

**MAJOR SUBDIVISION PLAN APPLICATION  
TO TOWN OF WINDHAM**

**FOR**

**ALWEBER ROAD SUBDIVISION**

**ALWEBER ROAD AND RIVER ROAD  
WINDHAM, MAINE**

**PREPARED FOR**

**KEITH JASON ELDER & JAY HACKETT**

**434 GRAY ROAD  
WINDHAM, MAINE 04062**

**PREPARED BY**

**DM ROMA**  
CONSULTING ENGINEERS

**59 HARVEST HILL ROAD  
WINDHAM, ME 04062**

**OCTOBER 3, 2016**

**Project Name:** ALWEBER ROAD SUBDIVISION

**Tax Map:** 3 **Lot:** 31

**Estimated square footage of building(s):** 6 RESIDENTIAL LOTS

**If no buildings proposed, estimated square footage of total development/disturbance:**  
400 FT OF ROADWAY TO SERVE 6 RESIDENTIAL LOTS

**Contact Information**

1. Applicant

Name: KEITH JASON ELDER & JAY P. HACKETT

Mailing Address: 434 GRAY ROAD, WINDHAM, ME 04062

Telephone: Fax: E-mail:

2. Record owner of property

X  (Check here if same as applicant)

Name:

Mailing Address:

Telephone: Fax: E-mail:

3. Contact Person/Agent (if completed and signed by applicant's agent, provide written documentation of authority to act on behalf of applicant)

Name: DUSTIN ROMA, PE

Company Name: DM ROMA CONSULTING ENGINEERS

Mailing Address: 59 HARVEST HILL RD, WINDHAM, ME 04062

Telephone: 310 - 0506 Fax: E-mail: DUSTIN@DMROMA.COM

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

Dustin M Roma 9-30-16  
Signature Date

<b>Preliminary Plan - Major Subdivision: Submission Requirements</b>			
<b>A.</b>	<b>Mandatory Written Information</b>	<b>Applicant</b>	<b>Staff</b>
1	A fully executed and signed application form	X	
2	Evidence of payment of the application and escrow fees	X	
3	Proposed name of the subdivision	X	
4	Verification of right, title, or interest in the property, and any abutting property, by deed, purchase and sales agreement, option to purchase, or some other proof of interest.	X	
5	Copy of the most recently recorded deed for the parcel, along with a copy of all existing deed restrictions, easements, rights-of-way, or some other proof of interest	X	
6	Copy of any existing or proposed covenants or deed restrictions intended to cover all or part of the lots or dwellings in the subdivision	X	
7	Copy of any existing or proposed easements on the property	X	
8	Name, registration number and seal of the Maine Licensed Professional Land Surveyor who conducted the survey	X	
9	Name, registration number and seal of any other licensed professional of the state who prepared the plan (if applicable)	X	
10	An indication of the type of sewage disposal to be used in the subdivision	X	
	i. If connecting to public sewer, provide a letter from Portland Water District stating the District has the capacity to collect and treat the waste water	N/A	
	ii. If using subsurface waste water disposal systems (septic), submit test pit analyses prepared by a Maine Licensed Site Evaluator or Certified Soil Scientist. Test pit locations must be shown on a map.	X	
11	Indicate type of water supply system(s) to be used in the subdivision.	X	
12	If connecting to public water, submit a written statement from the Portland Water District indicating there is adequate supply and pressure for the subdivision.	N/A	
13	Names and addresses of the record owner, applicant, and adjoining property owners	X	
14	An acceptable title opinion proving right of access to the proposed subdivision or site for any property proposed for development on or off of a private way or private road.	N/A	
15	The name and contact information for the road association who's private way or road is used to access the subdivision.	N/A	

Applicant      Staff

16	Financial Capacity.	X	
	i. Estimated costs of development, and itemization of major costs	X	
	ii. Financing - provide one of the following:	X	
	a. Letter of commitment to fund from financial institution, governmental agency, or other funding agency		
	b. Annual corporate report with explanatory material showing availability of liquid assets to finance development		
	c. Bank statement showing availability of funds if personally financing development	X	
	d. Cash equity commitment		
	e. Financial plan for remaining financing		
	f. Letter from financial institution indicating an intention to finance		
	iii. If a corporation, Certificate of Good Standing from the Secretary of State		
17	Technical Capacity	X	
	i. A statement of the applicant's experience and training related to the nature of the development, including developments receiving permits from the Town.	X	
	ii. Resumes or similar documents showing experience and qualifications of full-time, permanent or temporary staff contracted with or employed by the applicant who will design the development.	X	

<b>B. Mandatory Plan Information</b>			
1	Name of subdivision, date and scale	X	
2	Stamp of the Maine License Professional Land Surveyor that conducted the survey, including at least one copy of original stamped seal that is embossed and signed	X	
3	Stamp with date and signature of the Maine Licensed Professional Engineer that prepared the plans.	X	
4	North arrow identifying all of the following: Grid North, Magnetic North, declination between Grid and Magnetic, and whether Magnetic or Grid bearings were used in the plan design	X	
5	Location map showing the subdivision within the municipality	X	
6	Vicinity plan showing the area within 250 feet, to include:	X	
	i. approximate location of all property lines and acreage of parcels	X	
	ii. locations, widths, and names of existing, filed, or proposed streets, easements or building footprints	X	
	iii. location and designations of any public spaces	X	
	iv. outline of proposed subdivision, together with its street system and indication of future probably street system, if the proposed subdivision encompasses only part of the applicants entire property.	X	
7	Standard boundary survey of parcel, including all contiguous land in common ownership within the last 5 years	X	
8	Proposed lot lines with approximate dimensions and area of each lot.	X	
9	Contour lines at 2-foot intervals, or at intervals required by the Board, showing elevations in relation to the required datum.	X	
		Applicant	Staff

10	Typical cross sections of the proposed grading for roadways, sidewalks, etc., including width, type of pavement, elevations, and grades.	X	
11	Wetland areas shall be delineated on the survey. If none, please note.	X	
12	Number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, specimen trees, if present, and other essential existing physical features.	X	
13	Rivers, streams, and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, note which great pond.	X	
14	Zoning district in which the proposed subdivision is located, and the location of any zoning boundaries affecting the subdivision.	X	
15	Location & size of existing and proposed sewers, water mains, culverts, bridges, and drainage ways on or adjacent to the property to be subdivided. The Board may require this information to be depicted via cross-section, plan or profile views.	X	
16	Location, names, and present width of existing streets, highways, easements, building lines, parks, and other open spaces on or adjacent to the subdivision	X	
17	Location and widths of any streets, public improvements, or open space within the subdivision (if any) shown on the official map and the comprehensive plan	X	
18	All parcels of land proposed to be dedicated to public use and the conditions of such dedication.	X	
19	Location of any open space to be preserved or common areas to be created, and general description of proposed ownership, improvement, and management	X	
20	Approximate location of treeline after development	X	
21	Delineate boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town's Flood Insurance Rate Map	X	
22	Show any areas within or adjacent to the proposed subdivision which have been identified by the Maine Department of Inland Fisheries and Wildlife "Beginning with Habitat project maps or within the Comprehensive Plan..	X	
23	Show areas within or adjacent to the proposed subdivision which are either listed on or eligible for the National Register of Historic Places, or have been identified in the comprehensive plan or by the Maine Historic Preservation Commission as sensitive or likely to contain such sites	X	
24	Erosion & Sedimentation control plan, prepared in accordance with MDEP Stormwater Law Chapter 500 Basic Standards, and the MDEP Maine Erosion and Sediment Control Best Management Practices, published March 2003.	X	
25	Stormwater management plan, prepared by a Maine Licensed Professional Engineer in accordance with the most recent edition of Stormwater Management for Maine: BMPS Technical Design Manual, published by the MDEP 2006.	X	

C. Submission information for which a waiver may be granted.		Applicant	Staff
1	High-intensity soil survey by a Certified Soil Scientist	WAIVER	
2	Landscape Plan	WAIVER	
3	Hydrogeologic assessment - required if i) subdivision is not served by public sewer and <u>either</u> any part of the subdivision is over a sand and gravel aquifer <u>or</u> has an average density of more than one dwelling unit per 100,000 square feet, or ii) where site considerations or development design indicate greater potential of adverse impacts on groundwater quality.	X	
	a) map showing basic soil types	X	
	b) depth to the water table at representative points	X	
	c) Drainage conditions throughout the subdivision	X	
	d) data on existing ground water quality	N/A	
	e) analysis and evaluation of the effect of the subdivision on groundwater	X	
	f) map showing location of any subsurface wastewater disposal systems and drinking water wells within the subdivision & within 200 feet of the subdivision boundaries.	X	
4	Estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours	X	
5	Traffic Impact Analysis for subdivisions involving 28 or more parking spaces or projected to generate more than 140 vehicle trips per day.	N/A	
6	If any portion of the subdivision is in the direct watershed of a great pond,	N/A	
	i) phosphorous impact analysis and control plan	N/A	
	ii) long term maintenance plan for all phosphorous control measures	N/A	
	iii) contour lines at an interval of 2 feet	N/A	
	iv) delineate areas with sustained slopes greater than 25% covering more than one acre	N/A	

Applicant

Staff

<b>Final Plan - Major Subdivision: Submission Requirements</b>		
<b>A. Mandatory Written Information</b>		
1	A fully executed application form	X
2	Evidence that the escrow account balance is greater than 25% of the initial Preliminary Plan deposit	X
3	If public open space is to be provided, written offers of cession to the Town of Windham shall be provided	X
4	If the subdivider reserves title to spaces within the subdivision, provide copies of agreements or other documents.	N/A
5	Copies of any outside agency approvals	X
6	Statement from the Maine Inland Fisheries & Wildlife that no significant wildlife habitat exists on the site	N/A
7	Digital transfer of subdivision plan data	X
<b>B. Mandatory Plan Information</b>		
1	All information presented on the Preliminary Plan, and any amendments suggested or required by the Board.	X
2	Map and lot numbers for all lots as assigned by the Town of Windham Assessing Department	X
3	Seal of the Maine Licensed Professional who prepared the plan	X
4	All public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by the subdivider	X
5	Location of all permanent monuments	X

**TOWN OF WINDHAM  
SUBDIVISION & SITE PLAN APPLICATION**

**Performance and Design Standards Waiver Request Form**

(Section 808 – Site Plan Review, Waivers)  
(Section 908 – Subdivision Review, Waivers)

For each waiver request from the Performance and Design Standards detailed in Section 811 or Section 911 of the Town of Windham Land Use Ordinance, as applicable, please submit a separate completed copy of this waiver request form.

