



May 8, 2019

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

**Re: Final Major Subdivision Plan Application
Highland Woods Subdivision
MTR Development, LLC - Applicant**

Dear Amanda:

On behalf of the applicant, MTR Development LLC, we have prepared the enclosed Final Subdivision Plan Application and supporting materials for the above reference project. The statutory deadline for MDEP Stormwater Permit and NRPA Permit Approval is May 13th and we have confirmation from MDEP that they will not require an extension. A copy of the Army Corps Permit for the wetland fill is attached.

Also enclosed are draft homeowners documents including Articles of Incorporation, Bylaws and Restrictions for the Town's review.

Please let this letter serve as the applicant's offer of cession for the roadway and open space to be offered for public acceptance. We understand that a public access easement over the road and open space must be recorded prior to the sale of any lots.

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

Sincerely,

DM ROMA CONSULTING ENGINEERS

Dustin Roma

Dustin M. Roma, P.E.
President

Project Name: HIGHLAND WOODS SUBDIVISION

Tax Map: 7 **Lot:** 36

Number of lots/dwelling units: 11 **Estimated road length:** 1,550

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

Contact Information

1. Applicant

Name: MTR DEVELOPMENT, LLC

Mailing Address: PO BOX 1028, WESTBROOK, ME 04098

Telephone: 854 - 4583 Fax: _____ E-mail: CHRISDIGSDIRT@GMAIL.COM

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

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

5-8-19

Date

Applicant
t

Staff

Final Plan - Major Subdivision: Submission Requirements**A. Mandatory Written Information**

| | | | |
|---|---|---|--|
| 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. | X | |
| 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 | X | |
| 7 | Digital transfer of subdivision plan data (GIS format) | X | |

B. Mandatory Plan Information

| | | | |
|---|--|---------|--|
| 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 | PENDING | |
| 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 | |

Electronic Submission

X



REPLY TO
ATTENTION OF

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

MAINE GENERAL PERMIT (GP)
AUTHORIZATION LETTER AND SCREENING SUMMARY

MTR DEVELOPMENT, LLC
P.O. BOX 1028
WESTBROOK, MAINE 04098

CORPS PERMIT # NAE-2019-00534
CORPS GP ID# non-screen
STATE ID# L-28126-NJ-A-N
L-28126-TC-B-N

DESCRIPTION OF WORK:

Place permanent fill in 14,365 s.f. of freshwater wetlands off Highland Cliff Road at Windham, Maine in order to construct a road and associated infrastructure for an 11-lot single-family residential subdivision. This work is shown on the attached plans entitled "SITE LOCATION MAP" in one sheet dated "11-13-2018", "WETLAND IMPACT MAP" in five sheets dated "1-15-2019".
See ADDITIONAL CONDITIONS attached.

LAT/LONG COORDINATES: 43.752730° N -70.388570° W USGS QUAD: NORTH WINDHAM, ME

I. CORPS DETERMINATION:

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

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

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

Condition 37 of the GP (page 16) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP on October 13, 2020. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 13, 2021.

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

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

II. STATE ACTIONS: PENDING [X], ISSUED [], DENIED [] DATE _____

APPLICATION TYPE: PBR: _____, TIER 1: X, TIER 2: _____, TIER 3: _____, LURC: _____, DMR LEASE: _____, NA: _____

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: non-screen LEVEL OF REVIEW: CATEGORY 1: X CATEGORY 2: _____

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

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

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA n/a, USF&WS n/a, NMFS n/a

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


COLIN M. GREENAN
PROJECT MANAGER
MAINE PROJECT OFFICE


LINSDEY E. LEFEBVRE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION

11 APR 2019



**US Army Corps
of Engineers®**
New England District

**PLEASE NOTE THE FOLLOWING ADDITIONAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
GENERAL PERMIT
NO. NAE-2019-00534**

1. The permittee shall assure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work. If the permit is issued after construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers jurisdiction.
2. Adequate sedimentation and erosion control devices, such as geotextile silt fences or other devices capable of filtering the fines involved, shall be installed and properly maintained to minimize impacts during construction. These devices must be removed upon completion of work and stabilization of disturbed areas. The sediment collected by these devices shall be removed and placed upland, in a manner that will prevent its later erosion and transport to a waterway or wetland.
3. All exposed soils resulting from the construction shall be promptly seeded and mulched in order to achieve vegetative stabilization.
4. No additional filling of waters of the United States (wetlands or waterways) for lot development is authorized without written approval from the Corps.
5. The buyers of lots 6, 7, 4 and 5 in this subdivision shall be provided a copy of this permit and plans showing buildable window areas.
6. This permit authorizes impacts to only those areas of wetlands/waterway shown on the attached plans. No other filling, clearing or other disturbance in waters of the United States shall occur without the necessary authorization from the Corps.
7. In the event additional wetland/waterway fill is authorized and the cumulative impacts exceed the more than minimal threshold of the Maine Programmatic General Permit, the permittee may be responsible to provide appropriate compensatory mitigation to compensate for these impacts.
8. No tree cutting shall occur between June 1st and July 31st of any year and to the maximum extent practicable, tree cutting shall occur between October 16th and April 9th of any year in order to minimize potential impacts to federally threatened northern long-eared bats.



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
INLAND FISHERIES & WILDLIFE
284 STATE STREET
41 STATE HOUSE STATION
AUGUSTA ME 04333-0041

CHANDLER E. WOODCOCK
COMMISSIONER

September 26, 2018

Jayson Haskell
DM Roma Consulting Engineers
P.O. Box 1116
Windham, ME 04062

RE: Information Request - Highland Cliff Road subdivision, Windham

Dear Jayson:

Per your request received September 20, 2018, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and inland fisheries habitat concerns within the vicinity of the *Highland Cliff Road subdivision Project* in Windham.

Our Department has not mapped any Essential or Significant Wildlife Habitats or inland fisheries habitat that would be directly affected by your project.

Endangered, Threatened, and Special Concern Species

Bats

Of the eight species of bats that occur in Maine, the three *Myotis* species are protected under Maine's Endangered Species Act (MESA) and are afforded special protection under 12 M.R.S §12801 - §12810. The three *Myotis* species include little brown bat (State Endangered), northern long-eared bat (State Endangered), and eastern small-footed bat (State Threatened). The five remaining bat species are listed as Special Concern: big brown bat, red bat, hoary bat, silver-haired bat, and tri-colored bat.

While a comprehensive statewide inventory for bats has not been completed, based on historical evidence it is likely that several of these species occur within the project area during migration and/or the breeding season. We recommend that you contact the U.S. Fish and Wildlife Service--Maine Fish and Wildlife Complex (Wende Mahaney, 207-902-1569) for further guidance, as the northern long-eared bat is also listed as a Threatened Species under the Federal Endangered Species Act. Otherwise, our Agency does not anticipate significant impacts to any of the bat species as a result of this project.

This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas Program and Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

Letter to Jayson Haskell
Comments RE: Highland Cliff Road subdivision, Windham
September 26, 2018

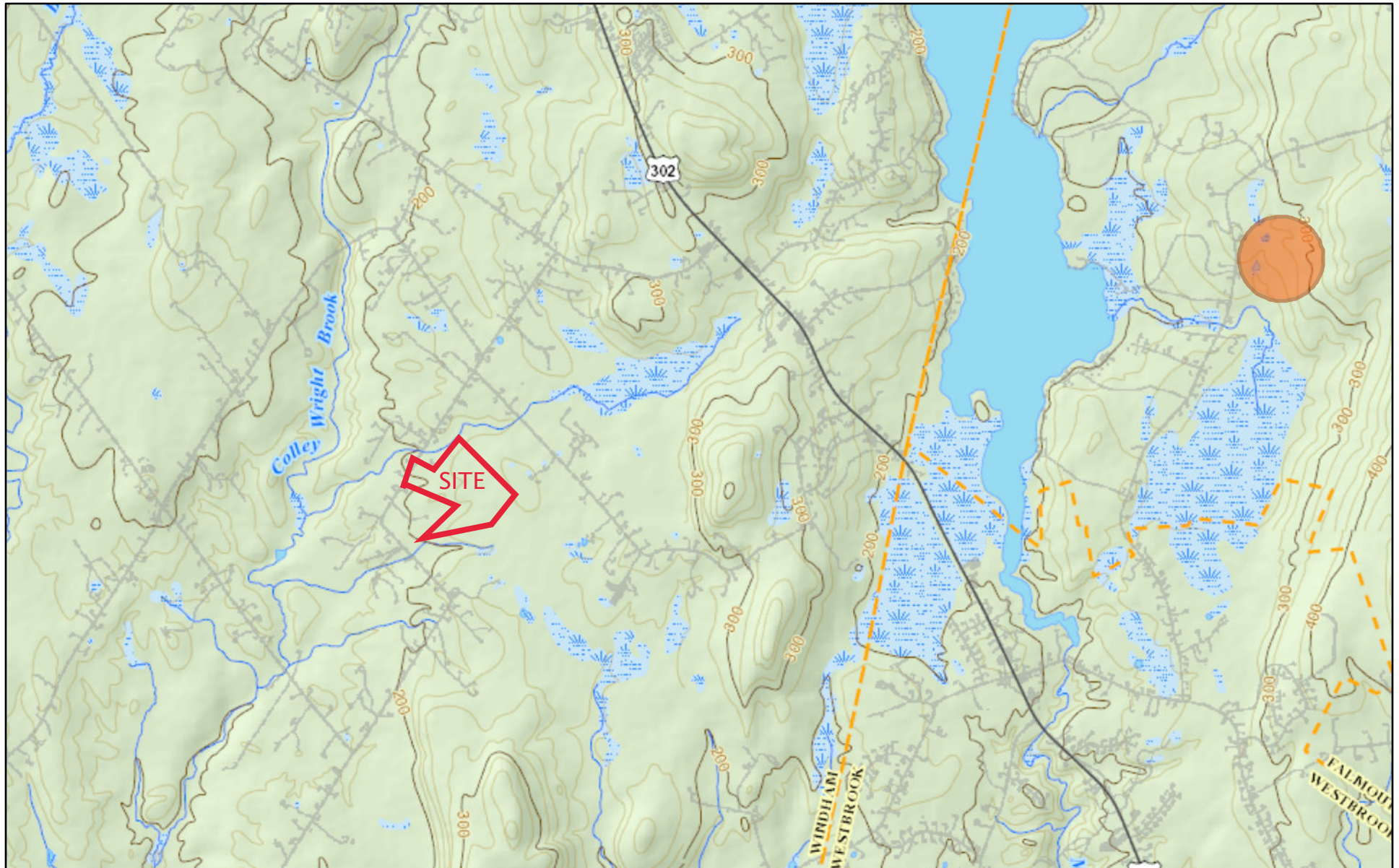
Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

A handwritten signature in blue ink, appearing to read "JP", followed by a stylized flourish.

