB	PB	PB
A.	Roadside distribution lines (34.5kV and lower)	CEO <sup>6</sup>	CEO <sup>6</sup>	yes <sup>12</sup>	yes <sup>12</sup>	yes <sup>12</sup>	yes <sup>12</sup>
B.	Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	pb <sup>6</sup>	PB <sup>6</sup>	CEO	CEO	CEO	CEO
C.	Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	pb <sup>6</sup>	PB <sup>6</sup>	PB	PB	PB	PB
D.	Other essential services	pb <sup>6</sup>	pb <sup>6</sup>	PB	PB	PB	PB
22.	Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23.	Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO5
24.	Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25.	Campgrounds	no	no <sup>7</sup>	PB	PB	PB	no
26.	Road construction	PB	no <sup>8</sup>	PB	PB	PB	PB5
27.	Land management roads	yes	PB	yes	yes	yes	yes
28.	Parking facilities	no	no <sup>7</sup>	PB	PB	PB	PB5
29.	Marinas	PB	no	PB	PB	PB	PB
30.	Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
31.	Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
32.	Signs	yes	yes	yes	yes	yes	yes
33.	Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
34.	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
35.	Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

# Ch. 1000: Resource Protection District (RP)

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO

# Town of Brunswick Review Authority

- Code of Ordinances: Sec. 5-51. - Building code
  - Applies to constructing buildings, structures, and demolition
  - Reviewed by Code Enforcement Officer (CEO) or designee
- Brunswick Zoning Ordinance
  - Zoning Districts and Overlay Zones
    - Zoning Districts = Chapter 2, Sections 201-208, Appendices III, IV, and V
    - Overlay Zones = Chapter 2, Sections 209-217

# Zoning Districts

1. Growth District
2. Rural District
3. BNAS District
4. College Use/Town Conservation District

# Overlay Zones

1. Coastal Protection Zone
2. Aquifer Protection Zone
3. Natural Resource Protection Zone
4. Medical Use Zone
5. Mobile Home Park Zone
6. Telecommunications Zone
7. BNAS Flight Path Zone
8. Village Review Zone
9. Rural Brunswick Smart Growth

# Section 211: Natural Resource Protection Zone (NRPZ)

- NRPZ consists of the following areas:
  - Shoreland Area:
    - land within 250 feet of rivers, and wetlands;
    - within 75 feet of streams
  - Special Flood Hazard Area
    - FEMA 100 Year Flood

# Chapter Four: Development Review

- Section 401 outlines activities subject to Development Review
- Development review includes Subdivision and Site Plan review, and certain changes of use and other procedures as outlined in Section 402. No development shall be approved unless it complies with all review criteria and findings indicated in Section 411.



**16 Cubic Yards**

**1 1/3 Cubic Yards**

*Site Visit April 12, 2016  
Ray Labbe & Sons, Inc.  
4 Highland Road, Brunswick*



**85 Cubic Yards**

***Site Visit April 12, 2016  
Ray Labbe & Sons, Inc.  
4 Highland Road, Brunswick***



**1 1/3 Cubic Yard  
Loader Bucket**

*Site Visit April 12, 2016  
Ray Labbe & Sons, Inc.  
4 Highland Road, Brunswick*



**2 Cubic Yard  
Loader Bucket**

*Site Visit April 12, 2016  
Ray Labbe & Sons, Inc.  
4 Highland Road, Brunswick*



**¾ Ton Pickup  
<1 Cubic Yard**

***Site Visit April 12, 2016  
Ray Labbe & Sons, Inc.  
4 Highland Road, Brunswick***



**Single Axle Dump Truck  
8 Cubic Yards**

***Site Visit April 12, 2016  
Ray Labbe & Sons, Inc.  
4 Highland Road, Brunswick***



**Twin Axle Dump Truck  
14 Cubic Yards**

*Site Visit April 12, 2016  
Ray Labbe & Sons, Inc.  
4 Highland Road, Brunswick*



**Tri Axle Dump Truck  
16-18 Cubic Yards**

*Site Visit April 12, 2016  
Ray Labbe & Sons, Inc.  
4 Highland Road, Brunswick*

**Trailer Dump  
24 Cubic Yards**



*Site Visit April 12, 2016  
Ray Labbe & Sons, Inc.  
4 Highland Road, Brunswick*

**BRUNSWICK PLANNING BOARD  
MEETING MINUTES  
JANUARY 12, 2016**

**MEMBERS PRESENT:** Chair Charlie Frizzle, Vice Chair Margaret Wilson, Bill Dana, Jeremy Evans, and Richard Visser

**STAFF PRESENT:** Director of Planning and Development, Anna Breinich; Town Planner, Jared Woolston

A meeting of the Brunswick Planning Board was held on Tuesday, January 12, 2016, in Town Council Chambers, 85 Union Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