**Subdivision or Project Name:** ALWEBER ROAD SUBDIVISION

**Tax Map:** 3 **Lot:** 31

**Waivers are requested from the following Performance and Design Standards  
(add rows as necessary):**

Ordinance Section	Standard	Mark which waiver this form is for
910-C-1-C-1	HIGH INTENSITY SOIL SURVEY	X
911-A-3-A-1	STREET MONUMENTS SHALL BE GRANITE	X
911-K-3-F	STREET STANDARD WITHIN CLUSTER SUBDIVISION	X

- a. Describe how a waiver from the standard indicated above will improve the ability of the project to take the property's pre-development natural features into consideration. Natural features include, but are not limited to, topography, location of water bodies, location of unique or valuable natural resources, relation to abutting properties or land uses. Attach a separate sheet if necessary.

THE AREAS PROPOSED FOR RESIDENTIAL DEVELOPMENT CONTAIN SUFFICIENT AREA TO CONSTRUCT RESIDENTIAL HOMES AND ACCESSORY IMPROVEMENTS WITHOUT SIGNIFICANT WETLAND FILL OR DRAINAGE MODIFICATION. A HIGH INTENSITY SOIL SURVEY IS NOT WARRANTED FOR DEVELOPMENT.

REQUEST THAT MONUMENTS ON ONE SIDE OF THE ROADWAY SHALL BE GRANITE AND ONE SIDE SHALL BE CAPPED REBAR.

REQUEST THAT THE PROPOSED ROADWAY BE CONSTRUCTED TO A MODIFIED TOWN STANDARD TO INCLUDE A 22-FOOT WIDE GRAVEL SURFACE AND 18-FOOT WIDE PAVEMENT SURFACE. THIS WILL BE ADEQUATE TO SERVE 3 RESIDENTIAL LOTS FROM EACH ROAD. (continued next page)



Ordinance Section: 910-C-1-C-1 911-A-3-A-1 911-K-3-F

b. Will the waiver have an impact on any of the following criteria?

	Yes	No
Water or air pollution		X
Light pollution or glare		X
Water supply		X
Soil erosion		X
Traffic congestion or safety		X
Pedestrian safety or access		X
Supply of parking		X
Sewage disposal capacity		X
Solid waste disposal capacity		X
Scenic or natural beauty, aesthetics, historic sites, or rare or irreplaceable natural areas		X
Flooding or drainage issues on abutting properties		X
The Town's ability to provide the subdivision with public safety services (if subdivision)		X

If granting the waiver will result in an impact on any of the criteria above, please provide more detail below.

## **PROJECT NARRATIVE**

### **SECTION 1 – PROPOSED USE NARRATIVE**

The property is a 10-acre parcel comprised of a combination of fields, brush and wooded area. The parcel abuts River Road to the south and Alweber Road to the east, with over 1,300 linear feet of existing road frontage. The property is currently vacant land, and is proposed to be divided into 6 residential lots. The proposed lots will be developed as a cluster subdivision, with approximately 5 acres of open space to be reserved. As a requirement for eligibility of a “bonus lot” as defined in the Town’s Subdivision Ordinance under the Cluster Subdivision Standards, the open space will be encumbered by an easement to the Town of Windham that will allow public access. There are several streams and some wetland area on the property, so the lots have been designed to accommodate suitable building windows and space for both potable wells and on-site wastewater disposal systems. Two new private roadways will be constructed to serve 3 lots each, so that no lots will require direct driveway access on to either of the existing public streets. The new roadways will be constructed with a 22-foot wide gravel base and 18-foot wide paved surface with hammerhead turnarounds. Electric utilities will enter the property underground to serve the proposed residential lots.

The project requires a Natural Resources Protection Act Permit-By-Rule from the Maine Department of Environmental Protection for land disturbance within 75 feet of the streams. Total land disturbance to construct the roadways and associated stormwater infrastructure is less than 1 acre.

### **SECTION 2 – RECORD OWNER INFORMATION**

See Application Form

### **SECTION 3 – ABUTTING PROPERTY OWNERS**

TM 3 L 32	Cynthia and Bruce Elder, 4 Antrim Dr, Windham, ME 04062
TM 3 L 30-A	John S. Mikolay, 442 Hunter Rd, Lisbon, NY 13658
TM 3 L 30	Noreen Waltman Irrevocable Trust, 11 Kingston St. South Portland, ME 04106

### **SECTION 4 – TITLE, RIGHT, OR INTEREST**

See attached deed to Keith Jason Elder & Jay P. Hackett recorded in CCRD 33042/344

## **SECTION 5 – COVENANTS OR DEED RESTRICTIONS**

The lots will be part of a homeowners association to maintain the private roadways. A draft copy of the bylaws are attached.

## **SECTION 6 – EASEMENTS**

There are no known existing easements on the property. Stormwater easements will be dedicated to the homeowners association for the filter pond, swales and buffer. The open space will have a public access easement.

## **SECTION 7 – LICENSED PROFESSIONALS**

The plans and applications were prepared by DM Roma Consulting Engineers. Dustin Roma is a Maine Licensed Professional Engineer PE#12131. The Boundary Survey was prepared by Survey, Inc. William Shippen is a Maine Professional Land Surveyor PLS#2118. Survey, Inc. will review and seal the final Subdivision Plan prior to issuance for Planning Board signature.

## **SECTION 8 – TECHNICAL ABILITY**

The design professionals at DM Roma Consulting Engineers and Survey, Incorporated have been performing similar consulting and design work in Southern Maine for over a decade, including many projects in Windham and the surrounding communities.

## **SECTION 9 – UTILITIES**

The project will be served by private on-site wells, private on-site wastewater disposal and underground electrical & data utilities.

## **SECTION 10 – WATER SUPPLY AND SEWAGE DISPOSAL**

The lots have been designed so that each can accommodate an on-site well and on-site septic disposal field. A letter from Richard Sweet Associates has been provided indicating how the site can adequately provide space for wells and septic fields.

## **SECTION 11 – SOLID WASTES**

The residential lots will utilize the Town's curbside trash collection program to dispose of solid wastes.

## **SECTION 12 – VEHICLE TRAFFIC**

Vehicle sight distance at both of the proposed roadway intersections looking right is to the River Road intersection. Vehicle sight distance looking left on both of the proposed roadways is over 500 feet. Based on the Institute of Transportation Engineers Trip Generation Manual, 9<sup>th</sup> edition, the proposed 6 residential lots are expected to generate 6 peak hour trip-ends. The Town roads used to access the subdivision are paved and in good condition.

## **SECTION 13 – UNIQUE NATURAL AREAS**

There are no known unique natural areas within the project vicinity.

## **SECTION 14 – STORMWATER MANAGEMENT**

Stormwater runoff from Lionel Lane will be managed through the construction of a filtration basin and outlet control structure. Stormwater from Pioneer Drive will be directed to a grassed swale and stone-bermed level lip spreader into a forested buffer. A stormwater management report and stormwater maintenance plan is included as an attachment. In lieu of providing stormwater peak flow analysis, the project has been designed such that over 75% of the project's new impervious surface and developed area are directed to stormwater buffers or equivalent best management practices.

## **SECTION 15 – FINANCIAL CAPACITY**

The expected construction costs to complete the project are as follows:

- |                                |          |
|--------------------------------|----------|
| • Clear and grub roadway areas | \$2,500  |
| • Construct gravel roadways    | \$20,000 |
| • Bituminous Pavement          | \$12,000 |
| • Electrical Conduit & Risers  | \$6,000  |
| • Stormwater BMPs              | \$7,000  |
| • Roadway Monuments            | \$2,500  |

Total Construction Costs	\$50,000
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A letter from Morgan Stanley has been included indicating the applicant has the financial capacity to complete the project with an expected budget of \$50,000. The applicant already owns the land, so land costs were not included in the project budget.

### Warranty Deed

**Ralph W. Weeks** of Windham, Cumberland County, Maine, for consideration paid, grants to **Keith Jason Elder**, with a mailing address of 434 Gray Road, Windham, Cumberland County, Maine 04062 and **Jay P. Hackett**, with a mailing address of 225 Pope Road, Windham, Cumberland County, Maine 04062, as tenants in common, with **Warranty Covenants**, a certain lot or parcel of land, with any buildings thereon, situated in Windham, Cumberland County, Maine, bounded and described as follows:

On the northeasterly side of the road leading from Cumberland Mills to Gambo; and bounded southwesterly by said road; southeasterly by the Cross Road, so-called; northeasterly by land now or formerly of Leonard Elder and northwesterly by land now or formerly of one Brackett.

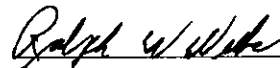
Also another certain lot or parcel of land situated in Windham, on the northerly side of the Canada Hill Road, so-called, and bounded as follows, to wit:

Easterly by land now or formerly of August Webber; northerly by land now or formerly of one Brackett, westerly by the above described lot, containing five and one-half (5 ½) acres, more or less, together with all the buildings on said lots of land.

Being the same premises described in a warranty deed from Charles H. Fitzgerald to Ralph Weeks dated February 17, 1959 and recorded in the Cumberland County Registry of Deeds in Book 2460, Page 319.

**In Witness Whereof**, the Grantor has set his hand and seal on this 12th day of April, 2016.

\_\_\_\_\_  
Witness

  
Ralph W. Weeks

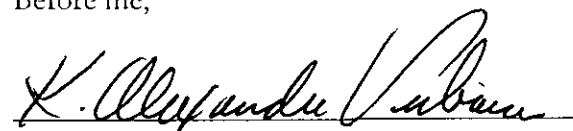
State of Maine  
Androscoggin, SS.

