



January 23, 2019

Amanda Lessard, Town Planner  
Town of Windham  
8 School Road  
Windham, ME 04062

**Re: Final Minor Subdivision Plan Application  
Windleigh Ridge Subdivision  
Daigle Financial & Development, LLC - Applicant**

Dear Amanda:

On behalf of Daigle Financial & Development LLC, we have prepared the enclosed application, plans and supporting material for Final Minor Subdivision Plan Approval of a proposed 3-lot residential subdivision to be developed as a Conventional Subdivision. The applicant intends to swap land with the abutting landowner to the south to reconfigure the property to the proposed "Lot A" configuration, and develop the remaining 6-acre property as a 3-lot subdivision served by a new 360-foot long road.

We are requesting the following waivers:

1. The proposed roadway will be built to meet the cross-section standard for a Minor Local Street. Waivers will be required for roadway centerline radius and the requirement for the road to end in a cul-de-sac. Based on the length and slope of the roadway, we believe the waiver requests are reasonable.
2. We did not identify potential issues or hazards with abutting property owners that would necessitate a hydrogeological assessment. The project is providing reasonable buffers for stormwater management, that will require the leach fields to be placed a significant distance from property lines that are hydraulically down-gradient from the development.
3. It is our opinion that a 24-foot wide paved roadway with 2 foot gravel shoulders is sufficient for the proposed development, and that sidewalks or expanded shoulders are unnecessary.

The three new homes will be served by underground power, on-site wastewater disposal systems and on-site private wells. The lot owners will utilize the town's curbside trash collection program for removal of solid waste. The project is expected to generate 3 peak hour trip ends and 30 daily vehicle trips based on estimates published by the Institute of Traffic Engineers.

Upon your review of this information, please let us know if you have any questions or require any additional information.

Sincerely,

DM ROMA CONSULTING ENGINEERS

A handwritten signature in black ink that reads "Dustin Roma".

Dustin M. Roma, P.E.  
President

**Project Name:** WINDLEIGH RIDGE SUBDIVISION

**Tax Map:** 9 **Lot:** 34, 34B1, 34B2

**Number of lots/dwelling units:** 3 LOTS **Estimated road length:** 375 FEET

**Is the total disturbance proposed > 1 acre?** ☐ Yes ☒ No

**Contact Information**

1. Applicant

Name: DAIGLE FINANCIAL & DEVELOPMENT, LLC

Mailing Address: 85 NASH 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: \_\_\_\_\_ Email: \_\_\_\_\_

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

Company Name: DM ROMA CONSULTING ENGINEERS

Mailing Address: PO BOX 1116, 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 Roma*

Signature

1-22-2019

Date

**Final Plan - Minor Subdivision: Submission Requirements**

<b>A. Mandatory Written Information</b>		Applicant	Staff
1	A fully executed application form, signed by person with right, title, or interest in the property	X	
2	Evidence of payment of the application and escrow fees	X	
3	Name, registration number and seal of the Maine Licensed Professional Land Surveyor who conducted the survey	X	
4	Name, registration number and seal of the licensed professional who prepared the plan (if applicable)	X	
5	Description of how solid waste generated at the site is to be collected and disposed of.	X	
6	Statement from the Maine Inland Fisheries & Wildlife that no significant wildlife habitat exists on the site	X	
7	Copies of existing or proposed deed restrictions or covenants.	X	
8	Copies of existing or proposed easements over the property	X	
9	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	
10	Financial Capacity. Estimated costs of development, and itemization of major costs	PENDING	
	i. Estimated costs of development, and itemization of major costs		
	ii. Financing - provide one of the following:		
	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		
	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		
11	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	
12	Name and contact information for the road association who's private way or road is used to access the subdivision (if applicable)	N/A	

<b>B. Mandatory Plan Information</b>		<b>Applicant</b>	<b>Staff</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	Existing and proposed street names, pedestrian ways, lot easements, and areas to be reserved or dedicated to public use	X	
9	All lots within the subdivision, including numbers for each lot, and map and lot number assigned by the Windham Assessing Department	X	
10	Location of all monuments as required by ordinance	X	
11	Location of any important or unique natural and site features including, but not limited to wetlands, water bodies, streams, scenic areas, sand and gravel aquifers, significant wildlife habitats, significant fisheries, treelines, historic and/or archaeological resources.	X	
12	Location of all yard setback lines.	X	
13	Medium intensity soils map for the area to be subdivided. The Planning Board may require submission of a high intensity soils map in instances where poor soils are evident.	X	
14	Location and results of test pits performed by a Maine Licensed Site Evaluator or Certified Soil Scientist if subsurface wastewater disposal systems (septic) are proposed.	X	
15	Written offers of cessation to the Town of all public open space shown on the plan.	N/A	
16	All conditions of approval and/or waivers required or granted by the Planning Board, with the exception of waivers from the submission requirements.	X	
17	Boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town's Flood Insurance Rate Map	N/A	

<b>C. Submission information for which a waiver may be granted.</b>		Applicant	Staff
1	Contour lines at intervals of 5 feet, or at lesser intervals as the Planning Board may require	X	
2	Description of how stumps and demolition debris will be disposed of	X	
3	A surface drainage plan or stormwater management plan with profiles and cross-sections showing the design of all facilities and conveyances necessary to meet the stormwater management standards set forth in Section 900.	X	
4	A soil erosion and sediment control plan prepared by a Maine Licensed Professional Engineer or a Certified Professional in Erosion and Sediment Control (CPESC).	X	
5	If subsurface wastewater disposal systems (septic) are proposed, a hydrogeologic assessment prepared by a Maine Licensed Site Evaluator or Certified Geologist.	WAIVER	
6	Show location of driveways	X	
<b>Electronic Submission</b>		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:** WINDLEIGH RIDGE SUBDIVISION

**Tax Map:** 9 **Lot:** 34 & 34B-1

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

Ordinance Section	Standard	Mark which waiver this form is for
911-M-5-B-b-ii	SIDEWALKS OR EXPANDED SHOULDERS REQUIRED	X
910-B-1-C-5	HYDROGEOLOGIC ASSESSMENT	X
	MINOR LOCAL STREET - CENTERLINE RADIUS	X
	MINOR LOCAL STREET - CUL-DE-SAC	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.