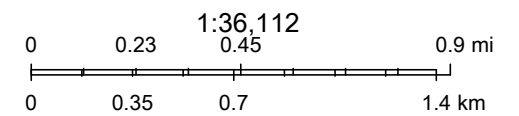
John Perry
Environmental Review Coordinator

Beginning With Habitat



June 4, 2018

 ETSC Animal Habitat Buffers





PAUL R. LePAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

93 STATE HOUSE STATION
AUGUSTA, MAINE 04333

WALTER E. WHITCOMB
COMMISSIONER

October 3, 2018

Jayson Haskell
DM Roma
PO Box 1116
Windham, ME 04062

Via email: jayson@dmroma.com

Re: Rare and exemplary botanical features in proximity to: #17001, Highland Woods Subdivision, Windham, Maine

Dear Mr. Haskell:

I have searched the Natural Areas Program's Biological and Conservation Data System files in response to your request received September 19, 2018 for information on the presence of rare or unique botanical features documented from the vicinity of the project in Windham, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

MOLLY DOCHERTY, DIRECTOR
MAINE NATURAL AREAS PROGRAM



PHONE: (207) 287-8044
FAX: (207) 287-8040
WWW.MAINE.GOV/DACF/MNAP

The Natural Areas Program is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. The Natural Areas Program welcomes coordination with individuals or organizations proposing environmental alteration, or conducting environmental assessments. If, however, data provided by the Natural Areas Program are to be published in any form, the Program should be informed at the outset and credited as the source.

The Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$150.00 for two hours of our services.

Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,

A handwritten signature in cursive script, appearing to read "Krist Puryear".

Kristen Puryear | Ecologist | Maine Natural Areas Program
207-287-8043 | kristen.puryear@maine.gov

Rare and Exemplary Botanical Features within 4 miles of Project: #17001, Highland Woods Subdivision, Windham, Maine

| Common Name | State Status | State Rank | Global Rank | Date Last Observed | Occurrence Number | Habitat |
|---|--------------|------------|-------------|--------------------|-------------------|--|
| Broad Beech Fern | | | | | | |
| | SC | S2 | G5 | 1872-08 | 15 | Hardwood to mixed forest (forest, upland) |
| | SC | S2 | G5 | 2001-08-28 | 28 | Hardwood to mixed forest (forest, upland) |
| Clothed Sedge | | | | | | |
| | E | S1 | G5 | 2000-06-06 | 5 | Dry barrens (partly forested, upland) |
| Ebony Spleenwort | | | | | | |
| | SC | S2 | G5 | 1910-06-06 | 10 | Rocky summits and outcrops (non-forested, upland),Hardwood to mixed forest (forest, upland) |
| Engelmann's Spikerush | | | | | | |
| | PE | SH | G4G5 | 1916-08-31 | 2 | Open wetland, not coastal nor rivershore (non-forested, wetland) |
| Enriched Northern Hardwoods Forest | | | | | | |
| | <null> | S3 | GNR | 2001-08-28 | 34 | Hardwood to mixed forest (forest, upland) |
| Fern-leaved False Foxglove | | | | | | |
| | SC | S3 | G5 | 1902-09-02 | 13 | Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland) |
| Great Blue Lobelia | | | | | | |
| | PE | SX | G5 | 1905-09 | 3 | Forested wetland,Non-tidal rivershore (non-forested, seasonally wet) |
| Horned Pondweed | | | | | | |
| | SC | S2 | G5 | 1913-09-13 | 9 | Tidal wetland (non-forested, wetland) |
| Marsh Milkwort | | | | | | |
| | PE | SH | G5T4 | 1903-08-18 | 1 | Dry barrens (partly forested, upland),Open wetland, not coastal nor rivershore (non-forested, wetland) |
| Missouri Rockcress | | | | | | |
| | T | S1 | G5 | 1905-06-11 | 5 | Rocky summits and outcrops (non-forested, upland),Hardwood to mixed forest (forest, upland) |
| Mountain Honeysuckle | | | | | | |

Rare and Exemplary Botanical Features within 4 miles of Project: #17001, Highland Woods Subdivision, Windham, Maine

| Common Name | State Status | State Rank | Global Rank | Date Last Observed | Occurrence Number | Habitat |
|----------------------------|--------------|------------|-------------|--------------------|-------------------|---|
| | E | S2 | G5 | 2007-10-05 | 11 | Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland) |
| Pitch Pine Woodland | | | | | | |
| | <null> | S3 | G2 | 2005-12-08 | 28 | Rocky summits and outcrops (non-forested, upland) |
| Small Reed Grass | | | | | | |
| | SC | S3 | G5 | 2011-08-28 | 18 | Old field/roadside (non-forested, wetland or upland) |
| Spotted Pondweed | | | | | | |
| | T | S1 | G5 | 1995-10-01 | 3 | Open water (non-forested, wetland) |
| Vasey's Pondweed | | | | | | |
| | SC | S2 | G4 | 1901-08-04 | 7 | Open water (non-forested, wetland) |

STATE RARITY RANKS

- S1** Critically imperiled in Maine because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.
- S2** Imperiled in Maine because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- S3** Rare in Maine (20-100 occurrences).
- S4** Apparently secure in Maine.
- S5** Demonstrably secure in Maine.
- SU** Under consideration for assigning rarity status; more information needed on threats or distribution.
- SNR** Not yet ranked.
- SNA** Rank not applicable.
- S#?** Current occurrence data suggests assigned rank, but lack of survey effort along with amount of potential habitat create uncertainty (e.g. S3?).

Note: **State Rarity Ranks** are determined by the Maine Natural Areas Program for rare plants and rare and exemplary natural communities and ecosystems. The Maine Department of Inland Fisheries and Wildlife determines State Rarity Ranks for animals.

GLOBAL RARITY RANKS

- G1** Critically imperiled globally because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extinction.
- G2** Globally imperiled because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- G3** Globally rare (20-100 occurrences).
- G4** Apparently secure globally.
- G5** Demonstrably secure globally.
- GNR** Not yet ranked.

Note: **Global Ranks** are determined by NatureServe.

STATE LEGAL STATUS

Note: State legal status is according to 5 M.R.S.A. § 13076-13079, which mandates the Department of Conservation to produce and biennially update the official list of Maine's **Endangered** and **Threatened** plants. The list is derived by a technical advisory committee of botanists who use data in the Natural Areas Program's database to recommend status changes to the Department of Conservation.

- E** ENDANGERED; Rare and in danger of being lost from the state in the foreseeable future; or federally listed as Endangered.
- T** THREATENED; Rare and, with further decline, could become endangered; or federally listed as Threatened.

NON-LEGAL STATUS

- SC** SPECIAL CONCERN; Rare in Maine, based on available information, but not sufficiently rare to be considered Threatened or Endangered.
- PE** Potentially Extirpated; Species has not been documented in Maine in past 20 years or loss of last known occurrence has been documented.

ELEMENT OCCURRENCE RANKS - EO RANKS

Element Occurrence ranks are used to describe the quality of a rare plant population or natural community based on three factors:

- **Size**: Size of community or population relative to other known examples in Maine. Community or population's viability, capability to maintain itself.
- **Condition**: For communities, condition includes presence of representative species, maturity of species, and evidence of human-caused disturbance. For plants, factors include species vigor and evidence of human-caused disturbance.
- **Landscape context**: Land uses and/or condition of natural communities surrounding the observed area. Ability of the observed community or population to be protected from effects of adjacent land uses.

These three factors are combined into an overall ranking of the feature of **A**, **B**, **C**, or **D**, where **A** indicates an **excellent** example of the community or population and **D** indicates a **poor** example of the community or population. A rank of **E** indicates that the community or population is **extant** but there is not enough data to assign a quality rank. The Maine Natural Areas Program tracks all occurrences of rare (S1-S3) plants and natural communities as well as A and B ranked common (S4-S5) natural communities.

Note: **Element Occurrence Ranks** are determined by the Maine Natural Areas Program for rare plants and rare and exemplary natural communities and ecosystems. The Maine Department of Inland Fisheries and Wildlife determines Element Occurrence ranks for animals.