April 12, 2016

Received  
Recorded Register of Deeds  
Apr 15, 2016 12:01:33P  
Cumberland County  
Nancy A. Lane

Then personally appeared the above-named **Ralph W. Weeks** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

  
K. Alexander Visbaras, Attorney-At-Law

## PRELIMINARY SOIL INVESTIGATION

**DATE:** June 16, 2016

**TO:** 434 Gray Rd.  
Windham, ME 04062

**LOCATION:** This property is located on the north corner of River Road and Alweber Road, Windham. The lot is identified as 31 on Assessor's Map 30.

**DATE OF INVESTIGATION:** May 29, 2016

**PURPOSE OF INVESTIGATION:** The purpose is to determine the suitability of the soil and site for subsurface sewage disposal.

**METHOD OF INVESTIGATION:** Hand auger

### **RESULTS OF INVESTIGATION:**

The test borings on this lot were located as shown on the site plan. Testing was primarily confined to the higher elevations of the property.

The test borings revealed a fine sandy loam to silt loam topsoil and subsoil, and a silt to silty clay substratum. A restrictive layer and seasonal high water table were encountered at 12 to 18 inches below the surface. The disposal fields proposed are rated large and extra-large. Raised disposal fields are required. The Maine Subsurface Wastewater Disposal Rules designations are 8C to 9D.

Jason Elder  
Page Two  
Investigation Date: May 29, 2016

**CONCLUSION:**

All tested sites shown are acceptable for subsurface sewage disposal according to the Maine Subsurface Wastewater Disposal Rules. Further investigation will be required to prepare a septic system design for any of these tested sites.

Richard A. Sweet

Richard A. Sweet  
Site Evaluator #034



## SOIL PROFILE / CLASSIFICATION INFORMATION

## DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES

Project Name:	Alweber and River Roads
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Applicant Name: Elder
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Project Location (municipality):	Windham
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Observation Hole # <u>    TB-1    </u>	<input type="checkbox"/> Test Pit	<input checked="" type="checkbox"/> Boring			
"      Depth of organic horizon above mineral soil					
Depth below mineral surface (inches)	Texture	Consistency	Color	Mottling	
	0	Fine Sandy			
	6	Loam			
			Friable	Dark Brown	
	12				
	18	Silty Clay Loam			
			Firm	Olive Gray	Common Few
	24				
	30				
	36				
	42				
	48				
Soil	Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock	
<u>9</u>	<u>C</u>	<u>4-6</u>	<u>15"</u>		
Profile	Condition	Percent	Depth		

Observation Hole # <u>TB-2</u>	<input type="checkbox"/> Test Pit	<input checked="" type="checkbox"/> Boring			
" Depth of organic horizon above mineral soil					
Depth below mineral surface (inches)	Texture	Consistency	Color	Mottling	
	0				
	6	Fine Sandy Loam	Friable	Dark Brown	
	12				
	18	Silty Clay Loam	Firm	Olive Gray	Common Few
	24				
	30				
	36				
	42				
	48				
Soil	Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock	
<u>9</u>	<u>C</u>	<u>4-6</u>	<u>12"</u>		
Profile	Condition	Percent	Depth		

Observation Hole #	<u>TB-3</u>		<input type="checkbox"/> Test Pit	<input checked="" type="checkbox"/> Boring
"	Depth of organic horizon above mineral soil			
Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
			Dark Brown	
	6			
	Fine Sandy	Friable		
	12	Loam	Reddish Brown	
	18			
	24			
	Silty Loam	Firm	Olive Gray	Common Few
	30			
36				
42				
48				
Soil	Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Groundwater
<u>8</u>	<u>C</u>	<u>4-6</u>	<u>18"</u>	<input checked="" type="checkbox"/> Restrictive Layer
Profile	Condition	Percent	Depth	<input type="checkbox"/> Bedrock

Observation Hole # <u>          TB-4          </u>	<input type="checkbox"/> Test Pit	<input checked="" type="checkbox"/> Boring	
"      Depth of organic horizon above mineral soil			

	Texture	Consistency	Color	Mottling
0	Fine Sandy		Dark Brown	
6	Loam	Friable		
12	Silt Loam		Reddish Brown	
18				
24	Silty Clay	Firm	Olive Gray	Common Few
30	Loam			
36				
42				
48				

Soil	Classification	Slope	Limiting Factor	
<u>9</u>	<u>D</u>	<u>4-6</u>	<u>12"</u>	<input checked="" type="checkbox"/> Groundwater
Profile	Condition	Percent	Depth	<input checked="" type="checkbox"/> Restrictive Layer
				<input type="checkbox"/> Bedrock

**INVESTIGATOR INFORMATION AND SIGNATURE**

Signature: \_\_\_\_\_

Richard Gurnet

Date:

05/29/2016

Name Printed/typed: Richard A. Sweet

Cert/Lic/Reg.#	
----------------	--

034

Title:

☒ Licensed Site Evaluator  
☐ Certified Geologist

☐ Certified Soil Scientist  
☐ Other:



<b>SOIL PROFILE / CLASSIFICATION INFORMATION</b>		DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES
Project Name: Alweber and River Roads	Applicant Name: Elder	Project Location (municipality): Windham

Observation Hole # <u>TB-5</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring					
_____ "    Depth of organic horizon above mineral soil					
Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling	
	0				
	6	Sandy Loam	Friable	Dark Brown	
	12				
	18				
	24	Silty Clay Loam	Firm	Olive Gray	Common Few
	30				
	36				
	42				
	48				
	Soil    Classification		Slope	Limiting Factor	<input checked="" type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock
	<u>9</u> <u>D</u> Profile    Condition		<u>4-6</u> Percent	<u>12"</u> Depth	

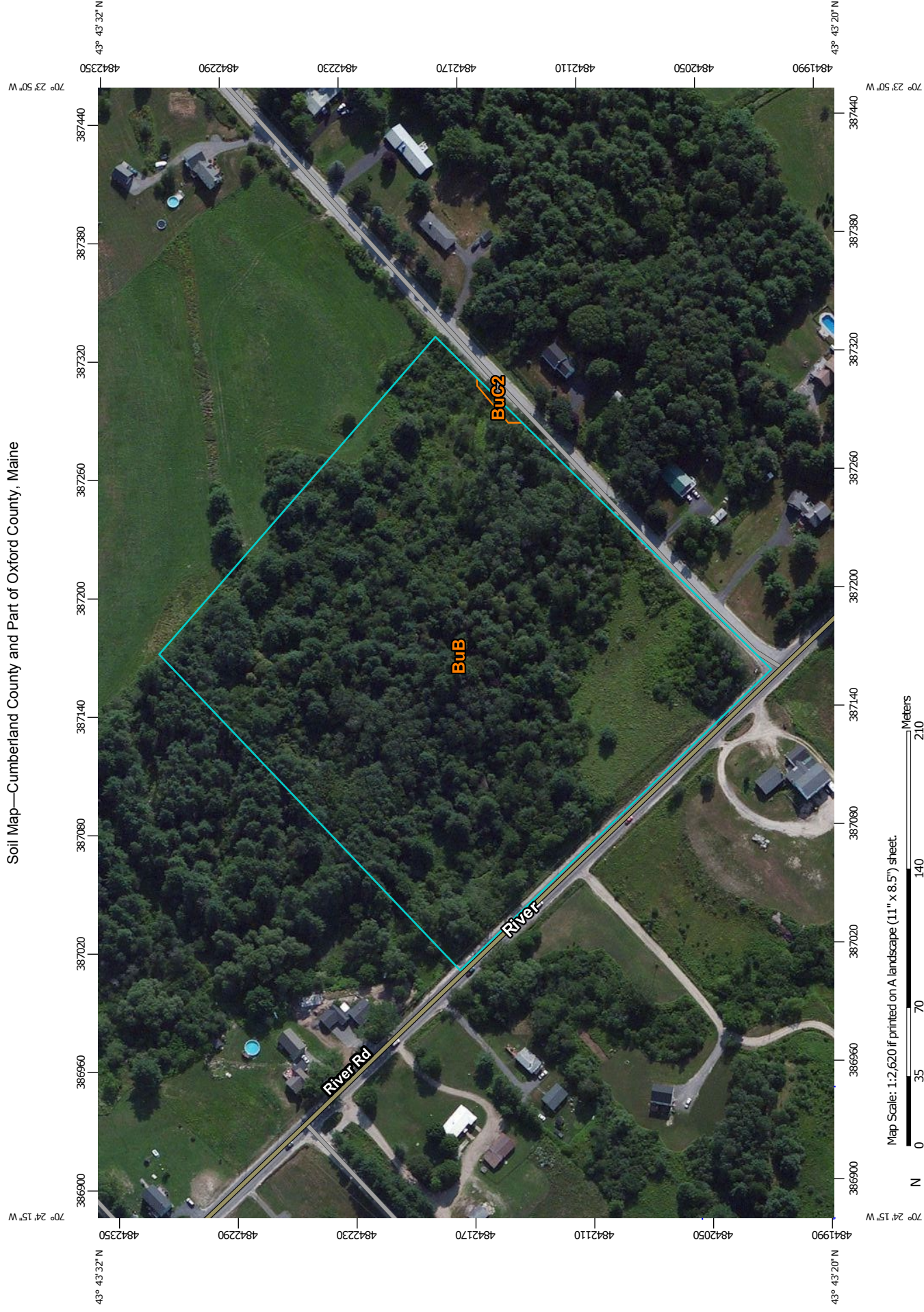
Observation Hole # <u>TB-6</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring					
_____ "    Depth of organic horizon above mineral soil					
Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling	
	0				
	6	Silt Loam	Friable	Dark Brown	
	12				
	18	Silty Clay Loam	Firm	Olive Gray	Common Few
	24				
	30				
	36				
	42				
	48				
	Soil    Classification		Slope	Limiting Factor	<input checked="" type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock
	<u>9</u> <u>D</u> Profile    Condition		<u>4-6</u> Percent	<u>9"</u> Depth	