(continued next page)

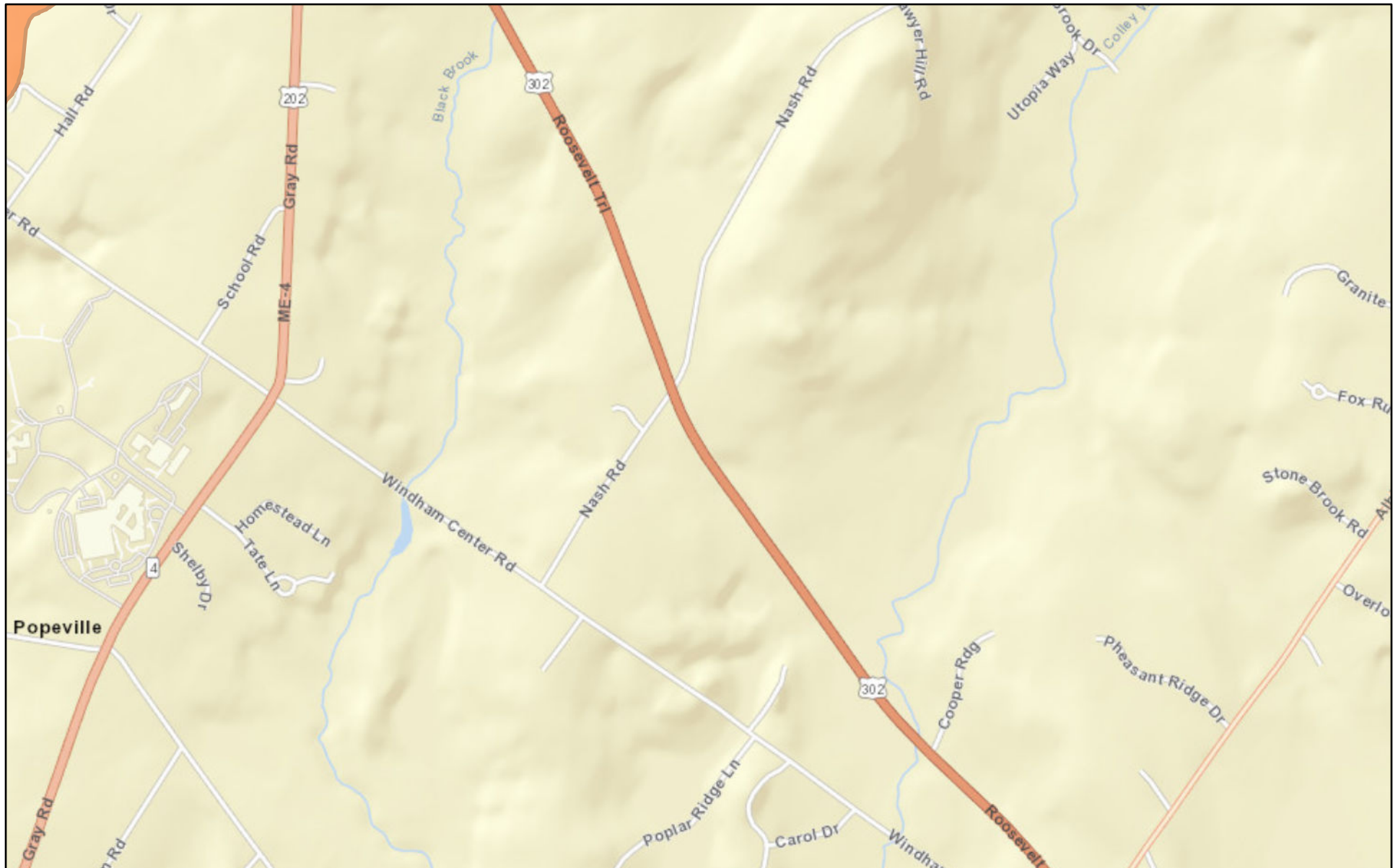
Ordinance Section: 911-M-5-B-B-ii 910-B-1-C-5

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.

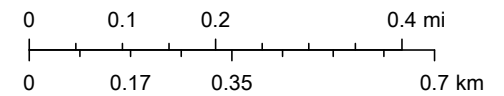
# Beginning With Habitat



January 22, 2019

 ETSC Animal Habitat Buffers

1:18,056



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

This map is intended for planning purposes and should not be used for  
Copyright 2016 Beginning With Habitat





To: Ben Daigle  
Daigle Financial and Development,  
LLC

Date: August 27, 2018

From: Alexander A. Finamore, CWS, LSE  
Mainely Soils, LLC

Re: Nash Road Subdivision, Windham, ME – Wetland Delineation  
and Site Evaluation Memorandum

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At the request of Daigle Financial and Development, LLC (the “Client”), Mainely Soils conducted on-site wetland and waterbody delineations and septic suitability test pits on approximately 8.5 acres for 4 proposed lots located on Nash Road in Windham, Maine. The Client proposes to subdivide the lot as allowed by town ordinance in the Town’s Farm Zone. These field investigations were performed to provide baseline environmental data to inform the proposed development of the site. The natural resources assessments described in this memorandum were completed in August 2018. In addition to describing the identified resources this report describes the existing conditions within the study area, and the methodologies employed for the assessments.

### **Project Description**

The project site is located within a zone of Residential development along the Nash Road corridor identified as the Farm District in the Town of Windham. The proposed development site is currently occupied by a residential dwelling, and recently cut open land surrounded by a fringe of forested land. Surrounding land use of the site is residential. Access to the proposed subdivision will be from Nash Road, extending Southeast into the property. In total, the wetland and waterbody delineation survey area encompassed approximately 8.5 acres, identified by the Town of Windham as Tax Map 9, LOTS 34, 34A, 34B01, and 34B02.

### **Site Description**

The Study Area occurs in the Southern Coastal biophysical region of Maine (McMahon, 1990). The Southern Coastal biophysical region is characterized by relatively flat terrain, with elevations generally ranging up to 100 feet above sea level. Bedrock is frequently exposed and covered by thin glacial deposits. Along the immediate coast, soils are generally deep sands (where beaches occur) or shallow sandy loams that are well to excessively drained. Extensive coarse-grained glaciomarine deposits occur in the central portion of the South Coastal Region and along its western margin. The survey area is located within the Presumpscot River watershed (Hydrologic Unit Classification (HUC) 8 identification 01060001).