Visit our website for more information on rare, threatened, and endangered species!
<http://www.maine.gov/dacf/mnap>



PAUL R. LePAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

93 STATE HOUSE STATION
AUGUSTA, MAINE 04333

WALTER E. WHITCOMB
COMMISSIONER

November 1, 2018

Jayson Haskell
DM Roma Consulting Engineers
59 Harvest Hill Road
Windham, ME 04062

Via email: jayson@dmroma.com

Re: Rare and exemplary botanical features in proximity to: Project #17001, Highland Woods Subdivision, Small Whorled Pogonia Comments, Windham, Maine

Dear Mr. Haskell:

I have searched the Natural Areas Program's Biological and Conservation Data System files in response to your request received October 24, 2018 for information on the presence of rare or unique botanical features documented from the vicinity of the project in Windham, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

Regarding Small Whorled Pogonia, the nearest mapped occurrence is approximately 4 miles to the northwest near Dundee Pond in Gorham. The Highland Woods Subdivision site is unlikely to have Small Whorled Pogonia and no survey for this species is therefore recommended for the following reasons: 1) historic aerial imagery indicates that the site was heavily selectively harvested during the late 1960s to early 1990s, and it would be unlikely to have matured enough since then to provide appropriate habitat; 2) the topography of the site is relatively flat which is not what the species prefers; and 3) modeled habitat for the species, which is based on a variety of relevant criteria, indicates this area has low to very low potential.

According to the information currently in our Biological and Conservation Data System files, there are also no other rare botanical features documented specifically within the project area. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified

MOLLY DOCHERTY, DIRECTOR
MAINE NATURAL AREAS PROGRAM



PHONE: (207) 287-8044
FAX: (207) 287-8040
WWW.MAINE.GOV/DACF/MNAP

information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

The Natural Areas Program is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. The Natural Areas Program welcomes coordination with individuals or organizations proposing environmental alteration, or conducting environmental assessments. If, however, data provided by the Natural Areas Program are to be published in any form, the Program should be informed at the outset and credited as the source.

The Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$225.00 for two hours of our services.

Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,

A handwritten signature in cursive script, appearing to read "Krist Puryear".

Kristen Puryear | Ecologist | Maine Natural Areas Program
207-287-8043 | kristen.puryear@maine.gov



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

PAUL R. LEPAGE
GOVERNOR

KIRK F. MOHNEY
DIRECTOR

November 8, 2018

Mr. Jayson R. Haskell
DM Roma
2 Main Street, Suite 18128
Biddeford, ME 04005

Project: MHPC# 1319-18 Wilson; Highland Woods Subdivision
Residential Subdivision Project

Town: Windham, ME

Dear Mr. Haskell:

In response to your recent request, I have reviewed the information received October 29, 2018 to initiate consultation on the above referenced project.

Based on the information provided, I have concluded that there are no National Register listed or known National Register eligible properties on or adjacent to the parcels. In addition, the project area is not considered sensitive for archaeological resources.

Please contact Megan M. Rideout of our staff, at megan.m.rideout@maine.gov or 207-287-2992, if we can be of further assistance in this matter.

Sincerely,

Kirk F. Mohney
State Historic Preservation Officer

**DOMESTIC
NONPROFIT CORPORATION**

STATE OF MAINE

ARTICLES OF INCORPORATION

Filing Fee \$40.00

Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

Pursuant to 13-B MRSA §403, the undersigned incorporator(s) execute(s) and deliver(s) the following Articles of Incorporation:

FIRST: The name of the corporation is Highland Woods Homeowners Association

SECOND: ("X" one box only. Attach additional page(s) if necessary.)

☐ The corporation is organized as a public benefit corporation for the following purpose or purposes:

☒ The corporation is organized as a mutual benefit corporation for all purposes permitted under Title 13-B or, if not for all such purposes, then for the following purpose or purposes:
Homeowners Association

THIRD: The Registered Agent is a: (select **either** a Commercial or Noncommercial Registered Agent)

☐ Commercial Registered Agent CRA Public Number: _____

(name of commercial registered agent)

☒ Noncommercial Registered Agent
Andrew L. Broaddus, Esq.

(name of noncommercial registered agent)
706 Main Street, 1st Floor, Westbrook, Maine 04092

(physical location, not P.O. Box – street, city, state and zip code)
P.O. Box 368, Westbrook, Maine 04098

(mailing address if different from above)

FOURTH: Pursuant to 5 MRSA §108.3, the new commercial registered agent as listed above has consented to serve as the registered agent for this nonprofit corporation.

FIFTH: The number of directors (not less than 3) constituting the initial board of directors of the corporation, if the number has been designated or if the initial directors have been chosen, is 3.

The minimum number of directors (not less than 3) shall be 3 and the maximum number of directors shall be 3.

SIXTH: Members: ("X" one box only.)

☐
☒

There shall be no members.

There shall be one or more classes of members and the information required by 13-B MRSA §402 is attached.

SEVENTH: (Optional) ☐ (Check if this article is to apply.)

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

EIGHTH: (Optional) ☐ (Check if this article is to apply.)

Other provisions of these articles including provisions for the regulation of the internal affairs of the corporation, distribution of assets on dissolution or final liquidation and the requirements of the Internal Revenue Code section 501(c) are set out in Exhibit _____ attached hereto and made a part hereof.

Incorporators

Dated _____

(signature)

Street _____
(address)

(type or print name)

(city, state and zip code)

(signature)

Street _____
(address)

(type or print name)

(city, state and zip code)

(signature)

Street _____
(address)

(type or print name)

(city, state and zip code)

For Corporate Incorporators*

Name of Corporate Incorporator MTR Development, LLC

By _____ Street 161R Warren Avenue
(signature of officer) (principal business location)

Christopher R. Wilson, Authorized Member Westbrook ME 04092
(type or print name and capacity) (city, state and zip code)

Name of Corporate Incorporator _____

By _____ Street _____
(signature of officer) (principal business location)

(type or print name and capacity) (city, state and zip code)

***Articles are to be executed as follows:**

If a corporation is an incorporator (13-B MRSA §401), the name of the corporation should be typed or printed and signed on its behalf by an officer of the corporation. The articles of incorporation must be accompanied by a certificate of an appropriate officer of the corporation, not the person signing the articles, certifying that the person executing the articles on behalf of the corporation was duly authorized to do so.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

**Secretary of State
Division of Corporations, UCC and Commissions
101 State House Station
Augusta, ME 04333-0101
Telephone Inquiries: (207) 624-7752**

Email Inquiries: CEC.Corporations@Maine.gov

**ATTACHMENT TO ARTICLES OF INCORPORATION
HIGHLAND WOODS HOMEOWNERS ASSOCIATION**

Each Lot Owner in Highland Woods Subdivision, Windham, Maine, shall be a member of Highland Woods Homeowners Association and each Lot shall be entitled to one vote on each matter submitted to a vote at a meeting of members. Each Lot Owner shall be liable for and assessed his or her proportionate share of the costs and expenses of the Highland Woods Homeowners Association. The rights, duties, obligations, responsibilities, assessments, and other matters of the Highland Woods Homeowners Association and its members are set forth in the Bylaws of the Highland Woods Homeowners Association to be recorded in the Cumberland County Registry of Deeds.

**ATTACHMENT TO ARTICLES OF INCORPORATION
HIGHLAND WOODS HOMEOWNERS ASSOCIATION**

BE IT RESOLVED, that I, ANDREW L. BROADDUS, in my capacity as Clerk and Registered Agent for MTR DEVELOPMENT, LLC hereby certifies that CHRISTOPHER R. WILSON, being the Authorized Member of MTR DEVELOPMENT, LLC and being the person executing the Articles of Incorporation for Highland Woods Homeowners Association, was duly authorized to do so.

Dated at Westbrook, Maine this day of May, 2019.

MTR DEVELOPMENT, LLC

By: Andrew L. Broaddus, Esq.
Its: Clerk and Registered Agent

BYLAWS OF HIGHLAND WOODS HOMEOWNERS ASSOCIATION A NOT-FOR-PROFIT CORPORATION

ARTICLE I Offices

1.1 Location The principal office of the Highland Woods Homeowners Association (also referred to as the "Association" or "Corporation") shall be located at 706 Main Street, 1st Floor, Westbrook, Maine. The Corporation may also maintain additional offices at such other places within or outside the State of Maine as the Board of Directors may from time to time determine.

1.2 Purpose. The purpose of the Association is to hold title to real estate that is labeled "open space" and on plans and ownership and maintenance of streets if not accepted as town streets and maintenance of the stormwater facilities in compliance with the requirements of the DEP approval for Highland Woods Subdivision in Windham, Maine ("the Subdivision") and to maintain and manage the same for the benefit of the members as defined below.

1.3 Declarations. Each of the members as defined below shall, upon acceptance of a deed to a lot in the subdivision, acknowledge the association's By Laws, Rules and Regulations and such other documentation as controls the Association.

ARTICLE II Members

2.1 Who shall be Members. The members of the Corporation shall consist of any person, firm or entity who is an owner of any of the parcels of land in the Subdivision ("Individual Member"). Regardless of the number of owners of any particular parcel said owners shall be considered an Individual Member with one (1) vote and shall be responsible for the payment one dues and assessment amount as set forth below.

2.2 Transfers and Suspension of Membership. Ownership of any of the parcels in the Subdivision shall require the owner to be a member of this Association. Membership in the Corporation shall not be transferable.

Any member may be suspended for nonpayment of dues or other assessments by majority vote of the Board of Directors at a meeting duly called for that purpose. No fines or penalties of a monetary nature may be assessed or levied against any member for any reason whatsoever except as set forth herein. Once suspended, a member will lose all rights, to access or use the association property until such time as all outstanding dues or assessments including arrearages are paid in full to the satisfaction of the Board of Directors.