Observation Hole # _____ <input type="checkbox"/> Test Pit <input type="checkbox"/> Boring					
_____ "    Depth of organic horizon above mineral soil					
Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling	
	0				
	6				
	12				
	18				
	24				
	30				
	36				
	42				
	48				
	Soil    Classification		Slope	Limiting Factor	<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock
	_____ Profile    Condition		_____ Percent	_____ Depth	

Observation Hole # _____ <input type="checkbox"/> Test Pit <input type="checkbox"/> Boring					
_____ "    Depth of organic horizon above mineral soil					
Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling	
	0				
	6				
	12				
	18				
	24				
	30				
	36				
	42				
	48				
	Soil    Classification		Slope	Limiting Factor	<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock
	_____ Profile    Condition		_____ Percent	_____ Depth	

INVESTIGATOR INFORMATION AND SIGNATURE	
Signature:	Date: <u>05/29/2016</u>
Name Printed/typed: <u>Richard A. Sweet</u>	Cert/Lic/Reg.# <span style="border: 1px solid black; padding: 2px 10px;"><u>034</u></span>
Title: <input checked="" type="checkbox"/> Licensed Site Evaluator <input type="checkbox"/> Certified Soil Scientist <input type="checkbox"/> Certified Geologist <input type="checkbox"/> Other:	

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



## Map Unit Legend

Cumberland County and Part of Oxford County, Maine (ME005)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BuB	Buxton silt loam, 3 to 8 percent slopes	12.3	99.8%
BuC2	Buxton silt loam, 8 to 15 percent slopes, eroded	0.0	0.2%
<b>Totals for Area of Interest</b>		<b>12.3</b>	<b>100.0%</b>

## Cumberland County and Part of Oxford County, Maine

### BuB—Buxton silt loam, 3 to 8 percent slopes

#### Map Unit Setting

*National map unit symbol:* blgw

*Elevation:* 10 to 900 feet

*Mean annual precipitation:* 34 to 48 inches

*Mean annual air temperature:* 43 to 46 degrees F

*Frost-free period:* 90 to 160 days

*Farmland classification:* Farmland of statewide importance

#### Map Unit Composition

*Buxton and similar soils:* 87 percent

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

#### Description of Buxton

##### Setting

*Landform:* Coastal plains

*Landform position (two-dimensional):* Toeslope

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Glaciolacustrine deposits derived from siltstone and/or fine-silty marine deposits

##### Typical profile

*H1 - 0 to 9 inches:* silt loam

*H2 - 9 to 16 inches:* silty clay loam

*H3 - 16 to 38 inches:* silty clay loam

*H4 - 38 to 65 inches:* silty clay

##### Properties and qualities

*Slope:* 3 to 8 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Somewhat poorly drained

*Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately high (0.00 to 0.20 in/hr)

*Depth to water table:* About 6 to 18 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* High (about 9.9 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 3w

*Hydrologic Soil Group: D*

## **Data Source Information**

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



October 3, 2016

**NITRATE IMPACT  
ALWEBER ROAD PROPERTY  
WINDHAM**

The purpose of this letter is to provide an opinion on whether or not effluent from septic systems at the proposed development at the above-mentioned site would most likely meet the safe drinking water standard at the property line with respect to nitrate nitrogen. The six-lot subdivision is located at the north corner of River Road and Alweber Road in Windham. Data used includes at site plan by DM Roma Consulting Engineers of Windham, Maine dated August 22, 2016.

It is assumed that the worst potential for contamination is the nitrate-nitrogen ( $\text{NO}_3\text{-N}$ ) released from wastewater disposal fields. The average  $\text{NO}_3\text{-N}$  concentration value of untreated septic tank effluent entering a disposal field is assumed to be 40 milligrams per liter (mg/L). The Federal and State Drinking Water Limit for  $\text{NO}_3\text{-N}$  in public water supplies is 10 mg/L.

The site plan depicts streams, wetlands, 2-foot contours, property lines and testpit locations. An individual septic system is proposed to be located at each of the six testpits (one per lot). Topography slopes generally downwards towards three east-to-west flowing streams traversing the property and toward wetlands associated with the streams.

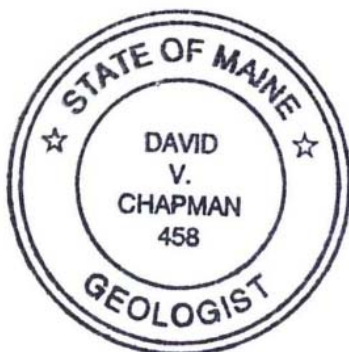
The primary mechanism of  $\text{NO}_3\text{-N}$  concentration reduction is through dilution in groundwater and surface water. At the subject site, effluent from leachfields at the subject site will be diluted in groundwater and in each case will intercept a wetland area or stream prior to crossing a subdivision boundary. The shortest flowline between a leachfield and the subdivision border is approximately 400 feet.

Based on past studies performed by Sweet Associates, the dilution provided by groundwater and surface water/wetlands will be sufficient to reduce the concentration of  $\text{NO}_3\text{-N}$  to less than 10 mg/L prior to crossing subdivision property lines.

Regards,

*David V. Chapman*

David Chapman  
Maine Certified Geologist #458



*Richard A. Sweet*

Richard Sweet  
Maine Certified Geologist #100



# STORMWATER MANAGEMENT REPORT

## ALWEBER ROAD PROPERTY ALWEBER ROAD & RIVER ROAD, WINDHAM, MAINE

### A. Narrative

Keith Elder and Jay Hackett are proposing to develop property located at the corner of Alweber Road and River Road in Windham as a six lot subdivision. The subdivision will require the construction of two roads totaling approximately 450 linear feet for access and street frontage. The development will be served by private wells, private onsite subsurface septic and underground electric, telephone and cable. The property is approximately 10.3 acres, is located in the Farm zoning district and is identified as lot 31 on the Town of Windham Assessors Map 3. The property is currently undeveloped field and woods. In general, the site drains to the northwest via three stream channels.

### B. Alterations to Land Cover

The property is currently undeveloped. The proposed development will create approximately 27,600 square feet of new impervious area consisting of the proposed roadways, driveways and buildings. The project will also consist of 60,570 square feet of new landscaped/disturbed areas resulting in a total new developed area of 88,170 square feet. The site is moderately steep in the uplands (5-8%) but steepens at the stream banks. Soils on the property are all Buxton silt loam as identified on the Medium Intensity Soil Maps for Cumberland County, Maine published by the Natural Resources Conservation Service. The Buxton soils are in the hydrologic soil groups "C" as indicated on the enclosed soils map.

### C. Methodology and Modeling Assumptions

The proposed stormwater management system has been designed utilizing Best Management Practices to maintain existing drainage patterns while providing stormwater quality improvement measures. The goal of the storm drainage system design is to remove potential stormwater pollutants while promoting infiltration and runoff attenuation.

### D. Basic Standards

The project is required by the Town and the Maine Department of Environmental Protection (MDEP) to provide permanent and temporary Erosion Control Best Management Practices. These methods are outlined in detail in the plan set.

### E. General Standard

The Windham Land Use Ordinance requires that projects requiring Subdivision Review shall comply with Section 4B-General Standards of the MDEP Chapter 500 Stormwater Management. This document outlines the requirement of the project to provide stormwater quality treatment

for no less than 95% of the new impervious surface and 80% of the total new developed area associated with the project. The water quality requirements will be met with the utilization of an underdrained filter basin, a forested buffer and roof drippedges. Calculations can be found on the Post Development Stormwater Map and enclosed in this report.

F. Flooding Standards

The Windham Land Use Ordinance requires that projects requiring Subdivision Review shall comply with Section 4E-Flooding Standards of the MDEP Chapter 500 Stormwater Management. Pursuant to Section 911.J.6 of the Town of Windham Land Use Ordinance we are requesting a waiver of the Flooding Standard for this project. The subdivision has been designed to send more than 75% of the impervious and developed areas for both the lots and roadway to MDEP approved Best Management Practices (BMP) to help mitigate any increase in peak rates of runoff from the development.

G. Maintenance of common facilities or property

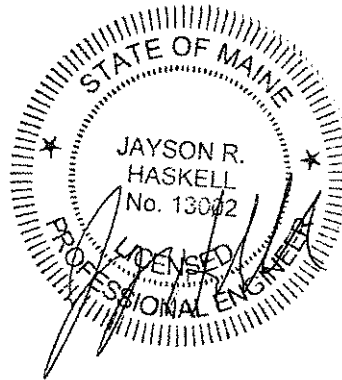
The homeowner's association will be responsible for the maintenance of the stormwater facilities. Enclosed is an Inspection, Maintenance and Housekeeping Plan for the project.