The Natural Resource Conservation Service soil survey mapping identifies native soils at the site as being formed within very deep lodgement till found on hills, drumlins, till plains, and ground moraines (Paxton series) (Web Soil Survey, 2018). The Paxton series is a well drained soil map unit. Soils within the site are found on rolling terrain.

### **Study Methodology**

Mainely Soils conducted wetland delineation field work within the survey area on August 27, 2018. The boundary of wetlands were delineated in accordance with the Army Corps of Engineers 1987 Wetland Delineation Manual (1987 Manual) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0) (Regional Supplement, 2012). All wetland delineations were conducted using the Routine Determination Methods, which requires that a wetland contain a dominance of hydrophytic vegetation, hydric soils, and evidence of hydrology in order to be considered a wetland. Wetland boundaries were located and demarcated using

pink day-glow flagging, with each flag labeled with the corresponding alphabetic wetland identification code and a flag number (i.e. A1-1). Wetland flag locations were recorded in the field using a Trimble® GPS unit capable of sub meter accuracy, post processed, and transferred and incorporated onto project mapping.

One wetland area was delineated in the southern portion of the subject site . Additional field notes were also taken to record the classification of the wetland in accordance with the Classification of Wetlands and Deepwater Habitats of the United States, general site characteristics, unique qualities observed during the site assessment, and other considerations relevant to investigation findings and the future completion of a wetlands functions and values assessment in accordance with the Highway Methodology Workbook: Supplement. Representative photographs of each wetland were taken, field sketches were labeled of the wetland boundary on an aerial photograph-based map, and notes were recorded on the flagging sequence for each wetland.

Mainly Soils also surveyed the site for streams, in accordance with the State of Maine Natural Resources Protection Act stream criteria and definitions. No streams were observed onsite.

Test pits were dug and assessed on the subject site in accordance the Maine Subsurface Waste Water Disposal Rules by a Licensed Site Evaluator. One passing test pit was dug on each proposed lot.

## Study Results

Using the methodologies described above, a wetland delineation was performed on August 27, 2018. A description of the identified resources follows. Supporting attachments include Representative Photographs (Attachment 1). Wetland Delineation Data Forms can be provided upon request.

Wetlands at the project site consisted of one continuous feature that extended offsite to the South. The portion of the wetland found onsite was a palustrine forested seasonally saturated/flooded wetland dominated by deciduous trees (PFO1B)(Cowardin et al, 1979) located in a depressional landscape. The wetland was identified as A1. Dominant wetland vegetation consists of red maple (*Acer rubrum*), green ash (*Fraxinus pennsylvanica*), balsam fir (*Abies balsamea*), white pine (*Pinus strobus*), eastern hemlock (*Tsuga canadensis*), winterberry (*Ilex verticillata*), cinnamon fern (*Osmunda cinnamomea*), interrupted fern (*Osmunda claytoniana*), jewelweed (*Impatiens capensis*), sensitive fern (*Onoclea sensibilis*), fringed sedge (*Carex crinita*), and goldthread (*Coptis trifolia*). The soils within the wetland had a thick, dark silt mucky surface overlaying a depleted sandy substratum. Evidence of wetland hydrology included small pockets of water, water stained leaves, and saturation to the soil surface at the time of field investigations on August 27, 2018. Along the southwestern portion of the site, a small pond was present approximately 36" deep white water lily (*Nymphaea odorata*).

Three test pits were dug and assessed on the subject site by Alexander Finamore, LSE #391. Each test pit was located by GPS. One test pit was dug per lot. Two of the test pits were within lodgement till with a restrictive layer approximately 24" in depth and one was within a mixed origin soil with no restrictive layer. All test pits have suitable soils to support a 'First Time System' according to the Maine Subsurface Waste Water Disposal Rules.

## Summary

The information contained in this memorandum was collected in order to provide detailed, on-site information regarding wetland and waterbody resources. This information is intended to be used for project planning purposes and to support permitting needs. One forested wetland was delineated on the site, and was identified as Wetland A1. The wetland feature was located in a depression adjacent to an small pond. The wetland generally exhibited a seasonally

saturated/flooded hydroperiod, and provided groundwater discharge, floodflow alteration, and stormwater/water quality maintenance functions.

Wetlands are regulated by the U.S. Army Corps of Engineers under the federal Clean Water Act, and by the Maine Department of Environmental Protection under the Maine Natural Resources Protection Act (NRPA). The State of Maine further differentiates wetlands under NRPA by regulating certain wetlands as “wetlands of special significance” (WOSS). If the small pond is determined to be over 20,000 square feet in size, wetlands associated with it may be a WOSS, although all wetlands are still subject to NRPA jurisdiction as non-WOSS wetlands.

Wetlands within the survey area may be further regulated under municipal ordinances, such as Shoreland Zone, Site Plan Review, or other local ordinances. Impacts to wetlands resulting from proposed project development require that permits first be obtained from the MDEP and the USACE before proceeding with construction, and where applicable, municipal governing bodies. Consultation with these agencies early in the project design process is encouraged.