~~**1. Case # 15-050, Miller Point Plan Amendment:** The Planning Board will review and take action on a Final Plan Major Development Review application (originally approved March 9, 1999, submitted by Nancy P. and Robert C. King, Jr.), to revise setback and consolidate development areas in the Coastal Protection 1 (CP1) Zoning District and the Natural Resource Protection Overlay Zone (NRPZ) (Map 31, Lot 29).  
*Item removed on 1.6.16.*~~

**2. Case #15-051, Wildberry Lane (Nadeau) Subdivision Amendment:** The Planning Board will review and take action on a Final Plan Major Development Review application to revise the Declaration of Restrictions For Wildberry Lane Subdivision to allow five (5) horses on Lot #2 and Common Area #2 rather than two (2) horses as currently allowed. The project site is located in the Coastal Protection 1 (CP1) Zoning District and the Natural Resource Protection Overlay Zone (NRPZ) (Map 27, Lot 42 and Lot 46).

The applicant, Danny Nadeau, added that the residents are all in favor of making this amendment. In reference to the Declaration of Amendments for Wildburry Lane, Charlie Frizzle asked if this amendment is not included because it has not yet been formally written; page 2 missing. Charlie pointed out that there is also nothing listed about keeping horses on Common Area 2. Jared Woolston replied that it was his understanding in talking with Staff Review and the applicant that Common Area 2 was not talked about in the original agreement, but the intent was to allow for 2 horses on Common Area 2. Jared said that this was included in the applicant but must have been missed when materials were copied.

**MOTION BY MARGARET WILSON TO DEEM THE MAJOR DEVELOPMENT REVIEW AMENDMENT COMPLETE. MOTION SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.**

Chair Charlie frizzle opened the meeting to public comment. No comment made, the comment period was closed.

Anna Breinch passed around page 2 of the Declaration of Amendment for language review.

**MOTION BY RICHARD VISSER THAT THE MAJOR DEVELOPMENT REVIEW AMENDMENT IS APPROVED WITH THE FOLLOWING CONDITIONS:**

1. That the Board's review and approval does hereby refer to the these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.
2. That within 90 days of executing the Amendment to Declaration of Restrictions for Wildberry Lane as submitted by the applicant to the Planning Board, a copy of the recorded Amendment to Declaration of Restrictions for Wildberry Lane with Book, and Page numbers assigned at the Cumberland County Registry of Deeds shall be provided to the Director of Planning and Development.
3. That prior to the sale of "Lot 2" of the Wildberry Lane Subdivision, the applicant shall execute deed restrictions for Lot 2, satisfactory to the Director of Planning and Development, that reflect the same rights and restrictions as are contained in the Declaration of Restrictions for Wildberry Lane and recorded at the Cumberland County Registry of Deeds in Book #14448, on Page 18; and the Amendment to Declaration of Restrictions for Wildberry Lane.

**MOTION SECONDED BY, JEREMY EVANS, APPROVED UNANIMOUSLY.**

**3. Case # 07-105, Request for Site Plan Approval Extension, The Ledges Congregate Care Facility:** Pursuant to Section 407.4.B of the Zoning Ordinance, Briarwood Partners is requesting a site plan approval extension from the Planning Board, for the development of a congregate care facility at 349 Bath Road (Assessor's Map 45, Lot 40) in the Business and Industry 3 (I3) Zoning District and the Natural Resource Protection Overlay Zone (NRPZ).

Curtis Neufeld, applicant representative, presented a PowerPoint presentation regarding the third request for extension. Curtis said that it is expected that the project will move forward under new management and noted that DEP permits are still in place.

Charlie Frizzle pointed out that the plans contain a note that requires the applicant come back before the Planning Board to renew the Special Permit before Phase II begins.

**MOTION BY BILL DANA THAT THE SITE PLAN EXTENSION IS DEEMED COMPLETE. MOTION SECONDED BY JEREMY EVANS, APPROVED UNANIMOUSLY.**

Chair Charlie frizzle opened the meeting to public comment. No comment made, the comment period was closed.

**MOTION BY RICHARD VISSER THAT THE SITE PLAN EXTENSION IS APPROVED WITH THE FOLLOWING CONDITIONS:**

1. That the Board's review and approval does hereby refer to the these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.

**MOTION SECONDED BY MARGARET WILSON AND APPROVED UNANIMOUSLY.**

**4. Zoning Ordinance Rewrite Committee (ZORC) Update**

Anna Breinich invited members to attend a ZORC meeting on 1/25/16 at 7:00 P.M. in Council Chambers.

**Adjourn**

This meeting was adjourned at 7:23 P.M.

Respectfully Submitted,

Tonya Jenusaitis

Recording Secretary