Prepared by:

DM ROMA CONSULTING ENGINEERS



Jayson R. Haskell, P.E.  
Project Manager





## ***STORMWATER TREATMENT CALCULATIONS***

### **ALWEBER ROAD PROPERTY**

#### ***Proposed Development***

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New Road Impervious Area =	11,090 sf
New Lot Impervious Area =	16,510 sf
<b>New Impervious Area =</b>	<b>27,600 sf</b>
New Landscaped/Disturbed Area =	60,570 sf
<b>New Developed Area =</b>	<b>88,170 sf</b>

#### ***Proposed Treatment Areas***

---

	<b>Impervious Area</b>	<b>Landscaped Area</b>	<b>Developed Area</b>
<b>Treatment Device</b>	<b>Treated (sf)</b>	<b>Treated (sf)</b>	<b>Treated (sf)</b>
Buffer 1	9,560	18,875	28,435
Filter Basin 1	9,990	23,835	33,825
Dripedges	8,520	0	8,520
<b>Totals</b>	<b>28,070</b>	<b>42,710</b>	<b>70,780</b>

#### ***Treatment Calculations***

---

Required New Impervious Area Treatment (95%)=	26,220 sf
<b>Total Impervious Area Treated =</b>	<b>28,070 sf</b>
<b>% of New Impervious Area Treated =</b>	<b>+100% &gt;95%</b>
Required New Developed Area Treatment (80%) =	70,536 sf
<b>Total Developed Area Treated =</b>	<b>70,780 sf</b>
<b>% of New Developed Area Treated =</b>	<b>80.3% &gt;80%</b>

## ***Underdrained Filter Basin FB-1***

### Tributary Watershed Analysis

Tributary Area (WS-31) =	44,890	sf	
Wooded/Undeveloped Area=	9,645	sf	
Roadway Impervious=	6,295	sf	
Lot Impervious Area=	3,695	sf	3 Driveways
Lawn/Developed Area=	23,835	sf	(Subtract 1 House Treated in Dripedge)
<b>Tributary Impervious Area=</b>	<b>9,990</b>	<b>sf</b>	
<b>Tributary Landscaped Area=</b>	<b>23,835</b>	<b>sf</b>	

### Channel Protection Volume (CPV) Calculation

CPV (Required) = 1.0"xImpervious Area + 0.4"xLandscaped Area

**CPV (Required) = 1,627 cf**

### Stage Storage Volume

Elevation	Area (sf)	Storage (cf)
114	1,010	0
116	1,980	2,990
118	2,565	7,535

Outlet Elevation = 115.50

**Storage Volume @Outlet= 2,243 cf > Required**

### Filter Bottom Calculation

Filter Area (Required) = 5%xImpervious Area + 2%xLandscaped Area

**Filter Area Required = 976 sf**

**Filter Area Provided = 1,010 sf**

## ***Buffer 1 Level Spreader***

### Tributary Watershed Analysis

Tributary Area (WS-21) =	39,845	sf	
Wooded/Undeveloped Area=	9,990	sf	
Roadway Impervious=	7,360	sf	(Road B and Portion of Aleweber Road)
Lot Impervious Area=	2,200	sf	(Driveways from Lots 4 & 5)
Lawn/Developed Area=	18,875	sf	(Subtract Building 4 treated in dripedge)

### Required Berm Length for 100' Forested Buffer

150' x	0.22	ac Impervious Area =	33	If
45'x	0.43	ac Lawn Area =	19	If
		<b>Total Length of Berm=</b>	<b>52.4</b>	<b>If</b>
		<b>Total Length Provided=</b>	<b>55</b>	<b>If</b>

# INSPECTION, MAINTENANCE, AND HOUSEKEEPING PLAN

## Alweber Road Property Windham, Maine

### Responsible Party

Owner: Keith Jason Elder & Jay P. Hackett  
434 Gray Road  
Windham, Maine

The owners are responsible for the maintenance of all stormwater management structures and related site components and the keeping of a maintenance log book with service records until such time that a homeowner's association is created. Records of all inspections and maintenance work performed must be kept on file with the owner and retained for a minimum of five years. The maintenance log will be made available to the Town and Maine Department of Environmental Protection (MDEP) upon request. At a minimum, the maintenance of stormwater management systems will be performed on the prescribed schedule.

The procedures outlined in this plan are provided as a general overview of the anticipated practices to be utilized on this site. In some instances, additional measures may be required due to unexpected conditions. *The Maine Erosion and Sedimentation Control BMP* and *Stormwater Management for Maine: Best Management Practices* Manuals published by the MDEP should be referenced for additional information.

### During Construction

- 1. Inspection and Corrective Action:** It is the contractor's responsibility to comply with the inspection and maintenance procedures outlined in this section. Inspection shall occur on all disturbed and impervious areas, erosion control measures, material storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. These areas shall be inspected at least once a week as well as 24 hours before and after a storm event and prior to completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in the permit, shall conduct the inspections.
- 2. Maintenance:** Erosion controls shall be maintained in effective operating condition until areas are permanently stabilized. If best management practices (BMPs) need to be repaired, the repair work should be initiated upon discovery of the problem but no later than the end of the next workday. If BMPs need to be maintained or modified, additional BMPs are necessary, or other corrective action is needed, implementation must be completed within seven calendar days and prior to any rainfall event.
- 3. Documentation:** A report summarizing the inspections and any corrective action taken must be maintained on site. The log must include the name(s) and qualifications of the

person making the inspections; the date(s) of the inspections; and the major observations about the operation and maintenance of erosion and sedimentation controls, materials storage areas, and vehicle access points to the parcel. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and location(s) where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to MDEP staff, and a copy must be provided upon request. The owner shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.

### **Houskeeping**

- 1. Spill prevention:** Controls must be used to prevent pollutants from construction and waste materials on site to enter stormwater, which includes storage practices to minimize exposure of the materials to stormwater. The site contractor or operator must develop, and implement as necessary, appropriate spill prevention, containment, and response planning measures.
- 2. Groundwater protection:** During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials. Any project proposing infiltration of stormwater must provide adequate pre-treatment of stormwater prior to discharge of stormwater to the infiltration area, or provide for treatment within the infiltration area, in order to prevent the accumulation of fines, reduction in infiltration rate, and consequent flooding and destabilization.
- 3. Fugitive sediment and dust:** Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control, but other water additives may be considered as needed. A stabilized construction entrance (SCE) should be included to minimize tracking of mud and sediment. If off-site tracking occurs, public roads should be swept immediately and no less than once a week and prior to significant storm events. Operations during dry months, that experience fugitive dust problems, should wet down unpaved access roads once a week or more frequently as needed with a water additive to suppress fugitive sediment and dust.
- 4. Debris and other materials:** Minimize the exposure of construction debris, building and landscaping materials, trash, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials to precipitation and stormwater runoff. These materials must be prevented from becoming a pollutant source.

- 5. Excavation de-watering:** Excavation de-watering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water removed from the ponded area, either through gravity or pumping, must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved by the Department.
- 6. Authorized Non-stormwater discharges:** Identify and prevent contamination by non-stormwater discharges. Where allowed non-stormwater discharges exist, they must be identified and steps should be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Authorized non-stormwater discharges are:
- (a) Discharges from firefighting activity;
  - (b) Fire hydrant flushings;
  - (c) Vehicle washwater if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarriage and transmission washing is prohibited);
  - (d) Dust control runoff in accordance with permit conditions and Appendix (C)(3);
  - (e) Routine external building washdown, not including surface paint removal, that does not involve detergents;
  - (f) Pavement washwater (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used;
  - (g) Uncontaminated air conditioning or compressor condensate;
  - (h) Uncontaminated groundwater or spring water;
  - (i) Foundation or footer drain-water where flows are not contaminated;
  - (j) Uncontaminated excavation dewatering (see requirements in Appendix C(5));
  - (k) Potable water sources including waterline flushings; and
  - (l) Landscape irrigation.
- 7. Unauthorized non-stormwater discharges:** Approval from the MDEP does not authorize a discharge that is mixed with a source of non-stormwater, other than those discharges in compliance with Section 6 above. Specifically, the MDEP's approval does not authorize discharges of the following:
- (a) Wastewater from the washout or cleanout of concrete, stucco, paint, form release oils, curing compounds or other construction materials;
  - (b) Fuels, oils or other pollutants used in vehicle and equipment operation and maintenance;
  - (c) Soaps, solvents, or detergents used in vehicle and equipment washing; and
  - (d) Toxic or hazardous substances from a spill or other release.

## **Post construction**

**1. Inspection and Corrective Action:** All measures must be maintained by the owner in effective operating condition. A qualified third party inspector hired by the owner shall at least annually inspect the stormwater management facilities. This person should have knowledge of erosion and stormwater control including the standards and conditions of the site's approvals. The inspector shall be certified through the MDEP to inspect the stormwater infrastructure. The following areas, facilities, and measures must be inspected, and identified deficiencies must be corrected. Areas, facilities, and measures other than those listed below may also require inspection on a specific site.

- A. Vegetated Areas:** Inspect vegetated areas, particularly slopes and embankments, early in the growing season or after heavy rains to identify active or potential erosion problems. Replant bare areas or areas with sparse growth. Where rill is evident, armor the area with an appropriate lining or divert the erosive flows to on-site areas able to withstand the concentrated flows.
- B. Ditches, Swales, and Open Channels:** Inspect ditches, swales, and other open channels in the spring, late fall, and after heavy rains to remove any obstructions to flow, remove accumulated sediments and debris, control vegetative growth that could obstruct flow, and repair any erosion of the ditch lining. Vegetated ditches must be mowed at least annually or otherwise maintained to control the growth of woody vegetation and maintain flow capacity. Any woody vegetation growing through riprap linings must also be removed. Repair any slumping side slopes as soon as practicable. If the ditch has a riprap lining, replace riprap on areas where any underlying filter fabric or underdrain gravel is showing through the stone or where stones have dislodged. The channel must receive adequate routine maintenance to maintain capacity and prevent or correct any erosion of the channel's bottom or side slopes.
- C. Culverts:** Inspect culverts in the spring, 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.
- D. Buffers:** Wooded buffers must remain fully wooded and have no disturbance to the duff layer. Vegetation in non-wooded buffers may not be cut more than three times per year, and may not be cut shorter than six inches. Stormwater runoff should enter the buffer as sheet flow, and any observed channelization of flows or erosion should be corrected immediately. Activities that may result in disturbance of the duff layer are prohibited in a buffer.