#### **References:**

- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitat in the United States. U.S. Fish and Wildlife Service. FWS/OBD-79/31 103pp.
- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.
- McMahon, J.S. 1990. The Biophysical Regions of Maine: Patterns in the Landscape and Vegetation. University of Maine.
- U.S. Army Corps of Engineers (USACE). 2012. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. ERDC/EL TR-12-01. Vicksburg, MS: U.S. Army Engineer Research and Development Center.
- Web Soil Survey. 2018. U.S. Department of Agriculture – Natural Resources Conservation Service.  
<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

#### **Attachments:**

1. Representative Site Photographs

### SOIL PROFILE/CLASSIFICATION INFORMATION

### Detailed Description of Subsurface Conditions at Project Sites

Project Name:	Applicant Name:	Project Location (municipality):
Nash Road Subdivision	Daigle Financial and Development, LLC	Windham


	<b>SOIL DESCRIPTION AND CLASSIFICATION</b>					
	Exploration Symbol:		<b>TP-1</b>	<input checked="" type="checkbox"/> Test Pit	<input type="checkbox"/> Boring	
	1 * Depth of Organic Horizon Above Mineral Soil					
	<b>Texture</b>	<b>Consistency</b>	<b>Color</b>	<b>Mottling</b>		
-0						
-1	SANDY LOAM	FRIABLE	DARK BROWN	NONE		
-2				OBSERVED		
-3						
-4						
-5						
-6						
-7			YELLOWISH BROWN			
-8						
-9						
-10						
-12						
-14						
-17	LOAMY SAND		LIGHT YELLOWISH BROWN			
-18						
-20						
-24						
-26		FIRM				
-28						
-30	LIMIT OF EXCAVATION = 30"					
-36						
-40						
-50						
-60						
-66						
C.S.S.	hydic non-hydic	Slope % <b>0</b>	Limiting factor <b>24"</b>	X	ground water restrictive layer bedrock	
C.S.S.	Soil Series / phase name:					
L.S.E.	Soil Classification: <b>3</b>	Profile <b>C</b>	Drainage Class <b>Hydrologic Group</b>			

SOIL DESCRIPTION AND CLASSIFICATION				
Exploration Symbol:		TP-3	<input checked="" type="checkbox"/> Test Pit	<input type="checkbox"/> Boring
* Depth of Organic Horizon Above Mineral Soil				
0	Texture	Consistency	Color	Mottling
1	SANDY LOAM		DARK	NONE
2			YELLOWISH	OBSERVED
3			BROWN	
4				
5				
6				
7				
8				
9	LOAMY SAND		LIGHT YELLOWISH	
10			BROWN	
11				
12				
13				
14				
15				
16				
17	LOAMY SAND W/ GRAVEL	FIRM	PALE YELLOW	
18				
19				
20				
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LIMIT OF EXCAVATION = 30"				
25				
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SOIL DESCRIPTION AND CLASSIFICATION				
Exploration Symbol:		TP-2	<input checked="" type="checkbox"/> Test Pit	<input type="checkbox"/> Boring
** Depth of Organic Horizon Above Mineral Soil				
0	Texture	Consistency	Color	Mottling
1	SANDY LOAM	FRIABLE	DARK BROWN	NONE OBSERVED
2				
3				
4				
5				
6				
7			LIGHT	
8			YELLOWISH BROWN	
9				
10				
12				
14				
16				
18				
20	LOAMY SAND W/ STONES		PALE BROWN	
21				
22				
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32				
LIMIT OF EXCAVATION = 32"				
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SOIL DESCRIPTION AND CLASSIFICATION				
Exploration Symbol:		<input type="checkbox"/> Test Pit	<input type="checkbox"/> Boring	
* Depth of Organic Horizon Above Mineral Soil				
Texture	Consistency	Color	Mottling	
0				
1				
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3				
4				
5				
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60				
<input type="checkbox"/> hydric <input type="checkbox"/> non-hydric	Slope %	Limiting factor	<input type="checkbox"/> ground water <input type="checkbox"/> restrictive layer <input type="checkbox"/> bedrock	
C.S.S.	Soil Series / phase name:		Drainage Class	Hydrologic Group
L.S.E.	Soil Classification:		Profile	Soil Condition

## Professional Endorsements (as applicable)

C.S.S.	signature:	Date:
	name printed/typed:	Lic. #:
L.S.E.	signature: 	Date: <b>8/27/18</b>
	name printed/typed: <b>Alexander A. Finamore</b>	Lic. #: <b>391</b>



# STORMWATER MANAGEMENT REPORT

## WINDLEIGH RIDGE SUBDIVISION NASH ROAD WINDHAM, MAINE

### A. Narrative

Daigle Financial & Development, LLC is proposing to develop a 7.8-acre parcel located off Nash Road in Windham. The project site is located on lots 34 and 34B-1 on the Town of Windham Assessors Map 9 and is located in the Farm Zoning District.

This proposed development will consist of 3 single family residential lots including the construction of approximately 370 linear feet of paved roadway, utilities and stormwater infrastructure. The project site is tributary to Black Brook, which drains to the Presumpscot River.

### B. Alterations to Land Cover

The 7.8-acre parcel consists of undeveloped woods and meadow. A portion of the property has been recently cut in anticipation for the proposed development. The proposed roadway will create approximately 12,000 square feet (0.28± acres) of new impervious area including the paved travel way and gravel shoulders. The development of the roadway and lots will result in an overall developed area of approximately 88,000 square feet (2.0± acres). Limits of expected land disturbance have been included on the Subdivision Plan.

The site is moderately sloped, draining northerly to Nash Road or southeasterly to an existing pond located on abutting property that is accessed from Windham Center Road. Both directions are tributary to Black Brook. The onsite soils in the area of proposed development are classified on the Medium Intensity Soil Maps for Cumberland County, Maine published by the Natural Resources Conservation Service as Paxton fine sandy loam, which has a hydrologic soil group rating of "C" and is characterized as a well-drained soil.

### 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 from runoff generated by the development while providing attenuation of the peak rates of runoff leaving the site. Methodology and sizing of stormwater management devices and erosion control measures are based on the Maine Department of Environmental Protection (MDEP) Stormwater Best Management Practices Manual.

D. Basic Standards

The project is required by the Town to provide permanent and temporary Erosion Control Best Management Practices. These methods are incorporated into the project design and outlined in detail in the plan set.

E. General Standard

The project creates less than 1 acre of impervious surface and is classified by the Town of Windham as a Minor Subdivision and is not required to meet MDEP Chapter 500 General Standards.

F. Flooding Standard

The Town of Windham Land Use Ordinance requires the project to detain, retain or result in the infiltration of stormwater from the 24-hour storms of the 2-year, 10-year and 25-year frequencies such that the peak flows of stormwater from the project site do not exceed the peak flows of stormwater prior to undertaking the project. As an alternative to performing pre-development and post-development peak flow analysis, the Ordinance states that the Flooding Standard may be waived in the event that greater than 75% of the impervious and developed areas for both the lots and infrastructure are treated through the use of buffers. The project has been designed utilizing this alternative method by providing forested buffers downhill of the lots and the roadway. The buffers have been designed based on the methodology and standards outlined in Chapter 5 of the MDEP Stormwater Best Management Practices Design Manual.