2.3 Annual Meeting. A meeting of the members of the Corporation (the "Annual Meeting") shall be held annually for the election of the directors and officers and the transaction of such other business as may

be properly come before the meeting, during the month of April in each year or such other month as may be determined by the Board of Directors from time to time, at the office of the Corporation or other meeting place approved by the Board of Directors of the Corporation in the State of Maine, on such day as may be designated, by the Board of Directors of the Corporation and set forth in the notice of such meeting or if that day shall be a legal holiday where the meeting is to be held, on the next succeeding day.

2.4 Special Meetings. Special meetings of the members may be called by the President or Vice President of the Corporation, who may, in writing, demand the call of a special meeting specifying the date and month thereof, which shall not be more than thirty (30) days from the date of such written demand. Special meetings may also be convened by any three (3) members of the Board of Directors or any ten (10) Individual Members of the Corporation, who may, in writing, demand the call of a special meeting specifying the date and month thereof, which shall not be less than one nor more than two months from the date of such written demand, shall promptly give notice of such meeting, or if he/she fails to do so within fifteen business days thereafter, any member signing such demand may give such notice.

2.5 Record Date for Meetings and Other Actions. For the purpose of determining the members entitled to notice of or to vote at any meeting or members or any adjournment thereof, or to express consent to or dissent from any proposal without a meeting, or for the purpose of determining members entitled to receive any distribution or the allotment of any rights, or for the purpose of any other action by the members, the Board of Directors may fix in advance, a date as to the record date for any such determination of members. Such record date shall not be more than sixty nor less than thirty days before the date of such meeting. If no record date is so fixed by the Board of Directors, (1) the record date for the determination of members entitled to vote at a meeting of members shall be at the close of business on the day next preceding the day on which the notice is given, or if no notice is given, the date on which the meeting is held, and (2) the record date for determining members for any purpose other than those specified above shall be at the close of the business day on which the resolution of the Board of Directors relating thereto is adopted.

A determination of members of record entitled to notice of or to vote at any meeting of members that has been made in accordance with this section shall apply to any adjournment thereof, unless the Board of Directors fixes a new record date under this section for the adjourned meeting.

2.6 Notices of Meetings. Whenever members are required or permitted to any action at a meeting, written notice shall be given to the members by the Secretary stating the place, date and hour of the meeting and, unless it is the annual meeting, indicating that it is being issued by or at the direction of the person or persons calling the meeting. As provided in Section 2.4, notice of a special meeting shall also state the purpose or purposes for which the meeting is called. A copy of the notice of any meeting shall be given, personally or by mail, to each member entitled to vote at such meeting.

When a meeting is adjourned to another time or place, it shall not be necessary to give any notice of the adjourned meeting if the time and place to which the meeting is adjourned are announced at the meeting at which the adjournment is taken, and at the adjourned meeting any business may be

transacted that might have been transacted on the original date of the meeting. However, if after the adjournment the Board of Directors fixes a new record date for the adjourned meeting, a notice of the adjourned meeting shall be given to each member of record on the new record date entitled to notice under this section.

2.7 Waivers of Notice. Notice of any meeting need not be given to any member who submits a signed waiver of notice, in person or by proxy, whether before or after the meeting. The attendance of any member at a meeting, in person or by proxy, without protesting prior to the conclusion of the meeting the lack of notice of such meeting, shall constitute a waiver of notice by such member.

2.8 List or Record of Members at Meeting. A list or record of member entitled to vote as of the record date, certified by the Secretary, shall be produced, at any meeting or members upon the request therefore of any member who has given notice to the Corporation that such request will be made at least ten days prior to such meeting. If the right to vote at any meeting is challenged, the inspectors of election or the person presiding thereat shall require such list or record of members to be produced as evidence of the right of the persons challenged to vote at such meeting, and all persons who appear from such list or record to be members entitled to vote thereat may vote at such meeting.

2.9 Quorum at Meetings. Except as otherwise provided by law, the Certificate of Incorporation, or these bylaws, Individual members entitled to cast fifty percent (50%) of the total number of votes entitled to be cast thereat shall constitute a quorum at any meeting of members for the transaction of any business. Notwithstanding the foregoing, the members present at any meeting may adjourn any meeting to another date not more than sixty (60) days after the date of such meeting, time, or place despite the absence of a quorum.

2.10 Presiding Officer and Secretary. At any meeting of the members, if neither the President nor the Vice President, nor a person designated by the Board to preside at the meeting shall be present, the Individual Members present shall appoint a presiding officer for the meeting. If neither the Secretary nor an Assistant Secretary shall be present, the appointee of the person presiding at such meeting shall act as secretary of the meeting.

2.11 Proxies. All proxies shall be in writing and shall be filed with the Secretary of the Corporation before being voted.

2.12 Inspectors of Election. Except as otherwise required by law, the Certificate of Incorporation, or these bylaws, whenever directors are to be elected by the members, they shall be elected by a majority of the votes cast at a meeting of members by the members entitled to vote in the election. Whenever any corporate action, other than the election of directors is to be taken by vote of the members, it shall, except as otherwise required by law, the Certificate of Incorporation, or these bylaws, be authorized by a majority of the votes cast at a meeting of members by the members entitled to vote thereon.

2.13 Vote of Members. Except as provided in the preceding paragraph, any reference in these bylaws to corporate action at a meeting of members by majority vote or two-thirds vote shall require that action

be taken by such proportion of the votes cast at such meeting. Blank votes, abstentions or absentees shall not be counted in the number of votes cast.

Regardless of the number of individuals or entities that may hold title to any of the parcels in the Highland Woods Subdivision, each parcel shall be entitled to one (1) vote. In the event such co-owners cannot agree on how to cast their vote, the Board of Directors may determine by a majority vote to not accept a vote from said Individual member.

Except as otherwise provided by law, every Individual member of record of the Corporation entitle to vote on any matter at any meeting of members entitled to vote on any matter at any meeting of members shall be entitled to one vote. If so requested by any Individual member present at any meeting of the members of the Corporation, the vote at any election of directors or on any question before a meeting shall be by ballot; absent any such request, the method of voting shall be discretionary with the person presiding at the meeting.

2.14 Action by Member Without a Meeting. Whenever under any provision of law, the Certificate of Incorporation, or by these bylaws, members are required or permitted to take any action by vote, such action may be taken without a meeting or written consent, setting for the action so taken, signed by all of the Individual members entitled to vote thereon. Written consent thus given by all Individual members entitled to vote shall have the same effect as a unanimous vote of members.

ARTICLE III Fees, Dues, and Assessments

3.1 For Present and Future Members. The amount of dues or fees shall be fixed and determined by the Board of Directors from time to time. The Board shall publish and provide a list of current fees and dues for all members. Special assessments may be made for expenses not covered by the dues or fees fixed by the Board of Directors. Such assessments may be made from time to time upon such terms and conditions as shall be approved by a 2/3rds vote of the Board of Directors at a meeting called for such purpose. Dues shall be billed on an annual basis as determined by the Board of Directors. Special assessments shall be due and payable in a manner as shall be determined by the Board of Directors at a meeting called for such purpose.

ARTICLE IV Board of Directors

4.1 Power of Board and Qualification of Directors. The Corporation shall be managed by its Board of Directors. Each director shall be at least eighteen (18) years of age. The Board of Directors shall consist of the then President, Secretary, and Treasurer of the Corporation, and additional Individual members as shall be elected from among the Individual members of the Corporation at the Annual Meeting of the members of the Corporation.

4.2 Number, Election, and Qualification. The number of directors that shall constitute the whole Board of Directors shall be determined by resolution of the Board of Directors, but in no event shall be less than three. The number of directors may be decreased at any time and from time to time by a majority of the directors then in office, but only to eliminate vacancies existing by reason of death, resignation, removal, or expiration of the term of one or more directors. The directors shall be elected at the annual meeting of members by such members as have the right to vote in such election. Directors must be Individual members of the Corporation.

4.3 Terms in Office. Each director shall serve for a term ending on the date of the next annual meeting following the annual meeting at which such director was elected.

4.4 Tenure. Notwithstanding any provisions to the contrary contained herein, each director shall hold the office until his or her successor is elected and qualified, or until his or her earlier death, resignation or removal.

4.5 Vacancies. Unless and until filled by the members, any vacancy in the Board of Directors, however occurring, including a vacancy resulting from an enlargement of the Board, may be filled by vote of a majority of the directors then in office, although less than a quorum. A director elected to fill a vacancy shall be elected for the unexpired term of his/her predecessor in office, and a director chosen to fill a position resulting from an increase in the number of directors shall hold office until the next annual meeting of members and until his/her successor is elected and qualified, or until his/her earlier death, resignation, or removal.

4.6 Resignation. Any director may resign from office at any time by delivering a resignation. Such resignation shall take effect at the time specified therein, and unless otherwise specified, no acceptance of such resignation shall be necessary to make it effective.

4.7 Removal of Directors. Any or all of the directors may be removed, with or without cause, by majority vote of the Individual members. Any director may be removed with cause by vote of the Board of Directors provided there is a quorum of not less than a majority present at the meeting of directors at which such action is taken.

4.8 Meetings of the Board. Meetings of the Board of Directors, annual, regular, or special, may be held at an approved meeting place of the Corporation or as shall be specified in the respective notice or waivers of notice thereof. An annual meeting of the Board of the appointment of officers shall be held on the day on which the annual meeting of the members is held, at the same place and as soon after the holding of such meeting of members as is practicable, and no notice thereof need be given. The Board may fix times and places for regular meetings of the Board and no notice of such meetings need be given. Special meetings of the Board may be called at any time by the President or by any two (2) directors by a written notice delivered or mailed to each director at his or her last known address at least thirty (30) days prior to the date of the meeting.