- E. Underdrained Filter Basin:** Basin should be inspected semi-annually and following major storm events for the first year and every six months thereafter. The basin should drain within 48 hours following a one-inch storm and if a larger storm fills the system to overflow, it shall drain within 36 to 60 hours. If ponding exceeds 48 hours, the top of the filter bed must be rototilled to reestablish the soil's filtration capacity. If water ponds on the surface of the bed for more than 72 hours, the top several inches of the filter shall be replaced with fresh material. Inspect for debris and sediment build up in the forebay and basin and remove as needed. Mowing of the basin can only occur semi-annually to a height of no less than 6 inches utilizing a hand-held string trimmer or push-mower. Any bare areas or erosion rills shall be repaired with new filter media or sandy loam then seeded and mulched. The basin should also be inspected annually for destabilization of side slopes, embankment settling and other signs of structural failure.
- F. Outlet Structure:** Inspect and, if required, clean out structures at least once a year, preferably in early spring. Clean out must include the removal and legal disposal of any accumulated sediments and debris at the bottom of the basin, at any inlet grates, at any inflow channels to the basin, and at any pipes between basins. If the basin outlet is designed to trap floatable materials, then remove the floating debris and any floating oils (using oil-absorptive pads).
- G. Regular Maintenance:** Clear accumulations of winter sand along roadway once a year, preferably in the spring. Accumulations on pavement may be removed by pavement sweeping. Accumulations of sand along pavement shoulders may be removed by grading excess sand to the pavement edge and removing it manually or by a front-end loader.
- H. Documentation:** Keep a log (report) summarizing inspections, maintenance, and any corrective actions taken. The log must include the date on which each inspection or maintenance task was performed, a description of the inspection findings or maintenance completed, and the name of the inspector or maintenance personnel performing the task. If a maintenance task requires the clean-out of any sediments or debris, indicate where the sediment and debris was disposed after removal. The log must be made accessible to Town staff upon request. The permittee shall retain a copy of the log for a period of at least five years from the completion of permanent stabilization. Attached is a sample log.

### **Re-certification**

As a requirement of the Town, the stormwater infrastructure shall be inspected yearly by a qualified third party inspector. The third party inspector shall perform an initial inspection to determine the status of the stormwater management facilities. If the initial inspection identifies any deficiencies with the facilities, the same third party inspector shall re-inspect the facilities after they have been maintained or repaired to determine if they are performing as intended. Once the site is satisfactory, the third party inspector

shall submit the Annual Stormwater Management Facilities Certification form and report to the Office of Code Enforcement. The certification form shall be submitted to the Town prior to May 1 of each year. A copy of the approval form has been included at the end of this document.

**Duration of Maintenance**

Perform maintenance as described.



## MAINTENANCE LOG

### ALWEBER ROAD SUBDIVISION Windham, Maine

The following stormwater management and erosion control items shall be inspected and maintained as prescribed in the Maintenance Plan with recommended frequencies as identified below. The owner is responsible for keeping this maintenance log on file for a minimum of five years and shall provide a copy to the Town upon request. Inspections are to be performed by a qualified third party inspector and all corrective actions shall be performed by personnel familiar with stormwater management systems and erosion controls.

Maintenance Item	Maintenance Event	Date Performed	Responsible Personnel	Comments
Vegetated Areas	Inspect slopes and embankments early in Spring.			
Ditches, swales, and other open channels	Inspect after major rainfall event producing 1" of rain in two hours.			
	Inspect for erosion or slumping & repair			
	Mowed at least annually.			
Culverts	Inspect semiannually and after major rainfall.			
	Repair erosion at inlet or outlet of pipe.			
	Repair displaced riprap.			
	Clean accumulated sediment in culverts when >20% full.			
Buffers	Inspect for erosion and channelized flow semiannually.			
	Remove accumulated sediment semiannually.			
	Inspect vegetation cover and reestablish as needed.			
Level Spreaders	Check after significant rainfall event to ensure that berm is distributing flow evenly.			
	Inspect semiannually for erosion or sediment accumulation and repair as necessary.			

Maintenance Item	Maintenance Event	Date Performed	Responsible Personnel	Comments
Underdrained Filter Basin	Check after each rainfall event to ensure that pond drains within 24-48 hours.			
	Replace top several inches of filter if pond does not drain within 72 hours.			
	Mow grass no more than twice a year to no less than 6 inches in height.			
	Inspect semi-annually for erosion or sediment accumulation and repair as necessary.			
Outlet Structure	Inspect to ensure that structure is properly draining.			
	Remove accumulated sediment semiannually.			
	Inspect grates/inlets and remove debris as needed.			

Morgan Stanley

Wealth Management  
Water Tower Hill  
105 West View Rd., 5th Fl.  
Colchester, VT 05446  
tel 802 658 2424  
fax 802 860 1623  
toll free 800 446 0193

August 8, 2016

Jay Hackett  
225 Pope Road  
Windham, ME 04062

Re: Jay P. Hackett

To Whom It May Concern:

Please be advised that Jay P. Hackett maintains brokerage accounts at Morgan Stanley Smith Barney LLC ("Morgan Stanley") which contain assets, including cash and marketable securities, valued in excess of \$70,000.00 as of the close of business on August 4, 2016. These accounts are currently being used to collateralize a Portfolio Loan Account ("PLA") line of credit issued by Morgan Stanley Bank, N.A.

We are presenting the information contained herein pursuant to our client's request. It is valid as of the date of issuance. Morgan Stanley does not warrant or guarantee that such identified securities, assets or monies will remain in the client's account. The client has the power to withdraw assets, including excess collateral, if the account collateralizes a PLA line of credit, from these accounts at any time and no security interest or collateral rights are being granted to any party other than Morgan Stanley.

Thank you for your time and consideration in this matter.

Sincerely,



Kim Lefrancois  
Senior Complex Risk Officer

cc: Jay P. Hackett

CORPORATE BYLAWS  
OF  
PIONEER DRIVE AND LIONEL LANE HOMEOWNERS ASSOCIATION

ARTICLE I  
GENERAL

Section 1.1. Name. The name of the Corporation shall be Pioneer Drive and Lionel Lane Homeowners Association.

Section 1.2. Location of Corporation. The Corporation shall have its principal place of business at Windham, Maine.

Section 1.3. Seal. The Corporation may adopt a circular seal with the Corporation's name, the year of its organization and the word "Maine" inscribed on it. The seal may be used by causing it or a facsimile of it to be impressed or affixed or in any manner reproduced. A corporate seal may be adopted at any time by act of the Board of Directors in accordance with these Bylaws.

Section 1.4. Registered Office. The Registered Office of the Corporation is at \_\_\_\_\_. The address of the Registered Office may be changed from time to time by the Board of Directors or by the Registered Agent.

Section 1.5. Registered Agent. The Registered Agent of the Corporation is the person designated in the Articles of Incorporation, as amended from time to time by the Board of Directors.

ARTICLE II  
PURPOSES

Section 2.1. General Purposes. The Corporation is organized and shall be operated on a non-profit basis to serve as the homeowners association for owners of lots, from time to time, within the Alweber Road subdivision located at or near 133 River Road in Windham, Maine.

Section 2.2. Powers. This Corporation shall have all such powers as are authorized to non-profit corporations by the Maine Nonprofit Corporations Act.

Section 2.3. Prohibition of the Inurement of Assets and Income to Private Persons. All the assets and income of the Corporation shall be used exclusively for its charitable, scientific and educational purposes, and no part thereof shall inure to the benefit of any private individual; provided, however, that nothing contained herein shall be construed to prevent the payment by the Corporation of salaries and expenses to officers and employees of the Corporation.

### ARTICLE III MEMBERSHIP

Section 3.1. Classes of Members. The Corporation shall have only one class of Members, consisting of any natural person, corporation, partnership, limited liability company or unincorporated organization owning a lot or lots from time to time within the Alweber Road subdivision located at or near 133 River Road in Windham, Maine.

Section 3.2. General. The Members of the Corporation shall form a membership body that supports the Corporation's structure as the homeowners association for owners of lots within the Alweber Road subdivision located at or near 133 River Road in Windham, Maine.

In addition to the other powers of the Members listed in Section 3.4. hereof, the Members shall have the responsibility for the election of the Board of Directors of the Corporation, which Board has the ultimate responsibility for governing the Corporation. The criteria and qualifications for being a Member, and the rights and responsibilities of the Members, may be changed from time to time by an amendment to the Articles of Incorporation (to the extent required by law) and by these Bylaws.

Section 3.3. Qualifications. Each Member shall be at least eighteen (18) years of age, and shall be an owner of a lot or lots within the Alweber Road subdivision located at or near 133 River Road in Windham, Maine.

Section 3.4. Powers. The Members shall have only those rights set forth in the Articles of Incorporation, as restated in these Bylaws. Such rights are as follows:

- A. The establishment of the size of the Board of Directors within the limits described in Section 4.2 hereof;

B. The election of Directors, with the exception of filling of a vacant Board seat as provided in Section 4.4 hereof;

C. The removal of Directors from the Board of Directors;

D. The election of Members of the Corporation in accordance with the procedures set forth in Section 3.5 hereof;

E. The amendment, restatement, or modification of the Articles of Incorporation or of the Bylaws of this Corporation;

F. The approval of the sale, lease, or other disposition (excluding by mortgage or pledge for purposes of security) of all, or substantially all, of the assets and property of the Corporation;

G. The dissolution of the Corporation or its merger with or consolidation with another corporation; and

H. Any other matter which a majority of the Board of Directors voting on the matter votes to submit to the Members.

Section 3.5. The Annual Meeting of the Members shall be held on the second Thursday in September of each year at such place and time as shall be provided in the notice of the Annual Meeting. In the event of a failure for any reason to hold an Annual Meeting as aforesaid, any business which may properly be transacted at an Annual Meeting, including the election of Directors, may be transacted at a Special Meeting.

Section 3.6. Special Meetings. Special Meetings of the Members may be called at any time by the President or a majority of the Directors, and shall be called by the Secretary upon written application of five percent (5%) or more of the Members.

Section 3.7. Notice of Meetings. Notice of all meetings of the Members shall be given by the Secretary or in his or her absence or disability by the President, by mailing to each Member a written notice specifying the time and place of the meeting, such notice to be addressed to each Member at his or her last known address and mailed, postage prepaid at least five (5) but not more than fifty (50) days before the meeting. In the event notice has not been duly given as described in the preceding sentence, a meeting of the Members shall be a legal meeting if there is a quorum present and all Members not present at the meeting sign a waiver of notice of the meeting.

Section 3.8. Quorum. Ten percent (10%) of the Members present in person or by proxy shall constitute a quorum at any meeting of the Members. If a quorum is not

present at any meeting, a majority of the Members present may adjourn the meeting to a later time, without notice other than announcement at the meeting, until a quorum shall be present. At such adjourned meeting at which a quorum shall be present, any business shall be transacted which might have been transacted at the meeting as originally notified.