G. Maintenance of common facilities or property

The applicant will be responsible for the maintenance of the stormwater facilities until a homeowners' association is created. Enclosed within this submission is an Inspection, Maintenance and Housekeeping Plan for the project.

Prepared by:

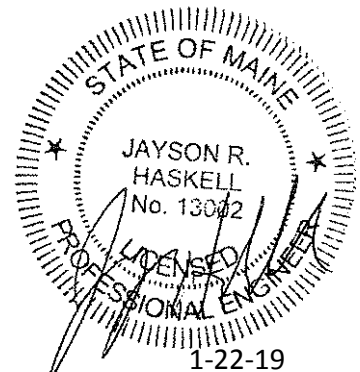
DM ROMA CONSULTING ENGINEERS



J.P. Connolly  
Senior Project Engineer



Jayson R. Haskell P.E.  
Southern Maine Regional Manager



## **ATTACHMENT 1**

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### **MEDIUM INTENSITY SOILS MAP**



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



Map Scale: 1:2,010 if printed on A landscape (11" x 8.5") sheet.

0 25 50 100 150 Meters

0 50 100 200 300 Feet

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



**Natural Resources  
Conservation Service**

Web Soil Survey  
National Cooperative Soil Survey

9/4/2018  
Page 1 of 3





## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

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

Survey Area Data: Version 13, Sep 11, 2017

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 29, 2012—Jun 26, 2016

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

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
PbB	Paxton fine sandy loam, 3 to 8 percent slopes	5.9	75.4%
WrB	Woodbridge fine sandy loam, 0 to 8 percent slopes	0.4	5.5%
WsB	Woodbridge very stony fine sandy loam, 0 to 8 percent slopes	1.5	19.1%
<b>Totals for Area of Interest</b>		<b>7.9</b>	<b>100.0%</b>

## Cumberland County and Part of Oxford County, Maine

### PbB—Paxton fine sandy loam, 3 to 8 percent slopes

#### Map Unit Composition

*Paxton and similar soils:* 87 percent

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

#### Description of Paxton

##### Setting

*Landform:* Drumlinoid ridges

*Landform position (two-dimensional):* Summit, shoulder

*Landform position (three-dimensional):* Interfluve, crest

*Down-slope shape:* Convex

*Across-slope shape:* Convex

*Parent material:* Coarse-loamy lodgment till derived from mica schist

##### Typical profile

*H1 - 0 to 8 inches:* fine sandy loam

*H2 - 8 to 20 inches:* fine sandy loam

*H3 - 20 to 65 inches:* fine sandy loam

##### Properties and qualities

*Slope:* 3 to 8 percent

*Depth to restrictive feature:* 18 to 40 inches to densic material

*Natural drainage class:* Well drained

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

Moderately low to moderately high (0.06 to 0.60 in/hr)

*Depth to water table:* About 30 to 42 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* Very low (about 2.9 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 2e

*Hydrologic Soil Group:* C

*Hydric soil rating:* No

## Data Source Information

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

Survey Area Data: Version 13, Sep 11, 2017

## **ATTACHMENT 2**

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# **INSPECTION, MAINTENANCE AND HOUSEKEEPING PLAN**



## INSPECTION, MAINTENANCE, AND HOUSEKEEPING PLAN

### WINDLEIGH RIDGE SUBDIVISION WINDLEIGH RIDGE DRIVE WINDHAM, MAINE

#### **Responsible Party**

Owner: Daigle Financial & Development, LLC  
85 Nash Road  
Windham, ME 04062

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. **Construction vehicles and equipment:** Construction vehicles and equipment shall not be driven or stored within the infiltration basins. To ensure the infiltration basins function as designed perpetually, prohibiting vehicles and equipment from the infiltration areas will limit the risk of inhibiting the function of the infiltration basins due to compaction.
4. **Snow Storage:** The proposed underdrained filter basin (FB-1) shall not be utilized for snow storage. Snow storage areas shall be located away from the basins, and in areas that will direct snow melt runoff into one of the basins on site.
5. **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.

### **Housekeeping**

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. 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.
- E. 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.

Municipalities with separate storm sewer systems regulated under the Maine Pollutant Discharge Elimination System (MPDES) Program may report on all regulated systems under their control as part of their required annual reporting in lieu of separate certification of each system. Municipalities not regulated by the MPDES Program, but that are responsible for maintenance of permitted stormwater systems, may report on multiple stormwater systems in one report.

#### **Duration of Maintenance**

Perform maintenance as described.

# MAINTENANCE LOG

## WINDLEIGH RIDGE 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 and MDEP 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.			
Forested Buffers	Check after significant rainfall event >1" to ensure that flow is not channelizing.			
	Remove dead trees as necessary			
	Inspect semi-annually for erosion or sediment accumulation and repair as necessary.			
Regular Maintenance	Clear accumulation of winter sand in paved areas annually.			

**Declaration of Existence and Maintenance  
Of Private Way Known as WINDLEIGH RIDGE DRIVE  
Windham, Cumberland County, Maine**

**Benefitting Lots Owned By Developer  
Daigle Financial and Development, LLC**

**THIS DECLARATION** dated this January \_\_\_\_, 2019 (herein called the "Declaration"), by Benjamin Daigle, Sole Member of **Daigle Financial and Development, LLC**, (hereinafter the 'Developer') of Windham, Cumberland County, Maine, with a mailing address of PO Box 142, Westbrook, ME 04098, **witnesseth:**

**WHEREAS**, the Declarant is the owner of certain parcels of land abutting the Nash and Windham Center Roads in Windham, Cumberland County, Maine., and further being described as **Lot 1, Lot 2, Lot 3, Lot 4** and a parcel shown as a proposed private way to be known as Windleigh Ridge Drive, all as shown on a certain plan entitled "Subdivision Plan, \_\_\_\_\_ Subdivision, Windham, Maine, for Daigle Financial & Development, LLC," prepared by DM Roma, Consulting Engineers, PO Box 1116, Windham, ME 04062., dated \_\_\_\_\_, revised through \_\_\_\_\_, approved by the Windham Planning Board on \_\_\_\_\_, 2019, and recorded (or to be recorded) in the Cumberland County Registry of Deeds in Plan Book \_\_\_\_\_, Page \_\_\_\_\_; and