Notice of a meeting need not be given to any alternate director nor to a director who submits a signed waiver of notice whether before or after the meeting, or who attends the meeting without protesting,

prior thereto or at its commencement, the lack of notice. A notice or waiver of notice need not specify the purpose of any regular or special meeting of the Board.

A majority of the directors present, whether or not a quorum is present, may adjourn the meeting to another time and place. Notice of any adjournment of a meeting of the Board to another time or place shall be given to the directors who were not present at the time of the adjournment and, unless such time and place are announced at the meeting, to the other directors.

4.9 Quorum and Voting. Unless a greater proportion is required by law, by the Certificate of Incorporation, or by a bylaw adopted by the members, a majority of the entire Board of Directors shall constitute a quorum for the transaction of business or of any specified item of business. Except as otherwise provided by law or by these bylaws, the vote of a majority of the directors present at a meeting at the time of the vote, if a quorum is present at such time, shall be the act of the Board, except as otherwise provided by law or by these bylaws.

4.10 Written Consent of Directors; Meetings by Conference Telephone. Any action required or permitted to be taken by the Board of Directors or committee thereof may be taken by the Board of Directors or any committee thereof without a meeting if members of the Board or such committee constituting a quorum for such action consent in writing to the adoption of a resolution authorizing such action. Each resolution so adopted and the written consents thereto by members of the Board or such committee shall be filed with the minutes of the proceedings of the Board or such committee.

Any one or more members of the Board of Directors or of any committee thereof may participate in a meeting of such Board or committee by means of a conference telephone or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

4.11 Compensation of Directors. The Corporation shall not pay compensation to directors, but may reimburse directors for expenses actually incurred in performing services rendered to the Corporation in such capacities.

4.12 Annual Report of Directors. The Board of Directors shall present at the annual meeting of members a report, verified by the President and Treasurer, or by a majority of the directors, showing in appropriate detail the following: (1) the assets and liabilities of the Corporation as of the end of a twelve-month fiscal period terminating not more than six months prior to said meeting; (2) the revenue or receipts of the Corporation, both unrestricted and restricted to particular purposes, during said fiscal period; and (3) the expenses or disbursements of the Corporation, for both general and restricted purposes during said fiscal period.

The annual report of the directors shall be filed in the minutes of the proceedings of the annual meeting of members.

ARTICLE V Committees

5.1 Committees. The Board of Directors may appoint at its discretion from time to time standing committees or subcommittees thereof to perform designated functions on behalf of the Corporation. Any new standing committees or subcommittee thereof shall be subject to the terms of these bylaws and shall be responsible for such matters as may from time to time be designated by the Board of Directors.

ARTICLE VI Officers, Agents, and Employees

6.1 General Provisions. The officers of the Corporation shall be a President, a Vice President, a Secretary, and a Treasurer, one or more Vice Presidents, one or more Assistant Secretaries, and one or more Assistant Treasurers. All officers of the Corporation shall be Individual members of the Corporation.

6.2 Term of Office, Vacancies and Removal. The officers shall be elected by the Board of Directors at the first meeting of the Board after the annual meeting of the members in each year. The Board may appoint other officers, who shall have such authority and perform such duties as may be prescribed by the Board. Each officer shall hold office until the meeting of the Board following the annual meeting of the members after his or her appointment and until his or her successor has been appointed and qualified. If an office becomes vacant for any reason, the Board may fill such vacancy. Any officer may be removed by the Board with or without cause. Such removal without cause shall be without prejudice to such person's contract rights, if any but the appointment of any person as an officer, agent, or employee of the Corporation shall not of itself create contract rights.

6.3 Powers and Duties of Officers. Subject to the control of the Board of Directors, all officers as between themselves and the Corporation shall have such authority and perform such duties in the management of the property and affairs of the Corporation as may be provided in these bylaws or by resolution of the Board and, to the extent not so provided, as generally pertain to their respective offices.

- (a) President. The President shall serve as the chief executive officer of the Corporation. In the absence of the President, the Vice President shall preside at all meetings of the members and of the Board of Directors and, subject to the supervision of the Board, shall perform all duties customary to that office and shall supervise and control all of the affairs of the Corporation in accordance with policies and directives approved by the Board. The President must be a member of the Board of Directors.
- (b) Vice President. In the absence of the President or in the event of his/her inability or refusal to act, the Vice President shall perform the duties of the President, and, when so acting, shall have all the powers of and be subject to all the restrictions on the President. The Vice President shall perform such other duties and have such other powers as the Board of Directors may from time

to time prescribe by standing or special resolution, or as the President may from time to time provide, subject to the powers and supervision of the Board. The Vice President must be a member of the Board of Directors.

- (c) Secretary. The Secretary shall be responsible for the keeping of an accurate record of the proceedings of all meetings of the Board of Directors, shall give or cause to be given all notices in accordance with these bylaws or as required by law, and, in general, shall perform all duties customary to the office of Secretary. The Secretary shall have custody of the corporate seal of the Corporation, if any, and he/she shall have authority to affix the same to any instrument requiring it, and, when so affixed, it may be attested by his/her signature. The Board may give general authority to any officer to affix the seal of the Corporation, if any, and to attest the affixing by his/her signature. The Secretary need not be a member of the Board of Directors
- (d) Treasurer. The Treasurer shall have the custody of, and be responsible for, all funds and securities of the Corporation. He/she shall keep or cause to be kept complete and accurate accounts of receipts and disbursements of the Corporation, and shall deposit all monies and other valuable property of the Corporation in the name and to the credit of the Corporation in such banks or depositories as the Board of Directors may designate. Whenever required by the Board, the Treasurer shall render a statement of accounts. He/she shall at all reasonable times exhibit the books and accounts to any officer or director of the Corporation, and shall perform all duties incident to the office of Treasurer, subject to the supervision of the Board, and such other duties as shall from time to time be assigned by the Board. The Treasurer shall, if required by the Board, give such bond or security for the faithful performance of his/her duties as the Board may require. The Treasurer need not be a member of the Board of Directors and shall not be restricted by any term limits that may be imposed upon the directors or other officers.

6.4 Agents and Employees. The Board of Directors may appoint agents and employees who shall have such authority and perform such other duties as may be prescribed by the Board. The Board may remove any agent or employee at any time with or without cause. Removal without cause shall be without prejudice to such person's contract rights, if any, and the appointment of such person shall not itself create contract rights.

6.5 Compensation of Officers, Agents, and Employees. The Corporation shall not pay any compensation to officers for services rendered to the Corporation, except that officers may be reimbursed for expenses incurred in the performance of their duties to the Corporation, in reasonable amounts as approved by a majority of the entire Board. The Corporation shall, however, be required to maintain a Directors and Officers Liability policy as well as a general lines policy in such amounts as the Board of Directors shall from time to time determine. The compensation of agents and employees appointed by the Board shall be fixed by the Board, but this power may be delegated to any officer, agent, or employee as to persons under that security for the faithful performance of their duties.

ARTICLE VII Miscellaneous

7.1 Fiscal Year. The fiscal year of the Corporation shall be the calendar year or such other period as may be fixed by the Board of Directors.

7.2 Corporate Seal. The seal, if any, of the Corporation shall be circular in form and contain the name of the Corporation, the words "Corporate Seal" and "State of Maine" and the year the Corporation was formed in the center. The Corporation may use the seal by causing it or a facsimile to be affixed, impressed, or reproduced in any manner.

7.3 Checks, Notes and Contracts. The Board of Directors shall determine who shall be authorized from time to time on the Corporation's behalf to sign checks, notes, drafts, acceptances, bills of exchange, and other orders or obligations for the payment of money; to enter into contracts; or to execute and deliver other documents and instruments

7.4 Books and Records. The Corporation shall keep at its principal office (1) correct and complete books and records of account; (2) minutes of the proceedings of its members, Board and any committee of the Corporation; and (3) a current list or record containing the names and addresses of all members, directors, and officers of the Corporation. Any of the books, records, and minutes of the Corporation may be in written form or in any other form capable of being converted into written form within a reasonable time.

7.5 Amendments to Certificate and Bylaws. These Bylaws and the Certificate may be amended or repealed, and new bylaws may be adopted by the Individual members at the time entitled to vote in the election of directors, provided that a two thirds vote of all Individual members shall be required to approve or consent to such amendment, repeal or new bylaws.

7.6 Indemnification and Reimbursement. The Corporation shall indemnify any and all persons who may serve or who have served at any time as directors or officers, and their respective heirs, administrators, successors, and assigns, against any and all expenses, including amounts paid on judgments, counsel fees, and amounts paid in settlement (before or after suit is commenced), actually and necessarily incurred by such persons in connection with the defense or settlement of any claim, action, suit, or proceeding, in which they, or any of them, are part, parties, or a party, or which may be asserted against them or any of them, by reason of being or having been directors or officers or a director or officer of the Corporation, except in relation to matters to which any such director or officer or former director or officer or person shall be adjudged in any action, suit, or proceeding to be liable for his/her own negligence or misconduct in the performance of duty. Such indemnification shall be in addition to any other right to which those indemnified may be entitled to under any law, bylaw, agreement, vote of members, or otherwise.