Section 3.9 Voting. Each lot in the Alweber Road subdivision shall be allocated one (1) vote on any matter properly submitted to the Members for their vote, and there shall be no cumulative voting. If a lot is owned jointly by two (2) or more Members, the right to vote the single vote allocated to the lot shall be determined by majority vote of the Members owning such lot. Voting shall be in person, except that there may be voting by proxy as follows. Any proxy must be submitted to the Secretary of the Corporation or, in the absence of the Secretary, the President or the person presiding at the meeting, prior to or at the commencement of the meeting, and must be executed and dated not more than ninety (90) days prior to the meeting date. Proxies will be voted by the person specified therein or his or her designee. Any proxy shall be effective only for the meeting specified in the proxy and any adjourned sessions thereof.

Section 3.10. Manner of Acting. The act of a majority of the Members present in person or by proxy at a meeting at which a quorum is or has been present shall be the valid act of the Members, unless a greater proportion is required by law, the Articles of Incorporation, or these Bylaws.

Section 3.11. Certificate of Membership. The Board of Directors may provide for the issuance and replacement of certificates evidencing membership in the Corporation.

## ARTICLE IV BOARD OF DIRECTORS

Section 4.1. Management by Board. The affairs of the Corporation shall be managed by its Board of Directors, which may exercise all powers of the Corporation and do all lawful acts and things necessary or appropriate to carry out the purposes of the Corporation.

Section 4.2. Number of Directors; Eligibility. The number of Directors shall not be less than three (3) nor more than five (5) and shall be fixed within the foregoing limits by the Members at their Annual Meeting or any meeting held in lieu thereof. All Directors must be Members of the Corporation at all times. No Member shall serve more than three (3) consecutive terms on the Board of Directors.

Section 4.3. Initial Directors Election; Term of Office; Nomination. The initial Board of Directors shall be appointed by the incorporators of the Corporation and shall

serve until their successors are elected and qualified at the first Annual Meeting of the Members. Thereafter, and for purposes of providing staggered terms of office only, the Directors shall be divided into three (3) classes, which will, as nearly as possible, result in one-third (1/3) of the terms of Directors expiring in each year. Each Director shall serve for the term of office specified in the vote by which such Director was elected until his or her successor is duly elected and appointed, unless he or she sooner resigns or is removed. At the Members' Annual Meeting, the Members shall elect individuals to fill the then-existing vacancies on the Board of Directors.

Section 4.4. Vacancies. Any vacancy occurring on the Board of Directors may be filled by the affirmative vote of a majority of the remaining Directors. A person appointed to fill a vacancy which occurs other than by reason of an increase in the number of Directors shall serve until the next Annual Meeting of the Members.

Section 4.5. Removal of Directors. Any elected Director may be removed from office at any time, with or without cause, by a two-thirds (2/3) vote of the Members voting on the matter.

Section 4.6. Resignation. Any Director may resign at any time by giving written notice to the President of the Corporation. Such resignation shall take effect on the date of receipt or at any later time specified therein. Any Director who fails to attend five (5) regularly scheduled Board meetings (during any twelve (12) month period commencing with the date of the Annual Meeting of the Board of Directors) shall be deemed to have resigned from the Board, unless such Director has provided the President with prior notice of his or her inability to attend the meetings, or unless the Board waives this requirement with respect to said Director. The President shall provide written notice to the Board and to the Secretary stating that such Director has been deemed to have resigned from the Board in accordance with this Section 4.6. Failure to attend a Special Meeting of the Board shall not be considered in determining this attendance requirement.

Section 4.7. Compensation. Directors as such shall not receive any stated salaries for their services, but by resolution of the Board of Directors, the expenses of attendance, if any, may be allowed for attendance at each regular or Special Meeting of the Board; but nothing herein shall be construed to preclude any Director from serving the Corporation in any other capacity and receiving compensation therefor.



## ARTICLE V MEETINGS

Section 5.1. Annual Meeting. The Board of Directors shall meet annually for the purpose of electing the officers of the Corporation and for the transaction of such other business as may come before the meeting. The Board's Annual Meeting shall be held as soon as reasonably possible after the Annual Meeting of the Members at such time and place as shall be designated by the Board of Directors.

Section 5.2. Regular Meetings. Regular meetings of the Board of Directors may be held on such notice, or without notice, and at such time and at such place as may from time to time be determined by the Board of Directors.

Section 5.3. Special Meetings. Special Meetings of the Board of Directors may be called by the President of the Corporation on his or her own motion or upon written request of two (2) of the Directors, and held not less than three (3) nor more than thirty (30) days after such notice is given to each Director, either personally, by mail or by telephone.

Section 5.4. Waiver. Whenever under the provisions of the statutes, Articles of Incorporation or these Bylaws notice is required to be given to any Director, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice. Attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or Special Meeting of the Board of Directors need be specified in the notice or waiver of notice of such meeting unless required by law or these Bylaws.

Section 5.5. Telephonic Meetings. The Directors may hold a meeting by conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and such participation in a meeting shall constitute presence of the Director at such meeting. Notice of such meeting shall give each Director the telephone number at which, or other manner in which, he or she will be called.

Section 5.6. Manner of Acting. Except as specified by law or these Bylaws, the Board of Directors shall act by a majority vote of the Directors present in person or by proxy at any duly called and held meeting of the Board of Directors at which a quorum is present. Each Director shall have one (1) vote.

Section 5.7. Quorum. Sixty-six percent (66%) of the Directors shall constitute a quorum for the transaction of business. If a quorum shall not be present at any meeting of Directors, the Directors present thereafter may adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present. At such adjourned meeting at which a quorum shall be present, any business shall be transacted which might have been transacted at the meeting as originally notified.

Section 5.8. Conduct of Meeting; Record of Meetings. The President of this Corporation, or in his or her absence, the Vice President or, in his or her absence, the Treasurer, or, in his or her absence, any Director chosen by the Directors present, shall call meetings of the Board of Directors to order and shall act as the presiding officer for the meeting. The Secretary, or if he or she does not participate in the meeting, one of the Directors designated by the Board participating in the meeting, shall keep a record of the meeting.

Section 5.9. Action by Unanimous Consent. Any action required or permitted to be taken at a meeting of the Directors may be taken without a meeting if consents in writing, setting forth the action so taken, shall be signed by all of the Directors, and filed with the minutes of the meetings of the Board of Directors.

Section 5.10. Informal Action by Directors. Action taken by agreement of a majority of Directors shall be deemed action of the Board of Directors if all Directors know of the action taken and no Director makes prompt objection to such action. Objection by a Director shall be effective if written objection to any specific action so taken is filed with the Secretary of this Corporation within ten (10) days of such specific action.

## ARTICLE VI OFFICERS AND AGENTS

Section 6.1. Officers. The officers of the Corporation shall be a President, a Treasurer and a Secretary and a Clerk and such other officers as the Board of Directors may from time to time designate.

Section 6.2. Election of Officers. The Board of Directors shall choose annually the officers of the Corporation, none of whom, other than the President, need be a Director. A person may hold more than one (1) office, except that no person may hold the offices of President and Treasurer at any one time.

Section 6.3. Other Officers and Agents. The Board of Directors may appoint such other officers and agents as it shall deem necessary. Such officers and agents shall hold their offices for such terms and shall exercise such powers and perform such duties as shall be determined from time to time by the Board of Directors.

Section 6.4. Compensation. The compensation, if any, of all officers and agents of the Corporation shall be fixed by the Board of Directors.

Section 6.5. Term of Officers. The officers of the Corporation shall hold office until their successors shall have been elected and qualified. Any officer elected or appointed by the Board of Directors may be removed with or without cause at any time by an affirmative vote of a majority of the Board of Directors. Any vacancy occurring in any office of the Corporation shall be filled by vote of the Directors.

Section 6.6. President of the Corporation. The President of the Corporation shall, when present, chair all meetings of the Board of Directors. He or she shall inform himself or herself concerning all affairs of the Corporation and see that the duties of the officers and employees of the Corporation are properly discharged; that the Bylaws of the Corporation are observed; and that all statements and returns required by law are made; and he or she shall assume such share in the management of the Corporation's business as the Directors may determine. The President of the Corporation shall appoint such committees as he or she deems necessary, subject to the approval of the Directors. The President shall perform all duties incident to the office of the President.

Section 6.7. Treasurer. The Treasurer shall have charge and custody of and be responsible for all corporate funds and securities; keep full and accurate accounts of receipts and disbursements and books belonging to the Corporation; and deposit all monies and other valuable effects in the name and to the credit of the Corporation in such depositories as may be designated by the Board of Directors. He or she shall disburse the funds of the Corporation as may be ordered by the Board of Directors, taking proper vouchers for such disbursements, and shall render to the President and the Board of Directors at its regular meetings or when the Directors shall require, an account of all his or her transactions as Treasurer and of the financial condition of the Corporation. The Treasurer shall provide a bond in such sum and with such surety or sureties as the Board of Directors shall determine; and in general perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him/her.

Section 6.8 The Secretary. The Secretary shall attend all meetings of the Board of Directors and record all its proceedings in a book kept for that purpose. He or she may give, or cause to be given, notice of all Directors' meetings and shall perform such other duties as may be prescribed by the Board of Directors or by the President. The Secretary may certify all votes, resolutions and actions of the Board. The Secretary shall also keep

a register of the post office address and telephone numbers of each Director; and ensure that the seal of the Corporation is affixed to all documents, the execution of which on behalf of the Corporation under its seal is duly authorized; and be the custodian of the corporate records. The Secretary shall in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him/her.

Section 6.9 Clerk. The Clerk shall be the Registered Agent, and his or her office shall be the Registered Office of the corporation. The Clerk shall attend all meetings of the Board of Directors and shall record all proceedings in a book kept for such purpose, and in his or her absence, a temporary Clerk shall be appointed and shall record such meetings. He or she may give, or cause to be given, notice of all Directors' meetings and perform such other duties as may be prescribed by the Board of Directors or by the President. He or she may certify all votes, resolutions and actions of the Board of Directors. The Clerk shall have custody of the corporate seal and shall have authority to affix the same to any instrument requiring it to be so affixed and to attest the affixing. The Directors may give general authority to any other officer to affix the seal of the Corporation and to attest the affixing by his/her signature.