**WHEREAS**, the portion of the parcel designated on said plan as Windleigh Ridge Drive has been approved by the Town of Windham Planning Board as a private way, and the location and boundaries of which approved private way are as shown on said recorded plan; and

**WHEREAS**, the Declarant is desirous of outlining and declaring the respective rights, duties and obligations of the Developer and owners of Lot 1, Lot 2, Lot 3 and Lot 4 as shown on said plan with regard to the further improvement, use, maintenance, repair and plowing and snow removal of /from the approved private way to be known as Windleigh Ridge Drive (hereinafter "private way");

**WHEREAS**, the Developer has caused a Non-Profit Corporation titled **WINDLEIGH RIDGE HOMEOWNERS AND ROAD ASSOCIATION, INC.** to be authorized and incorporated in the State of Maine in order to, in the future, receive the fee interest in the private way and to allow for the appropriate maintenance and upkeep for the private way by the then owners of the premises served by the private way.

**NOW, THEREFORE**, in consideration of the premises, the Declarant and Developer hereby covenant between themselves and the future owners of Lots 1-4 served by Windleigh Ridge Drive and agree that Lot 1, Lot 2, Lot 3 and Lot 4 shall each be conveyed together with, and share a common perpetual easement for access purposes over and across Windleigh Ridge Drive as shown on the said plan, for establishing, constructing using and maintaining a roadway over and across the private way, and for establishing, constructing, using and maintaining utility lines over, under and across said private way to provide services to said lots;

**AND FURTHERMORE**, the Declarants hereby declare that Lot 1, Lot 2, Lot 3, and Lot 4 shall each be held, transferred, sold and conveyed subject to the following covenants, agreements, liens and charges relating to the

improvement, maintenance, repair and snow plowing of and snow removal from Windleigh Ridge Drive as delineated on said plan:

1. Once the roadway is constructed by the Developer, approved by the Town of Windham and until all of the lots being served by the private way, the Developer shall provide all maintenance, etc. and services for the benefit of all of the lots. As each lot is sold to a third party, then that third party owner shall, on a pro rata basis of 25% each, be responsible for said maintenance fees. Once all of the lots have been sold, then the owners of Lot 1-4 shall jointly and severally be responsible for a fractional share each in the pro rata amount of 25%, of the necessary cost of improving, maintaining, repairing, plowing snow removal or similar services for Windleigh Ridge Drive as shown on the plan.

2. If, at any time, circumstances change such that the private way (Windleigh Ridge Drive) provides access to and serves additional improved lots other than Lots 1 - 4, then upon the occurrence of such event, the owner, or owners, of each additional individual lot served or in the case of a lot which is improved with more than one dwelling unit, each dwelling unit, which is provided access and served by the private way, shall thereafter jointly and severally be responsible for an equal share (based on the number of individual lots provided access and served by the private way) of the necessary cost of improving, maintaining, repairing, plowing and/or snow removal or similar services for the private way. Any lot served by the private way shall bear a fractional share of the said private way expenses whether or not such lot is improved with a dwelling unit and shall be held responsible for the payment of the pro rata share assigned to that lot as of the date of the conveyance to the new third party lot owner.

3. Once the private way is fully constructed and accepted by the Town of Windham, and until such time as the underlying fee interest of Windleigh Ridge Drive is conveyed to Windleigh Ridge Homeowners and Road Association, Inc. any substantive decisions concerning the private way, including the improvement, maintenance, repair and plowing of or snow removal from the private way shall be made by majority vote of, or written consent of a majority of, all of the then owners of lots provided access and served by the private way. Each lot shall be entitled to one (1) vote through its owner(s) regardless of the number of dwelling units on that lot.

5. Each third party lot owner(s), upon receipt, and acceptance of said deed for a lot, said owner then automatically, agrees and understands that said acceptance of the deed, he/she/they become(s) a member of the Windleigh Ridge Homeowners and Road Association, Inc. And are thereafter bound by it Bylaws then in effect.

4. The duties and obligations imposed by this Declaration shall run with the land.

5. The respective duties and obligations imposed by this Declaration shall be transferred to respective donees or purchasers of Lot 1, Lot 2, Lot 3 and Lot 4 (and other lots actually served by the private way), and that upon such transfer of all of the Lots, and the conveyance of the underlying fee interest of Windleigh Ridge Drive to the Homeowners and Road Association the Developer is no longer bound by these duties and obligations and is relieved from any further obligations relative to Windleigh Ridge Drive.

6. The Declarant, for itself and its successors and assigns, acknowledge, understand and agree that the Town of Windham is not responsible for the maintenance, repair, plowing, of or snow removal from, or similar services for the approved private way as shown on the said plan.

7. In the event that any or all of Windleigh Ridge Drive is ever approved and accepted as a public way or way, then upon acceptance of said Windleigh Ridge Drive as a public way this Declaration and the rights and obligations herein shall terminate as to any portion of River View Drive so accepted.

Dated this January \_\_\_\_, 2019

Daigle Financial and Development, LLC

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By: **Benjamin Daigle**  
**Its Sole Member**

State of Maine  
County of Cumberland, ss.

January \_\_\_, 2019

Then personally appeared the above named **Benjamin Daigle** individually and as the Sole Member of Daigle Financial and Development, LLC, acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Daigle Financial and Development, LLC.

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Laurence P. Minott, Jr., Esq.  
Maine Attorney at Law  
Bar Roll: 3525

**BY-LAWS OF  
WINDLEIGH RIDGE HOMEOWNERS & ROAD ASSOCIATION, INC.**

**ARTICLE I**

Name, Location and Fiscal Year

Section 1. Name. The name of the corporation is **WINDLEIGH RIDGE HOMEOWNERS & ROAD ASSOCIATION, INC.** (the "Corporation").

Section 2. Location. The principal office of the corporation shall be located at Windham, Maine.

Section 3. Fiscal Year. The fiscal year of the corporation shall, unless otherwise decided by the Board of Directors, end December 31.