7.7 Interested Directors and Officers. No contract transaction between this Corporation and any other corporation, firm, association, or other legal entity shall be invalidated by reason of the fact that any one

or more of the members, officers, or directors of the Corporation has a direct or indirect interest, pecuniary, or otherwise, in such corporation, firm, association, or legal entity, or because the interested member, officer, or director was present at the meeting of the Board of Directors that acted on or in reference to such contract or transaction, or because he/she participated in such action, provided that the interest of each such member, officer, or director shall have been disclosed to or known by the Board, and a disinterested majority of the Board shall have nonetheless ratified and approved such contract or transaction. Such interested member, officer, or director may be counted in determining ratification or approval is given. If the vote of such interested member, officer, or director was necessary for the approval of such contract or transaction, then such contract or transaction shall, with disclosure of the member's, officer's, or director's interest, be submitted for the approval or ratification of the Individual members of the Corporation.

7.8 Stormwater Maintenance and Reporting. MTR Development, LLC or its successors or assigns and the Association are subject to all of the terms and conditions of the Maine Department of Environmental Protection (MDEP) Site Location Findings of Fact and Order In the Matter of MTR Development, LLC Windham, County of Cumberland, State of Maine, Highland Woods Subdivision, and any prior or subsequent Maine Department of Environmental Protection (MDEP) Findings of Fact and Orders regarding the Subdivision and the Inspection, Maintenance, and Housekeeping Plan for Highland Woods Subdivision attached hereto as Exhibit A. MTR Development, LLC or any successor or assigns shall include in all conveyances in the Subdivision deed restrictions making the conveyance subject to all terms and conditions of the MDEP permit and any applicable Town of Windham, Maine approval. These terms and conditions may be incorporated by specific and prominent reference to the permit in the deed. All conveyances required by the MDEP approval to contain restrictions shall include in the restrictions the requirement that any subsequent conveyance shall specifically include the same restrictions. The Declarant shall give a copy of the MDEP permit including the standard conditions and a copy of the approved subdivision plan to each lot buyer at least 14 days prior to the date of closing on the sale or lease of the lot. MTR Development, LLC or any successor or assigns shall also maintain a file containing signed and dated statements by lot buyers or lessees acknowledging that they have received and read their copy of the MDEP permit and the subdivision plan prior to the closing on their lot. The file shall also contain a copy of the signed and dated deed or lease containing the restrictive covenants required under the MDEP approval. MTR Development, LLC or any successor or assigns shall make this file available for inspection upon request by Maine Department of Environmental Protection (MDEP). MTR Development, LLC or any successor or assigns shall retain the services of a third-party inspector in accordance with the MDEP Third-Party Inspection Program. Prior to the start of construction, MTR Development, LLC or any successor or assigns shall conduct a pre-construction meeting. This meeting shall be attended by MTR Development, LLC or any successor or assigns representatives, MDEP staff, the design engineer, the contractor, and the third-party inspector.

The Deed for each residential and open space lot that contains any portion of the designated stormwater buffers must contain deed restrictions relative to the buffers and have attached to it a plot plan for the lot, drawn to scale, that specifies the location of the buffers on the lot.

MTR Development, LLC or any successor or assigns, shall execute and record all required deed restrictions, including the appropriate stormwater buffer deed restrictions, within 60 days of the date of the MDEP Order unless the deed restriction is to be placed on a residential lot. In that situation, MTR Development, LLC or any successor or assigns shall execute and record the required deed restrictions prior to the start of construction on the lot. MTR Development, LLC or any successor or assigns shall submit a copy of the recorded deed restrictions, including the plot plans to the MDEP, Bureau of Land and Water Quality, within 60 days of its recording. Prior to the start of construction, location of the stormwater buffers on residential lots shall be permanently marked on the ground. MTR Development, LLC or any successor or assigns shall retain the design engineer or other qualified engineer to oversee the construction of the stormwater structures according to the details and notes of the approved plans. Within 30 days of completion of each structure, MTR Development, LLC or any successor or assigns shall submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the MDEP, Bureau of Land and Water Quality for review.

7.9 Homeowners Association. The Association shall be established and all lot owners in subdivision shall be members thereof and subject to the Declaration of Protective Covenants, Restrictions, Reservations, and Common Easements, and the bylaws and rules and regulations of the Association. The Association shall be responsible for the maintenance of all common facilities, including the stormwater management system in the subdivision. Prior to the formation of the Association, MTR Development, LLC or any successor or assigns shall be responsible for all such maintenance. If the Town of Windham intends to accept the road upon completion of the subdivision, MTR Development, LLC or any successor or assigns may not transfer responsibility for maintenance of the road and for the portion of the stormwater management system that is located in the road right-of-way to the Town until a letter has been submitted from the Town of Windham Maine to the MDEP Bureau of Land and Water Quality documenting the Town of Windham, Maine's agreement to maintain both in accordance with the terms of the Maine Department of Environmental Protection (MDEP) Site Location Findings of Fact and Order In the Matter of MTR Development, LLC, Windham, Cumberland County Highland Woods Subdivision, and any prior or subsequent Maine Department of Environmental Protection (MDEP) Findings of Fact and Orders regarding Highland Woods Subdivision

IN WITNESS WHEREOF, MTR DEVELOPMENT, LLC. has caused this instrument to be signed in its corporate name, by its CHRISTOPHER R. WILSON, thereunto duly authorized, on this day of May, 2019

WITNESS:

MTR DEVELOPMENT, LLC

BY: CHRISTOPHER R. WILSON
ITS AUTHORIZED MEMBER

State of Maine
Cumberland, ss.

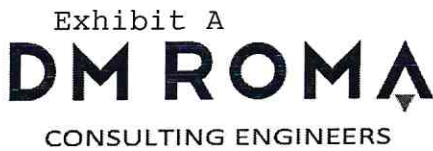
Personally appeared the above named **CHRISTOPHER R. WILSON** in his said capacity and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of **MTR DEVELOPMENT, LLC**.

Date: _____

Before me,

Notary Public/Attorney at Law

Printed Name



INSPECTION, MAINTENANCE, AND HOUSEKEEPING PLAN
(Prepared by Jayson Haskell, PE #13002)

**HIGHLAND WOODS SUBDIVISION
HIGHLAND CLIFF ROAD
WINDHAM, MAINE**

Responsible Party

Owner: MTR Development, LLC.
P.O. Box 1028
Westbrook, Maine 04098

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 generating more than 0.5 inch of rainfall over a 24-hour period 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 underdrained filter basins. To ensure the underdrained filter basins function as designed perpetually, prohibiting vehicles and equipment from these areas will limit the risk of inhibiting the function of the underdrained filter basins due to compaction.
4. **Snow Storage:** The proposed underdrained filter basins (FB-1, FB-2, & FB-3) 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 stormwater measures, including but not limited to those shown on the enclosed Stormwater Infrastructure Map 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. **Underdrained Filter Basins:** The filter basins are not intended to function as snow storage areas. Inspector to verify that winter plowing operations are not dumping or pushing snow into the basins. The basins shall also not be used for vehicle or heavy equipment storage. Basin should be inspected after several major storm events (0.5 inches rainfall over 24 hours) to determine drawdown time during the first year. Basins to be inspected every six months thereafter with at least one inspection after a major storm event.

The basin should drain dry within 24 to 48 hours following a one-inch storm. 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.

The emergency spillways associated with the filter basins should be inspected semi-annually and following major storm events for the first year and every six months thereafter to remove any obstructions to flow. Any woody vegetation growing through riprap lining must be removed. Replace riprap on areas where any underlying filter fabric is showing through the stone or where stones have been dislodged.

- E. **Roofline Drip edges:** The drip edges should be inspected semi-annually and following major storm events for the first year and every six months thereafter. The reservoir crushed stone should drain within 24 to 48 hours following a major storm event. If ponding exceeds 48 hours, the stone reservoir course shall be removed and the filter bed be rototilled to reestablish the soil's filtration capacity. If water ponds in the reservoir course 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 at surface and remove as needed. The drip edges are part of the stormwater management plan and cannot be paved over or altered in anyway.

- F. 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.
- G. 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 and MDEP 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

Submit a certification of the following to the MDEP within three months of the expiration of each five-year interval from the date of issuance of the permit.

- (a) **Identification and repair of erosion problems.** All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
- (b) **Inspection and repair of stormwater control system.** All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system.
- (c) **Maintenance.** The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the Department, and the maintenance log is being maintained.

Municipalities with separate storm sewer systems regulated under the 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.