## ARTICLE VII PROPERTY MANAGEMENT SERVICES

Section 7.1. Advisory Board. The Board of Directors is authorized to retain professional property management services for the management of the Alweber Road subdivision and to charge the property management manager or company with such functions not directly engaged in the governance of the Corporation as the Board of Directors deems appropriate.

## ARTICLE VIII FINANCES AND ASSESSMENTS

Section 8.1. Checks. All checks or demands for money and notes of the Corporation shall be signed by the Treasurer and such other officers or persons as the Board of Directors may from time to time designate.

Section 8.2. Fiscal Year. The fiscal year of the Corporation shall end on December 31 unless otherwise fixed by resolution of the Board of Directors.

Section 8.3. Assessments. Members of the Corporation are liable for annual assessments for the maintenance of common amenities of the Alweber Road subdivision located at or near 133 River Road in Windham, Maine,

including, without limitation, the private road and the stormwater infrastructure serving the subdivision roadway runoff treatment. Assessments shall be made in accordance with that certain Declaration of Protective Covenants, Reservations, Restrictions and Homeowners Association Documents for Alweber Road Subdivision of near or even date herewith to be recorded in the Cumberland County Registry of Deeds (the "Declaration"). Assessments shall be made each fiscal year and the Board shall estimate the amount required by the Association to meet its expenses for such year, including but not limited to the following items:

- (a) Management and administration expenses;
- (b) The estimated cost of repairs, maintenance and replacement of the roadways, water and sewer systems;
- (c) The cost of such insurance and utilities as may be furnished by the Association;
- (d) The amount of such reserves as may be reasonably established by the Board, including general operating reserves, reserves for contingencies, and reserves for maintenance, repair and replacement of capital items;
- (e) Such other expenses of the Association as may be approved by the Board of Directors including operating deficiencies, if any, for prior periods.

At least thirty (30) days before the commencement of each fiscal year, the Board shall cause an estimated annual budget to be prepared based on its estimations of annual expenses and needed accumulations for capital expenses, and copies of such budget shall be furnished to each Member.

On or before the first day of each quarter of the fiscal year covered by such annual assessment, each member shall pay as his or her respective quarterly assessment one-fourth of his or her proportionate share of the amount designated in the estimated annual budget as membership assessments. The portion of each assessment pertaining to capital reserves shall be set up in a capital account established for each lot owner.

Until the annual budget for a fiscal year is sent to each Member by the Board, the Member shall continue to pay that amount which had been established on the basis of the previous estimated annual budget.

If any Member shall fail or refuse to make payment of his or her proportionate share of the common expenses or any other amount payable to the Association when due, the amount thereof shall bear interest at the rate of 18% per annum and, together with

such interest, shall constitute a lien on the lot of such Member. The Association and the Board shall have the authority to exercise and enforce any and all rights and remedies provided by these Bylaws, or otherwise available at law or in equity, for the collection of all unpaid amounts including the right to accelerate payment on the full assessment for the year.

Section 8.4. Revised and Emergency Assessments. If at any time prior to or during the course of any fiscal year the Board shall deem the amount of the membership assessments to be inadequate by reason of a revision of its estimate of either expenses or other income, the Board shall prepare and cause to be delivered to the Members, a revised estimated annual budget for the balance of such fiscal year and thereafter monthly assessments shall be determined and paid on the basis of such revision.

The Board may, upon finding that an emergency exists which requires immediate assessment of the Members, make an emergency assessment not to exceed an amount equal to the then current monthly assessment for each lot, which shall be due and payable when communicated to the Members.

Section 8.5. Maintenance and Repair. A Member shall reimburse the Association for any expenditures incurred for repairing or replacing any common areas and facilities damaged through his or her negligence, misuse or neglect. All other maintenance and repair of the common areas and facilities shall be performed at the direction of the Board of Directors and shall be a common expense.

Section 8.6. Enforcement Remedies. Every lot owner shall pay to the Association promptly on demand all costs and expenses, including reasonable attorneys' fees, incurred by or on behalf of the Association in collecting any delinquent assessments or fees against such lot, foreclosing its lien therefor, collecting any penalties imposed hereunder, or enforcing any provisions of the Declaration or these Bylaws against such owner or any other occupants of such lot.

Upon any violation of these Bylaws, or Rules and Regulations, the offending party and the owner (including any owner, tenant, lessee, licensee, guest or invitee and the owner of any lot in which the violation is occurring or has occurred) shall be given ten (10) days written notice by the Board by mail of the violation committed and the necessary corrective action that is required, and, if such violation continues beyond the ten (10) days, the offending party and the owner shall each pay a penalty in the amount of 10% of the then monthly assessment of the lot per day to the Association until violation is corrected. The mailing of the note shall constitute the commencement of the ten (10) day period.

Any person against whom a penalty is assessed under the preceding paragraph of this section shall be entitled to a hearing before the Board of Directors upon such reasonableness and in accordance with such reasonable procedures as the Board of Directors may determine, but a request for such a hearing shall not interrupt or stay the time for correcting the violation or the continued penalty assessment.

Section 8.7. Rules and Regulations. In order to assure the peaceful and orderly use and enjoyment of the common areas and facilities of the subdivision, the Association may from time to time adopt, modified and revoke in whole or in part by a vote of the Members present in person or represented by proxy whose aggregate interest in the lots constitutes 60%, at any meeting duly called for the purpose, such reasonable Rules and Regulations governing the conduct of persons within the subdivision as it may deem necessary including, but not limited to, methods and procedures for enforcing compliance with these Bylaws. Such Rules and Regulations, upon adoption, and every amendment, modification and revocation thereof, shall be delivered promptly to each Member and shall be binding upon all Members of the Association and occupants of lots within the subdivision.

Section 8.8. Foreclosure of Lien. In any action to foreclose the lien against any owner of a lot, the Association may represent itself through its Board of Directors in like manner as any mortgagee of real estate. The Board of Directors acting on behalf of the lot owners shall have the power to bid and acquire such lot at a foreclosure sale. The delinquent owner shall be required to pay to the Association in a reasonable rent for the use of such lot until sale are foreclosure, together with all costs and reasonable attorneys' fees. Suits to recover a money judgment for unpaid common expenses shall be maintainable in lieu of foreclosure, with the lot owner being liable for all costs and reasonable attorneys' fees incurred in connection with the action to obtain a money judgment against the delinquent lot owner.

## ARTICLE VIII LIABILITY; INDEMNIFICATION

Section 9.1. Directors and Agents. The individual property of the Directors, officers, employees or agents of the Corporation shall not be held liable for the debts of the Corporation.

Section 9.2. Indemnification. The Corporation shall indemnify without formal action by the Board of Directors, a person who is or was a Director, officer, employee or agent of the Corporation, or who is or was serving in another capacity at the request of the Corporation, to the fullest extent authorized by law, including, without limitation, liability for expenses incurred in defending against pending, commenced or threatened actions. The foregoing rights of indemnification shall, in the case of death or incapacity of any

Director, officer or other person described in this Section 10.2, inure to the benefit of his or her heirs, estate, executors, administrators, conservators or other legal representatives.

Section 9.3. Insurance. The Corporation may, at the discretion of the Board of Directors, purchase and maintain insurance on behalf of the persons described in Section 10.2, against any liability asserted against such person and incurred by such person in any such capacity, or arising out of his or her status as such, whether or not the Corporation would have the power to indemnify such person under the laws of the State of Maine.

## ARTICLE IX CONFLICTS OF INTEREST

Section 10.1. Statement of Potential Conflicts. Prior to taking his or her position on the Board of Directors, and annually thereafter, each Director shall submit in writing to the President of the Board of Directors a list of all businesses and other organizations of which he or she is an officer, director, trustee, member, owner (either as a sole proprietor or a partner), a shareholder, employee or agent with which the Corporation has, or might be expected to have, a relationship or a transaction in which the Director might have a conflicting interest. Each written statement will be resubmitted with any necessary changes annually. The President and the Board of Directors shall become familiar with the statements of all Directors in order to guide the conduct of the Board of Directors should such a conflict arise.

Section 10.2. Conduct of Meetings of the Board of Directors When a Conflict Exist. At such time as any matter comes before the Board of Directors which involves or may involve a conflict of interest, the affected Director shall make known the potential conflict, whether disclosed by his or her written statement or not. Such Director shall answer any questions that might be asked of him or her and shall disclose all material facts. At the request of the President, such Director shall withdraw from the meeting for so long as the matter shall continue under discussion.

Section 10.3. Effect of Conflict. No transaction in which a Director or an officer has a personal or adverse interest shall be void or voidable solely for the reason of such conflict or solely because the Director with the conflict is present at or participates in the meeting of the Board of Directors which approves the transaction, or because his or her vote is counted, if the material facts as to his or her interest and as to the transaction or relationship are disclosed or are known to the Board of Directors prior to such approval. An interested Director may be counted in determining the presence of a quorum at the meeting of the Board of Directors which authorizes, approves or ratifies a transaction or relationship described in this Article XI.



ARTICLE X  
MISCELLANEOUS

Section 11.1. Amendments. These Bylaws may be amended or repealed or new Bylaws adopted by the Directors at an Annual or Special Meeting, provided that the notice of the meeting and of the substance of the proposed change to the Bylaws is given according to law.

Section 11.2. Notice. Whenever under the provisions of the statutes, Articles of Incorporation or these Bylaws notice is required to be given to any Director or Member, such notice must be given in writing by personal delivery, by mail or by telephone, addressed to such Director or Member at his or her address as it appears on the records of the Corporation, with postage or other delivery fees prepaid, or at his or her telephone number as it appears on the records of the Corporation. Notice by mail shall be deemed to be given at the time it is deposited in the United States Mail.

Section 11.3. Syntax. Each reference in these Bylaws which refer to a Member as he, she, his or her shall also be construed to refer to any Corporate Member entity as "it".

ATTEST:\_\_\_\_\_ DATE:\_\_\_\_\_  
Clerk