**ARTICLE II**

Purposes

Section 1. Purposes. The purposes of said corporation are to act on behalf of its members collectively as their governing body with respect to the administration, maintenance, and general upkeep of certain property known as Windleigh Ridge Drive, located in the Town of Windham, County of Cumberland and State of Maine and as such to acquire any rights or interest therein or appurtenances thereto as may be incidental or necessary to such purpose.

**ARTICLE III**

Members

Section 1. Membership. The owner or owners of record of a lot being served by Windleigh Ridge Drive, from time to time, of each owner of property shall constitute one member of the Association and each such member shall have the fraction of common interest, common expenses, liabilities and voting rights in the corporation.

Section 2. Termination of Membership. The membership of each owner shall terminate when he or she ceases to be an owner of property and upon the sale, transfer or other disposition of his or her ownership interest in the property his or her membership in the corporation shall automatically be transferred to the new property owner succeeding to such ownership interest.

Section 3. Meetings and Notice. Meetings of members shall be held at the property. An annual meeting of the members shall be held on the \_\_\_\_\_ day of \_\_\_\_\_ in each year, commencing with 2019 at \_\_\_\_\_ .m. Special meetings of the members may be called by the President, the Board of Directors or upon a petition signed by fifty (50) percent of the

members. Written notice of any meeting shall be given to each member by the Secretary not less than ten (10) days nor more than thirty (30) days before the meeting by mailing it postage prepaid to the member's mailing address or to any other mailing address designated in writing by the member. The notice shall specify the time and place of the meeting and the items on the agenda.

Section 4. Quorum. A quorum for any meeting shall be constituted by persons entitled to cast fifty (50) percent of the votes for election of the executive board, attending in person or represented by proxy.

## **ARTICLE IV**

### **The Board of Directors**

Section 1. Composition. The Board of Directors shall consist of a number, not less than three nor more than five, which shall be fixed for the ensuing year by the members at the annual meeting.

Section 2. Election and Term. The directors shall be elected at the annual meeting from among the members or spouses of members or in the case of a property owner which is a corporation, partnership, trust or estate, a designated agent thereto. At the first Annual Meeting of members, the term of office of one (1) director shall be fixed at three (3) years; the term of office of one (1) director shall be fixed at two (2) years; and the term of office of the remaining directors shall be fixed at one (1) year. At the expiration of the initial term of office of each respective directors his or her successor shall be elected to serve a term of three (3) years. The directors shall hold office until their successors have been elected. If the number of directors shall be increased the terms of such additional directors shall be fixed so that the terms of at least one-third (1/3) of the persons on the Board shall expire annually.

Section 3. Powers. The business of the corporation shall be managed by the Board of Directors which shall have and may exercise all the powers of the corporation, except those powers reserved to the members by these By-laws. Notwithstanding the foregoing, the Board shall have no authority to approve any capital expenditure in excess of \$2,000 nor to authorize the corporation to enter into any contract for a term of more than three (3) years except with the approval in writing of a majority of the members. Capital expenditures greater than \$10,000 shall require approval in writing of three-fourths of the members.

A.) On an annual basis, and starting with the first meeting of the Directors, the

Directors shall, in accordance with 23 MRSA 3101, choose a surveyor (road commissioner) who will have all of the enumerated powers as stated in Section 3101 - 3104. (See below at Article VI, Section 8 for further detail; also Attachment A to these Bylaws.)

Section 4. Meetings of Directors. Meetings of the Board of Directors may be held at any time and place upon call by the President or by a majority of the Directors, reasonable notice thereof being given to each Director. Notice that a meeting has been called may be given by the President, Vice President, Treasurer, Secretary or by one of the Directors. Notice of any meeting of the Board of Directors may be waived in writing signed by the person or persons entitled to such notice whether before or after the time of such meeting and shall be equivalent to the giving of such notice. Attendance of a Director at such meeting shall constitute a Waiver of Notice thereof, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because such meeting is not lawfully convened. Neither the business to be transacted at nor the purpose of any meeting of the Board of Directors need be specified in the notice, or waiver of notice of such meeting.

Section 5. Quorum and Voting. A majority of the directors then in office shall constitute a quorum. A majority of less than a quorum may, from time to time, postpone to a new time or place any meeting and the adjourned meeting may be held without further notice. If a quorum exists a majority of the directors present may take any action except the removal of a director for cause which shall require a majority vote of all directors then in office.

Section 6. Action by Consent. Any action required or permitted to be taken at any meeting of the Board of Directors may be taken without a meeting if a written consent thereto is signed by all the Directors. The Secretary shall file such written consent with the records of the meetings of the Board of Directors. Such consent shall be treated as a vote of the Board of Directors for all purposes.

Section 7. Vacancies. A vacancy in the Board of Directors shall be filled by the members by the election of a successor to hold office for the unexpired term of the director whose place is vacant and until his successor is elected.

Section 8. Removal. A director may be removed from office by a vote of seventy-five (75) percent of the members present and entitled to vote in the election of directors. A director may be removed for cause by a majority vote of all directors then in office.

Section 9. Compensation. Directors shall not receive compensation for their services



except as provided by resolution of a majority of the members of the corporation. Directors shall be reimbursed for any out of pocket expenses incurred which are reasonable and necessary in performing their duties on behalf of the corporation.

Section 10. Election to Managing Agent. The Board of Directors may delegate to a managing agent all of the powers of the Board, except the responsibility of preparing the annual budget and any supplemental budgets and any powers requiring approval of any specified percentage of members.

## **ARTICLE V**

### **Officers**

Section 1. Designation and Qualification. The officers of the corporation shall consist of a President, a Treasurer, a Secretary and/or Clerk and such other officers as the Board of Directors may elect. The President and Treasurer shall be members or spouses of members or in the case of a property owner which is a corporation, partnership, trust or estate a designated agent thereof. The Clerk need not be a member, but shall be a resident of Maine.

Section 2. Election and Term. All officers shall be elected by the Board of Directors at its first meeting following the annual meeting of the members and shall hold office until the first meeting of the Board of Directors following the next annual meeting of members and until their successors are elected.