INSPECTION AND MAINTENANCE LOG – GENERAL

HIGHLAND WOODS 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. | | | |
| Roofline Dripedges | Check after each rainfall event to ensure that the stone reservoir drains within 24-48 hours. | | | |
| | Replace top several inches of filter if reservoir does not drain within 72 hours. | | | |
| | Inspect and remove sediment or debris build up on the surface of the stone | | | |
| | Inspect semi-annually for erosion or sediment accumulation and repair as necessary. | | | |
| Regular Maintenance | Clear accumulation of winter sand in paved areas annually. | | | |

INSPECTION AND MAINTENANCE LOG – UNDERDRAINED FILTER BASINS

HIGHLAND WOODS SUBDIVISION WINDHAM, MAINE

FILTER BASIN _____

| Maintenance Item | Maintenance Event | Date Performed | Responsible Personnel | Comments |
|----------------------------|---|----------------|-----------------------|----------|
| Underdrained Filter Basins | 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. | | | |
| | Inspector to verify basin not utilized for snow storage | | | |
| | Inspector to verify basin not utilized for vehicle or heavy equipment storage. | | | |
| Emergency Spillways | Inspect and remove obstructions as necessary. | | | |
| | Remove woody vegetation. | | | |
| | Replace riprap as necessary. | | | |

**DECLARATION OF PROTECTIVE COVENANTS
RESTRICTIONS, RESERVATIONS and COMMON EASEMENTS**

THIS DECLARATION dated this day of May, 2019 by **MTR DEVELOPMENT, LLC.**, a Maine corporation having a principal place of business in Westbrook, County of Cumberland, State of Maine, and its mailing address is: P.O. Box 1028, Westbrook, Maine 04098 (hereinafter referred to as "the Declarant")

W I T N E S S E T H

WHEREAS, the Declarant has purchased a certain lot of land (hereinafter referred to as "the land") in the Town of Windham Maine which it has subdivided into eleven (11) lots as shown on a plan entitled "**HIGHLAND WOODS SUBDIVISION**, Highland Cliff Road, Windham, Maine (herein referred to as "the Subdivision"), prepared by DM Roma, Consulting Engineers, for MTR Development, LLC. P.O. 1028, Westbrook, ME 04098, to be recorded in the Cumberland County Registry of Deeds in Plan Book _____, Page _____ (hereinafter referred to as "the Plan")

WHEREAS, the Declarant being about to sell and convey lots in said subdivision desires to assure to said purchasers and their heirs, successors and assigns owning such lots, the use, benefit and enjoyment of said lots in accordance with a harmonious plan and to this end desires that said lots in said subdivision shall be subjected to certain restrictions, reservations, servitudes, covenants, agreements and easements as hereinafter set forth;

NOW, THEREFORE, in consideration of these premises, Declarant hereby declares that certain property described on said Plan is and shall be conveyed subject to the restrictions, reservations, servitudes, covenants, agreements and easements as set forth in the various clauses of this Declaration, which Declaration is hereby covenanted and agreed shall inure to the benefit of and binding upon the Declarant, its successors and assigns, and the purchasers of said lots, their heirs, successors and assigns, and being binding upon all the land described on said Plan, to wit:

ARTICLE A-GENERAL RESTRICTIONS

This Declaration shall bind Lots 1 through 11, inclusive as depicted on said Plan, which lots shall be subject to the following covenants and restrictions:

1. Residential Use. No parcel shall be improved or used except for single family residential purposes, with no more than one (1) principal residence and improvements accessory thereto. All houses shall be erected with a continuous foundation and shall include a heating system for year-round occupancy.
2. Chimneys. All chimneys shall be of brick construction. Any chimney located on the exterior of the house shall be of brick construction. No cinderblock chimneys shall be allowed on the exterior of the house.

3. Prohibition of Subdividing of Lots. No lot shall be further subdivided.

4. Design of Dwelling. The design of the residential dwelling and any other acceptable buildings, including but not limited to, materials, colors, textures, building shape, roof lines, window treatment, and site orientation, shall be of a character harmonious with the natural beauty of the Subdivision and shall be approved by the Declarant prior to construction.

5. Maintenance. All lots, including any common areas, shall be maintained in a neat, attractive manner and kept in good repair. If any lots have septic systems, they shall be properly kept and maintained in compliance with all federal, state and local requirements and in compliance with the provisions of this Declaration.

6. Compliance with Ordinances. All construction activities, including the siting of buildings, septic systems, and water supply shall be in accordance with all local, state, and federal laws, codes, ordinances, and regulations.

7. Animals. The keeping of poultry, swine, dog kennels, livestock or other animals shall not be permitted on any lot or common area, except household pets normally housed in a single family residence.

8. Siding and Roofs. No dwelling other building erected on any lot shall be covered with tar paper, asphalt siding, or corrugated metal siding, but shall be covered with clapboards, shingles, or other suitable material. Roofs of all buildings erected on any lot shall be pitched.

9. Trash. Trash, garbage, rubbish, or other waste shall be kept in sanitary containers at all times. Such containers shall not be visible from any road or from any other lot, except for limited periods coincident with trash collection.

10. Vehicles and Mobile Homes. No mobile home, house trailer, business or commercial vehicle or vehicles of similar nature shall be brought upon, or to be maintained or be permitted to remain on any lot except a business motor vehicle normally used by a lot owner in his or her occupation, provided said vehicle is parked in an enclosed garage. No unregistered vehicles may be kept upon any lot unless such vehicle is stored in a garage or other enclosed structure. No tractor trailers may be kept on any lot. Trailers used for camping, or so-called recreational vehicles and boats which are the property of the homeowner will be permitted to be stored on the property in a suitable manner.

11. Nuisances. No owner of a lot shall do or permit to be done any act upon the lot which may be, or is, or may become a nuisance as defined by state or local law, ordinance, or regulation.

12. Construction. All improvements on a lot shall be completed within one (1) year of commencement of construction. All disturbed areas not built upon or landscaped shall be loamed and seeded at the close of construction or the next planting season. No building shall be occupied during construction. The prohibitions contained herein shall not be construed to prevent the use of trailers, vehicles, or temporary structures during the period of actual construction in connection with said construction.

13. Utilities and Drainage Easements. Declarant reserves the right to grant easements for utility or drainage purposes, to enter onto any lot for the purpose of constructing, reconstructing, installing, replacing and maintaining the underground utilities therein, including drainage easements or ditches, if required, and to extend, connect to, and use in common any previously installed utility or drainage easement or ditch by the Lot Owner, providing that promptly after each such entry the surface of the ground shall be restored to substantially the same condition as it was in prior to such entry, except for drainage easements or ditches.

14. Plan Notations. All of the Lot Owners shall be subject to any easements, restrictions, limitations, or notations of any kind or nature whatsoever as depicted on said Plan or any amendments or modifications thereto.

15. Maintenance of Maysens Way; Annual Assessments. In the event that the Town of Windham does not accept Maysens Way as a public way, the Highland Woods Homeowners Association shall be responsible for the maintenance, upkeep, repair, or improvement of Maysens Way or any associated infrastructure and culverts. This responsibility shall include the privately owned common open spaces as shown on the Final Plan. Each owner of Lots 1 through 11 shall be liable for and assessed 1/11th of the annual costs and expenses of maintenance, upkeep, repair, or improvement of Maysens Way or any associated infrastructure, culverts, or detention ponds. Any lot owner who fails to pay said annual assessment shall be liable to the Highland Woods Homeowners Association which shall have all legal remedies available to it at law or equity to collect said annual assessment, including but not limited to a lien action and a suit for contribution. In the event that the Town of Windham accepts Maysens Way as a public way, the Highland Woods Homeowners Association will still be responsible for maintenance of all stormwater improvements outside of the road right of way. MTR Development, LLC or its successors or assigns will be the responsible party until such time as the Highland Woods Homeowners Association is formed.

16. Stormwater Maintenance and Reporting. MTR Development, LLC or its successors or assigns and the Association are subject to all of the terms and conditions of the Maine Department of Environmental Protection (MDEP) Site Location Findings of Fact and Order In the Matter of MTR Development, LLC Windham, County of Cumberland, State of Maine, Highland Woods Subdivision, and any prior or subsequent Maine Department of Environmental Protection (MDEP) Findings of Fact and Orders regarding the Subdivision and the Inspection, Maintenance, and Housekeeping Plan for Highland Woods Subdivision attached hereto as Exhibit A. MTR Development, LLC or any successor or assigns shall include in all conveyances in the Subdivision deed restrictions making the conveyance subject to all terms and conditions of the MDEP permit and any applicable Town of Windham, Maine approval. These terms and conditions may be incorporated by specific and prominent reference to the permit in the deed. All conveyances required by the MDEP approval to contain restrictions shall include in the restrictions the requirement that any subsequent conveyance shall specifically include the same restrictions. The Declarant shall give a copy of the MDEP permit including the standard

conditions and a copy of the approved subdivision plan to each lot buyer at least 14 days prior to the date of closing on the sale or lease of the lot. MTR Development, LLC or any successor or assigns shall also maintain a file containing signed and dated statements by lot buyers or lessees acknowledging that they have received and read their copy of the MDEP permit and the subdivision plan prior to the closing on their lot. The file shall also contain a copy of the signed and dated deed or lease containing the restrictive covenants required under the MDEP approval. MTR Development, LLC or any successor or assigns shall make this file available for inspection upon request by Maine Department of Environmental Protection (MDEP). MTR Development, LLC or any successor or assigns shall retain the services of a third-party inspector in accordance with the MDEP Third-Party Inspection Program. Prior to the start of construction, MTR Development, LLC or any successor or assigns shall conduct a pre-construction meeting. This meeting shall be attended by MTR Development, LLC or any successor or assigns representatives, MDEP staff, the design engineer, the contractor, and the third-party inspector.

The Deed for each residential and open space lot that contains any portion of the designated stormwater buffers must contain deed restrictions relative to the buffers and have attached to it a plot plan for the lot, drawn to scale, that specifies the location of the buffers on the lot.

MTR Development, LLC or any successor or assigns, shall execute and record all required deed restrictions, including the appropriate stormwater buffer deed restrictions, within 60 days of the date of the MDEP Order unless the deed restriction is to be placed on a residential lot. In that situation, MTR Development, LLC or any successor or assigns shall execute and record the required deed restrictions prior to the start of construction on the lot. MTR Development, LLC or any successor or assigns shall submit a copy of the recorded deed restrictions, including the plot plans to the MDEP, Bureau of Land and Water Quality, within 60 days of its recording. Prior to the start of construction, location of the stormwater buffers on residential lots shall be permanently marked on the ground. MTR Development, LLC or any successor or assigns shall retain the design engineer or other qualified engineer to oversee the construction of the stormwater structures according to the details and notes of the approved plans. Within 30 days of completion of each structure, MTR Development, LLC or any successor or assigns shall submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the MDEP, Bureau of Land and Water Quality for review.