Section 3. President. The President shall be a Director and shall be the chief executive officer of the corporation. The President shall have general supervision and control of the business of the corporation subject to the direction of the Board of Directors shall also have such other powers and duties as the Board of Directors may decide. The President shall preside at all meetings of the members at all meetings of the Board of Directors. If the President is absent from a meeting of the members of the Board of Directors, the Treasurer shall preside at such meeting.

Section 4. Treasurer. The Treasurer shall have, subject to the direction of the Board of Directors, general charge of the financial affairs of the corporation and shall keep full and accurate records thereof which shall always be open to the inspection of any member or owner of property. He or she shall render to the President and Directors, at the regular meetings of the Board of Directors, or whenever they may require it, a statement of the accounts of his or her transactions as Treasurer and of the financial condition of the corporation.

Section 5. Secretary. The Secretary shall record the proceedings of all meetings of the members and of the Board of Directors in books kept for that purpose. Record books of members' meetings shall be open at all reasonable times to the inspection of any member or property owner. The Secretary shall also keep the membership transfer books of the corporation. He or she shall notify the members and the directors of all meetings in accordance with the By-laws. If the Secretary is absent from any meeting of the members or the Board of Directors, a Temporary Secretary shall be chosen to exercise the duties of the Secretary at such meeting.

Section 6. Vacancies. A vacancy in any office may be filled by the Board of Directors by the election of a successor to hold office for the unexpired term of the officer whose place is vacant and until his or her successor is chosen and qualified.

Section 7. Removal. All officers may be removed from their respective offices by the Board of Directors.

Section 8. Resignation. Any officer may, at any time, resign his or her office by a resignation in writing delivered to the corporation at its principal office or to the President or Secretary. Such resignation shall be effective upon receipt and acceptance thereof shall not be necessary to make it effective unless it so states.

Section 9. Compensation. The officers shall receive no compensation for their services unless expressly provided for in a resolution adopted by the majority of the members of the corporation. The officers shall be reimbursed for out of pocket expenses incurred which are reasonable and necessary in performing their duties on behalf of the corporation.

## **ARTICLE VI**

### Assessments

Section 1. Budget. The Board of Directors shall cause to be prepared an estimated annual budget for each fiscal year of the corporation. Such budget shall take into account the estimated common expenses and cash requirements for the year including services, maintenance, repairs, landscaping, insurance, taxes and other common expenses. The Board shall establish and maintain an adequate reserve fund for the period maintenance repair, and replacement of improvements to the common areas and limited common areas. The reserve fund shall be included in the budget and maintained out of regular assessments for common expenses. To the extent that the assessments and other cash income collected during the preceding year shall be more or less than the expenditures for such preceding year, the surplus or deficit as the case may

be, shall also be taken into account.

Section 2. Payment. The estimated Annual Budget for each fiscal year shall be approved by the Board Directors, and copies thereof shall be furnished to each member and property owner within thirty (30) days of adoption, and in any event no later than 90 days after the beginning of such year. The Board shall set a date for a meeting of the members to consider ratification of the budget not less than fourteen (14) nor more than thirty (30) days after mailing of the budget. Notice of said meeting shall accompany the budget. Unless at that meeting a majority of all property owners reject the budget, the budget is ratified whether or not a quorum is present. In the event the proposed budget is rejected, the periodic budget last ratified by the members shall be continued until such time as the members ratify a subsequent budget proposed by the Board of Directors. On or before the first day of the first month and of each succeeding month of the year covered by the annual budget, each member shall pay, as his or her respective monthly assessment for the common expenses or his or her proportionate share of the common expenses for such year as shown by the annual budget. Such proportionate share for each member shall be in accordance with his or her respective ownership interest in the common areas and facilities. No member shall be relieved of his or her obligation to pay his or her assessments for common expenses by abandoning or not using his or her property or the common areas and facilities.

Section 3. Statements. Within ninety (90) days after the end of each year covered by an annual budget, or as soon thereafter as shall be practicable, the Treasurer shall cease to be furnished to each member a statement for such year so ended showing the receipts and expenditures and such other information as he or she may deem desirable.

Section 4. Separate Accounts. The Treasurer shall cease to be kept a separate account of each member showing his or her respective assessments charged to and paid by such member and the status of his or her account from time to time.

Section 5. Additional Assessments. In the event that during the course of any year it shall appear to the Treasurer that the monthly assessments determined in accordance with the estimated annual budget for such year are insufficient or inadequate to cover the estimated common expenses for the remainder of such year, then the Board of Directors shall prepare and approve a supplemental budget covering the estimated deficiency for the remainder of such year and shall cause the same to be presented to the members for ratification in the same manner as

the budget. Upon ratification of the supplemental budget a supplemental assessment shall be made to each member for his or her proportionate share of such supplemental budget.

Section 6. Common Expenses. It shall be the duty of every member to pay his or her proportionate share of the common expenses. In the same ratio as his or her percentage of ownership in the common areas and facilities.

Section 7. Budget Expenses. The President and/or Treasurer subject to Board direction, shall have the authority to enter into contracts on behalf of the corporation for work and expenses provided in the budget and to make payment therefor from the funds of the corporation.

Section 8. Collection of Assessments. Should any assessment made to each Member not be paid to the Association by that Member, no later than the end of a ninety-day period after the date of the billing for an assessment (routine annual or special assessments), then the corporation shall have the authority to invoke the powers and authorities as stated in Title 23 MRSA Section 3101, et seq., in order to collect any type or kind of unpaid assessments by any Members of the Association. By reference thereto, Sections 3101 thru 3105 of the Maine Revised Statute, as amended and contained in Title 23, are hereby incorporated herein as an integral part of these Bylaws.

## **ARTICLE VII**

### **Amendment**

Section 1. Amendment of By-Laws. These By-Laws may be amended or modified from time to time by action or approval of seventy-five (75) percent of the members, except that no amendment may violate the provisions of Maine Revised Statutes, Title 33, Chapter 31.

End




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January 24, 2019

To whom it may concern,

This letter verifies that Daigle Financial & Development has sufficient financial capacity up to \$100,000.00 to complete the Windleigh Ridge sub division as of January 24, 2019. If you have any questions, please contact us at University Credit Union.

  
Shawn MacDonald  
MSR