17. Homeowners Association. The Association shall be established and all lot owners in subdivision shall be members thereof and subject to the Declaration of Protective Covenants, Restrictions, Reservations, and Common Easements, and the bylaws and rules and regulations of the Association. The Association shall be responsible for the maintenance of all common facilities, including the stormwater management system in the subdivision. Prior to the formation of the Association, MTR Development, LLC or any successor or assigns shall be responsible for all such maintenance. If the Town of Windham intends to accept the road upon completion of the subdivision, MTR Development, LLC or any successor or assigns may not transfer responsibility for maintenance of the road and for the portion of the stormwater management system that is

located in the road right-of-way to the Town until a letter has been submitted from the Town of Windham Maine to the MDEP Bureau of Land and Water Quality documenting the Town of Windham, Maine's agreement to maintain both in accordance with the terms of the Maine Department of Environmental Protection (MDEP) Site Location Findings of Fact and Order In the Matter of MTR Development, LLC, Windham, Cumberland County Highland Woods Subdivision, and any prior or subsequent Maine Department of Environmental Protection (MDEP) Findings of Fact and Orders regarding Highland Woods Subdivision.

ARTICLE B-GENERAL PROVISIONS

1. Duration. The covenants and restrictions as set forth in this Declaration shall run with and bind the land, for the benefit of the lot owners and for the benefit of all property owned by Declarant and shall inure to the benefit of and be enforceable by Declarant or the owner of any lot subject to this Declaration, their respective legal representatives, heirs, successors and assigns

2. Rights of Declarant. The Declarant shall be MTR Development, LLC. or its successors or assigns. The Declarant reserves the right until the construction, marketing, and sale of all lots is completed to:

(a) Change the size, number and location of lots, drainage easements, road right-of-way, and other improvements, and the size, layout and location of any lot or which a purchase and sale agreement has not been executed by the Declarant or with respect to which the purchaser is in default. The change or changes shall be effective upon the recording of any amendment to this Declaration or the filing of a modified subdivision plan indicating the changes made. Any modification or revision of the Subdivision Plan shall require Town of Windham, Maine Planning Board approval prior to implementation.

(b) Locate on the premises, even though not depicted on the Plan, and grant and reserve easements and rights of way for the installation, maintenance, repair, replacement and inspection of utility lines, wires, pipes, conduits and facilities, including but not limited to, water, electric, telephone, cable television, fuel oil, natural gas and sewer.

(c) Connect with and make use of utility lines, wires, pipes and conduits, located on the property, for construction and sale purposes, provided that the Declarant shall be responsible for the cost of service so used.

(d) Connect with and make use of the roads as shown on said Plan.

(e) Place "For Sale" signs or other signs to aid in marketing of the lots and dwellings thereon.

This paragraph 2 shall not be amended without the consent of the Declarant.

3. Enforcement. The provisions herein set forth shall run with the land and shall bind the Lot Owners of Lots 1 through 11 inclusive and shall bind Declarant, its successors, grantees and assigns, and all parties claiming by, through or under it. Declarant, its successors or assigns, Highland Woods Homeowners Association, and each owner or owners of any of the lots in the subdivision, from time to time shall have the right, but not the obligation, jointly or separately, to sue for and obtain a prohibitive or mandatory injunction to prevent the breach of, or to enforce the observance of, the provisions above set forth, or any of them, in addition to the right to bring an ordinary legal action for damages. Whenever there shall have been built on any lot in the Plan any structure which is and remains in violation of the provisions above set forth, or any of them, for a period of thirty (30) days after actual receipt of written notice of such violation from Declarant, its successors or assigns, or from the Highland Woods Homeowners Association or from each owner or owners of any of the lots in the Subdivision, the Declarant, its successors or assigns, the Highland Woods Homeowners Association or each owner or owners of any of the lots shall have, in addition to the foregoing rights, the right to enter upon the property where such violation exists and summarily abate or remove the same at the expense of the owners and such entry and abatement or removal shall not be deemed a trespass. In no event shall the failure of Declarant, its successors or assigns, the Highland Woods Homeowners Association, and such owner or owners of any of the lots in the Subdivision, to enforce any of the provisions herein set forth as to a particular violation be deemed a waiver of the right to do so as to any subsequent violations.

4. Separate Provisions. If a court of competent jurisdiction shall hold invalid or unenforceable any part of any provision contained in this Declaration, such holding shall not impair, invalidate or otherwise affect the remainder of this Declaration which shall remain in full force and effect.

5. Notices. Each owner of said lots in Highland Woods Subdivision shall file the correct mailing address or any changes of address of such owner with Declarant. A written notice or printed notice, deposited in United States Post Office, postage prepaid, and addressed to any owner at the last address filed by such owner shall be sufficient and proper notice to such owner wherever notices are required in this Declaration.

IN WITNESS WHEREOF, **MTR DEVELOPMENT, LLC** has caused this instrument to be signed by **CHRISTOPHER R. WILSON**, its Authorized Member, on this day of May, 2019

WITNESS:

MTR DEVELOPMENT, LLC

BY: CHRISTOPHER R. WILSON
ITS AUTHORIZED MEMBER

State of Maine
Cumberland, ss.

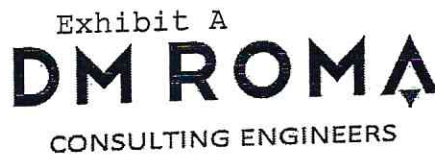
Personally appeared the above named **CHRISTOPHER R. WILSON** in his said capacity and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of **MTR DEVELOPMENT, LLC**.

Date: _____

Before me,

Notary Public/Attorney at Law

Printed Name



INSPECTION, MAINTENANCE, AND HOUSEKEEPING PLAN
(Prepared by Jayson Haskell, PE #13002)

**HIGHLAND WOODS SUBDIVISION
HIGHLAND CLIFF ROAD
WINDHAM, MAINE**

Responsible Party

Owner: MTR Development, LLC.
P.O. Box 1028
Westbrook, Maine 04098

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 generating more than 0.5 inch of rainfall over a 24-hour period 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 underdrained filter basins. To ensure the underdrained filter basins function as designed perpetually, prohibiting vehicles and equipment from these areas will limit the risk of inhibiting the function of the underdrained filter basins due to compaction.
4. **Snow Storage:** The proposed underdrained filter basins (FB-1, FB-2, & FB-3) 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 stormwater measures, including but not limited to those shown on the enclosed Stormwater Infrastructure Map 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. **Underdrained Filter Basins:** The filter basins are not intended to function as snow storage areas. Inspector to verify that winter plowing operations are not dumping or pushing snow into the basins. The basins shall also not be used for vehicle or heavy equipment storage. Basin should be inspected after several major storm events (0.5 inches rainfall over 24 hours) to determine drawdown time during the first year. Basins to be inspected every six months thereafter with at least one inspection after a major storm event.

The basin should drain dry within 24 to 48 hours following a one-inch storm. 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.

The emergency spillways associated with the filter basins should be inspected semi-annually and following major storm events for the first year and every six months thereafter to remove any obstructions to flow. Any woody vegetation growing through riprap lining must be removed. Replace riprap on areas where any underlying filter fabric is showing through the stone or where stones have been dislodged.

- E. **Roofline Drip edges:** The drip edges should be inspected semi-annually and following major storm events for the first year and every six months thereafter. The reservoir crushed stone should drain within 24 to 48 hours following a major storm event. If ponding exceeds 48 hours, the stone reservoir course shall be removed and the filter bed be rototilled to reestablish the soil's filtration capacity. If water ponds in the reservoir course 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 at surface and remove as needed. The drip edges are part of the stormwater management plan and cannot be paved over or altered in anyway.

- F. 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.
- G. 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 and MDEP 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

Submit a certification of the following to the MDEP within three months of the expiration of each five-year interval from the date of issuance of the permit.

- (a) **Identification and repair of erosion problems.** All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
- (b) **Inspection and repair of stormwater control system.** All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system.
- (c) **Maintenance.** The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the Department, and the maintenance log is being maintained.

Municipalities with separate storm sewer systems regulated under the 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.

INSPECTION AND MAINTENANCE LOG – GENERAL

HIGHLAND WOODS 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. | | | |
| Roofline Dripedges | Check after each rainfall event to ensure that the stone reservoir drains within 24-48 hours. | | | |
| | Replace top several inches of filter if reservoir does not drain within 72 hours. | | | |
| | Inspect and remove sediment or debris build up on the surface of the stone | | | |
| | Inspect semi-annually for erosion or sediment accumulation and repair as necessary. | | | |
| Regular Maintenance | Clear accumulation of winter sand in paved areas annually. | | | |

INSPECTION AND MAINTENANCE LOG – UNDERDRAINED FILTER BASINS

HIGHLAND WOODS SUBDIVISION WINDHAM, MAINE

FILTER BASIN _____

| Maintenance Item | Maintenance Event | Date Performed | Responsible Personnel | Comments |
|----------------------------|---|----------------|-----------------------|----------|
| Underdrained Filter Basins | 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. | | | |
| | Inspector to verify basin not utilized for snow storage | | | |
| | Inspector to verify basin not utilized for vehicle or heavy equipment storage. | | | |
| Emergency Spillways | Inspect and remove obstructions as necessary. | | | |
| | Remove woody vegetation. | | | |
| | Replace riprap as necessary. | | | |